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Description of document: Broadcasting Board of Governors (BBG) Broadcasting Administrative Manual (BAM), 2017

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Note: The BBG BAM presented here is current as of February 2017 even though many parts of it are undated

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US Department of Labor - MSHA  
FOIA Officer  
201 12th Street South Room 4E401  
Arlington, Virginia 22202-5450  
Fax: 202- 693-9441  
Email: [foiarequest@dol.gov](mailto:foiarequest@dol.gov)

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*Office of the General Counsel  
Freedom of Information and Privacy Act Office*

June 2, 2017

**RE: Request Pursuant to the Freedom of Information Act – FOIA #17-023**

This letter is in response to your Freedom of Information Act (FOIA) request dated January 2, 2017 to the Broadcasting Board of Governors (BBG), which the Agency received on January 10, 2017. In your request, you seek an electronic copy of the BBG Manual of Operations and Administration, also known as the Broadcasting Administrative Manual (BAM).

The Agency has completed the search for and review of documents responsive to your request, which are provided on the enclosed CD-ROM. No information was redacted or withheld, and all responsive documents have been provided to you. No fees were incurred in processing your request and the enclosed documents are provided to you at no charge.

This concludes the Agency's response to your request and it is now closed. If you have any questions regarding your request, please contact me at 202-203-4550 or the Office of the General Counsel at the above address. You may also contact the Agency's FOIA Public Liaison at 202-203-4550 or the same address for additional assistance or to discuss any aspect of your request.

Sincerely,



Andrew T. Krog  
FOIA and Privacy Act Officer



The Broadcasting Administrative Manual (BAM) consists of policies, procedures, and guidance that govern the federal elements of the Broadcasting Board of Governors (BBG). The BAM is meant to be an authoritative, centralized compilation of policies that affect BBG's operations. The purpose of the BAM is to serve as an organizational and management tool that helps BBG elements act consistently and effectively. It also provides entities outside of BBG with a source of information about BBG's policies, operations, and organization.

Responsibilities for updating the BAM are managed by the International Broadcasting Bureau (IBB) Director's Office. In 2011, BBG initiated a BAM update project, which is still ongoing, and devoted resources to updating the BAM. Because many of the provisions are out of date, the Agency office responsible for the subject matter should be contacted to confirm current policies in effect.

International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

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MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART I ORGANIZATION, 100 INTRODUCTION  
Section 110

GENERAL

111 Purpose

112 Functional Statements and Charts

Section 110

GENERAL

111 PURPOSE

Part I of the Manual of Operations and Administration (MOA) describes the BBG and, the role of Broadcasting in carrying out the mission assigned by law and Presidential directive, and the major functional responsibilities and organizational structure of Broadcasting.

112 FUNCTIONAL STATEMENTS AND CHARTS

- a. The overall organizational chart of the BBG is available in the Office of Personnel and in the Office of Administration.
- b. Mission Statement
- c. Detailed functional statements outlining the specific responsibilities of the organizational components of Broadcasting through the Branch or equivalent levels. The functional statements provide complete descriptions of responsibilities and activities involved in the various major functions performed by Broadcasting.



As the BBG looks to the future in the year 2000, one fact is stark and clear: the 21st century will be the century of communications. The explosion of media choices in the 1990s now places images and sounds from the entire world within reach of even the most remote villages. Yet even a more enlightened earth will continue to be a very dangerous and unpredictable place. This seems certain because of regional conflicts and a resurgence of nationalism in Europe, the former Soviet Union, and central Asia. Each and every day international radio and television report instantaneously to millions. Publicly-funded international broadcasters also bring to listeners and viewers promising news about democracy and free enterprise. In doing this, they create, on balance, an informed and safer world.

Under the BBG, a unique blend of global radio and television programming is prepared every hour of every day. The programming spans the gamut of human experience: local, regional, and international news, features about America and its exports, practical information of universal interest about medicine, family health, business, agriculture, and music, everyone's communications medium.

At this crossroads in the history of global mass media, the BBG will take advantage of the combined power of radio and television, and design research to formulate a long-range mass media strategy to reconfigure the various broadcasting entities to match geopolitical realities and build into the new consolidated independent organization an even more flexible capacity for dealing with the inevitable crises in the 21st century

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PART I ORGANIZATION, 200 BROADCASTING BOARD OF GOVERNORS  
I Section 210

AUTHORITY AND ROLE OF THE BROADCASTING BOARD OF GOVERNORS

211 AUTHORITY AND ROLE OF THE BBG

The BBG's legislative mandate derives from the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431, et seq.) the U. S. International Broadcasting Act of 1994, as amended (22 U.S.C. 6201 et seq.), and the Foreign Affairs Consolidation Act of 1998, (Public Law 105-277).

212 BROADCASTING BOARD OF GOVERNORS (BBG)

The Broadcasting Board of Governors supervises the nation's publicly funded non-military overseas broadcasters. These broadcasters include the Voice of America, Office of Cuba Broadcasting (Radio and TV Marti), Worldnet Television and Film Service, all support services including the Office of Engineering and Technical Services and the nonprofit private grantees, Radio Free Europe/Radio Liberty (RFE/RL, Inc.) and Radio Free Asia (RFA). The Director of International Broadcasting is appointed by the President with the advice and consent of the Senate.

The Board is bipartisan with eight part-time Presidentially appointed voting members confirmed by the United States Senate. The Secretary of State, an ex-officio voting member, provides foreign policy guidance to the Board.

Authorities of the Board include:

Supervise all of the nation's publicly funded non-military overseas broadcasting activities.

Review and evaluate all such activities within the broad foreign policy objectives of the United States.

Ensure all such activities are operating in compliance with the broadcasting standards and principles of the Smith-Mundt Act, the International Broadcasting Act of 1994 and the Foreign Affairs Reform and Restructuring Act of 1998.

Determine, at least annually, after consultation with the Secretary of State, the addition or deletion of language services.

Allocate and supervise grants to RFE/RL and RFA.

Allocate and supervise funds among the broadcasters, and make budget recommendations for broadcasting as part of its budget submission to the Office of Management and Budget.

Review engineering activities to ensure that all broadcasting elements receive the highest quality and cost-effective delivery services.

Submit an annual report on broadcasting activities to the President and the Congress, including steps taken by the Board to reduce unnecessary overhead costs for each of the broadcasting services.

Procure supplies, services, and other personal property.

To appoint staff personnel for the Board as the Board may determine to be necessary, subject to the provisions of title 5 governing appointments in the competitive service, and to fix compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates.

Obligate and expend funds for official representation expenses.

The Secretary of State and the Board, in carrying out their functions, shall respect the professional independence and integrity of the Broadcasting services and the Grantees.

#### MISSION STATEMENT

The Mission of U. S. International Broadcasting is to encourage the development and growth of democratic values, in support of the diplomatic, humanitarian, and economic goals of the United States. Contributing to the global free flow of information, U. S. International Broadcasting provides to foreign audiences worldwide accurate information about events in the United States, in the world, and in their countries and regions. It provides clear presentations of American values in unique programming unavailable from any other international mass media. The array of programs and media services is crucial to empowering people around the world to understand and embrace democratic ideals; civil governance; free market economies and trade; respect for the rule of law; freedom to travel; and free exchange of uncensored information among peoples. Progress toward these goals will result in a more prosperous, safe, and secure world for all.

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PART I ORGANIZATION, 300 ORGANIZATIONAL DEFINITIONS  
Section 330

OFFICE OF THE GENERAL COUNSEL

331 The Office of the General Counsel

332 Organization

332.1 General Legal

Section 330

OFFICE OF THE GENERAL COUNSEL

331 The office acts with full legal authority under the general supervision of the General Counsel who reports to the Broadcasting Board of Governors.

See also Delegation of Authority Order 99-6, MOA II, Section 480.

- a. The Office of the General Counsel provides the Board of Governors and Broadcasting officials with interpretations, both as to authority and application of laws, regulations, Executive Orders, contracts, international agreements, and legal decisions, and makes determinations on all legal matters affecting Broadcasting operations.
- b. Exercises primary responsibility for drafting legislation, Executive orders, international agreements, and other legal documents involving Broadcasting operations, and for handling all legal matters referred to Broadcasting by other Government departments or agencies.
- c. Provides guidance, in matters of ethics, to the Ethics Officer and Broadcasting officers and employees. Enforces restrictions on post employment activities.
- d. Provides legal services abroad or authorizes the engagement of foreign local counsel as may be necessary with respect to Broadcasting operations with particular emphasis on international agreements, foreign land acquisition and facilities construction.

- e. Advises and assists in drafting, modifying, and terminating contracts, grants, leases, licenses, and all other legal documents; reviews and advises as to legal issues relating to contracts, grants and other legal documents, including determination of legal questions arising under the "disputes clause" of Broadcasting contracts.
- f. Advises and assists with respect to labor relations matters including negotiations and arbitration.
- g. Handles the legal review of claims by or against Broadcasting for losses or damages arising domestically or abroad.
- h. Represents Broadcasting in all hearings, panels, or other proceedings, both within and outside of Broadcasting. Reviews proposed adverse personnel actions and adverse security recommendations involving Broadcasting personnel.
- i. Provides legal services in conjunction with the Department of Justice in all lawsuits brought on behalf of or against Broadcasting.
- j. Considers, ascertains, adjusts, determines, compromises, and settles claims asserted under provisions of section 2672 of the Federal Tort Claims Act (as codified in sections 2671-2680 of 28 U.S.C.). However, an award, compromise, or settlement of a claim by Broadcasting under the provisions of Section 2672 of the Act, in excess of \$25,000, shall be effected only with the prior written approval of the Attorney General or his designee.
- k. Conducts settlement negotiations.
- l. Reviews and approves all decisions and settlement agreements negotiated by the Office of Civil Rights.
- m. Prescribes regulations governing the conduct of employees in relation to the duties, functions and obligations of employees and approval of certain outside activities of employees in coordination with the Office of Personnel under the provisions of the Employee Responsibilities and Conduct Regulations, where such approval is required.

This is the revised document.

## PART I ORGANIZATION, 300 ORGANIZATIONAL DEFINITIONS, 340 OFFICE OF SECURITY

### Section 340

See also BAM Part VIII and BAM Part II, Section 480, Delegation of Authority Number 8

The Office of Security (SEC) is responsible for all matters affecting the security of the Broadcasting Board of Governors personnel, resources, and security operations at overseas and domestic sites.

Specifically, it is responsible for safeguarding classified materials, implementing physical security plans and operations, and developing security systems to mitigate the design-based threat at all locations. The BBG Office of Security coordinates activities with the Department of State Diplomatic Security regarding design, construction, upgrades, and maintenance of all security systems at overseas locations as required by 12-FAH-5, 12-FAH-6 and Overseas Building Office (OBO) standards. In addition, the Office of Security has physical security experts who will provide on-site advice and assistance at overseas installations on critical security matters of particular concern to BBG. The Office provides Information Security Program guidance on classified materials to include the marking, labeling, classification, de-classification, secure storage and proper destruction and archiving. SEC is responsible for the procurement, implementation, and overall management of Homeland Security Presidential Directive – 12 (HSPD -12); which directs all agencies to provide employees and contractors the Personal Identity Verification (PIV) Smart Card credential as per FIPS-201 standards.

The Office manages the BBG's Personnel Security Program (PSP) to include the Agency's implementation of Federal security regulations and legislative statutes specifically based on Executive Orders 10450, 12968, 13467, National Security Directives No. 63, Intelligence Reform and Terrorism Prevention Act of 2004, 12 FAM-262, 3FAM-160, 3 FAM-629, 3 FAM-4100, 12 FAH-6, and ICD 704 Personnel Security Standards and Procedures Governing Eligibility for Access to Sensitive Compartmented Information. Determinations of eligibility for security clearances are based on national security investigations conducted, as well as counterintelligence analysis and investigation in coordination with the U.S Intelligence Community. The PSP includes the Agency's implementation of National Directives and Agency regulations applicable to BBG employees or contractors requiring special program clearances or access authorizations, as well as Federal regulations governing the appointment /employment and issuance and maintenance of security clearances of persons to ensure protection of assets (personnel, property, information systems, facilities and information). These programs include the direction and evaluation of pre-employment/pre-clearance investigations, reinvestigations for higher levels of clearance or special access update investigations for cause, counterintelligence inquiries, and routine reinvestigations to provide a basis for periodic update reevaluations of eligibility for access to classified or sensitive information.

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PART I ORGANIZATION, 300 ORGANIZATIONAL DEFINITIONS  
OFFICE OF CIVIL RIGHTS

Section 350

OFFICE OF CIVIL RIGHTS

350 OFFICE OF CIVIL RIGHTS (OCR)

The Office of Civil Rights is responsible for advising management on the best manner to comply with all Federal requirements regarding affirmative employment, and with enforcement of all Federal laws and guidelines prohibiting discrimination in employment, application for employment, or in programs or activities receiving Federal funds from Broadcasting. All employment activity -- recruitment, hiring, evaluation, promotion, transfer, assignment, training, benefits and separation -- is to be conducted in compliance with Equal Employment Opportunity (EEO) laws and regulations.

The Office of Civil Rights reports to the Director of International Broadcasting and provides him/her with pro-active programs and strategies aimed at increasing the representation of women, minorities and persons with disabilities in the Civil Service and Foreign Service work force. OCR provides guidance to all senior managers in Broadcasting.

The Office of Civil Rights coordinates Broadcasting's EEO Advisory Committee, composed of representatives of women, ethnic interest organizations, and labor unions, which identifies and forwards issues and concerns to the Director for further review and determination.

350.1 DISABILITY PROGRAM

The Office of Civil Rights develops a program in conformance with Federal guidelines and laws which is in support of the concerns of disabled individuals in the Broadcasting work force

## 350.2 STAFF FUNCTIONS

OCR responsibilities include:

## 350.3 EEO COMPLAINTS

Processing complaints of discrimination on the basis(es) of race, color, sex (including sexual harassment and sexual orientation), age, national origin, religion, disability and reprisal pursuant to Title VII of the Civil Rights Act of 1964 (as amended); the Age Discrimination in Employment Act of 1967; the Rehabilitation Act of 1973; and the Fair Labor Standards Act ("Equal Pay Act") in accordance with all Equal Employment Opportunity Commission (EEOC) requirements contained in 29 CFR Part 1614.

Selection and training of collateral-duty EEO Counselors; selection and contracting with qualified EEO investigators; negotiation of settlement agreements for EEO complaints. In order to ensure compliance with law, all decisions and settlement agreements negotiated by OCR are to be approved by the Office of General Counsel before being executed on behalf of the Broadcasting Board of Governors.

## 350.4 AFFIRMATIVE ACTION

Design, and monitor the implementation of affirmative action programs for women and minorities, and for persons with disabilities, including disabled veterans. Preparation of annual comparative statistical data, affirmative action accomplishment reports and program plans pursuant to the guidelines and requirements of the Equal Employment Opportunity Commission (EEOC); Office of Personnel Management(OPM); and Department of Health and Human Services(HHS).

## 350.6 TITLE VI

Coordination and monitoring of compliance with requirements of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 and Title IX of the Education Amendment of 1972, regarding the establishment of a viable EEO complaints processing system and affirmative action program and plan, in all private sector organizations which receive Federal funds from Broadcasting. Conduct audits of these organizations, when appropriate. Prepare and submit annual reports pursuant to the guidelines and requirements of the Equal Employment Opportunity Commission and the Office of Civil Rights of the Department of Justice.

## 350.7 COMMEMORATIVE/SPECIAL EMPHASIS PROGRAMS

As required by Federal law or executive order, design and coordinate special emphasis and commemorative programs to celebrate the contributions to American life of women, minorities, and disabled individuals, including disabled veterans, and to educate and foster increased understanding of the special issues and concerns of women, minorities and disabled individuals and veterans in the workplace.

## 350.8 EEO TRAINING



In coordination with the Office of Personnel, design EEO and diversity training programs to provide managers, supervisors and employees with quality training in all matters affecting Equal Opportunities in Employment and affirmative action in the workplace.

#### 350.9 MENTORING PROGRAM

In coordination with the Office of Personnel, design a mentoring program for employees to provide substantive career guidance and training to develop individual career goals and increase future career advancement.

#### 350.10 NATIONAL PARTNERSHIPS IN EDUCATION

Design and coordinate a quality community outreach program for Broadcasting and for District of Columbia "partner" institutions participating with Broadcasting in the National Partnerships in Education Program.

See also Delegation of Authority 99-5, MOA II, Section 480.

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PART I ORGANIZATION, 300 ORGANIZATIONAL DEFINITIONS  
Section 360

OFFICE OF INSPECTOR GENERAL (OIG)

The Department of State OIG is also responsible for BBG activities.

361 Office of the Inspector General

361.1 Inspector General (IG)

362 Responsibilities of the Inspector General

363 OIG Organization and Functions

363.1 Assistant Inspectors General for Audits and Inspections

363.2 Assistant Inspector General for Investigations

OFFICE OF THE INSPECTOR GENERAL (OIG)

361 OFFICE OF THE INSPECTOR GENERAL

Office of the Inspector General (OIG) has been established in accordance with the provisions of the Inspector General Act of 1978 (as amended) and the Omnibus Diplomatic Security and Anti-terrorism Act of 1986.

361.1 Inspector General (IG) - The Inspector General (IG) is appointed by the President with the advice and consent of the Senate without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigation.

362 RESPONSIBILITIES OF THE INSPECTOR GENERAL (IG) - The responsibilities of the IG include but are not limited to:

- a. providing policy direction for and conducting, supervising, and coordinating audits, inspections and investigations that relate to Broadcasting programs and operations;
- b. recommending policies for the activities carried out or financed by Broadcasting to promote economy and efficiency in the administration of, or to prevent and detect fraud and abuse in programs and operations;
- c. receiving and investigating complaints or information from employees whistle blowers or others that concern possible violations of law, rules, or regulations, or waste of funds, mismanagement, abuse of authority or substantial, specific danger to public health and safety;
- d. keeping the BBG, the Director of International Broadcasting, and the Congress fully and currently informed of fraud and other problems, abuses, and deficiencies in the administration of programs and operations administered or financed by Broadcasting; recommending corrective actions of such problems, abuses, and deficiencies and reporting on progress in implementing recommended corrective actions;
- e. reviewing existing and proposed legislation and regulations that relate to Broadcasting programs and operations and making recommendations on the impact of such legislation or regulations on the economy and efficiency of the administration of programs and operations administered or financed by Broadcasting or the prevention and detection of fraud and abuse in such programs and operations; and
- f. recommending policies for, and conducting, supervising or coordinating relationships among Broadcasting and other Federal agencies, state and local governmental agencies, and non-governmental entities with respect to matters that relate to promoting economy and efficiency in administration or preventing and detecting fraud and abuse in programs and operations administered or financed by Broadcasting or identifying and prosecuting participants in such fraud and abuse.

363 OIG Organization and Functions - The Office of the Inspector General consists of the IG and various staff, who include the Executive Assistant, the Director, Office of Administration and Management, and three Assistant Inspectors General (AIGs), who manage operational units and are responsible for audits, inspections, and investigations.

363.1 Assistant Inspectors General for Audits and Inspections - The Assistant Inspectors General direct, manage and coordinate assigned work and resources to ensure that staff receive adequate direction, guidance, and training and that work meets prescribed standards.

- a. The AIG for Audits is responsible for managing audits of the economy, efficiency and effectiveness of Broadcasting programs and

operations as well as financial and compliance audits of grantees and contractors.

- b. The AIG for Inspections is responsible for managing inspections of Broadcasting programs and operations, which are usually performed by teams. The teams evaluate and report the effectiveness and efficiency of programs and operations in achieving goals and objectives.

363.2 Assistant Inspector General for Investigations - The Assistant Inspector General for Investigations is responsible for managing all investigations that relate to Broadcasting programs and operations, except those that relate to the Broadcast personnel security and physical security programs, which are the responsibility of the Office of Security, and matters of alleged discrimination or violation of civil rights, which are the responsibility of the Office of Civil Rights.

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PART I ORGANIZATION, 300 ORGANIZATIONAL DEFINITIONS

OFFICE OF CONTRACTS

Section 370

See also MOA Part IX

The Office of Contracts plans, manages, and implements all acquisition efforts in support of the global broadcast network and other broadcasting support operations. The Office develops, implements, and coordinates the acquisition and purchasing programs for supplies, services, construction, and other types of procurements. It prepares and administers Interagency Agreements with other Federal agencies. Directly negotiates and awards maintenance and repair, design/construction and other contracts within delegated procurement authority for headquarters, domestic and overseas transmitting stations, correspondent offices, and other Broadcasting offices. Negotiates and awards delivery orders against Architect-Engineering and other types of indefinite delivery/quantity contracts. Provides procurement expertise, advice, tracking, and evaluation.

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PART I ORGANIZATION, 300 ORGANIZATIONAL DEFINITIONS  
Section 380

BROADCASTING

INTERNATIONAL BROADCASTING BUREAU

380.1 Office of the Director

- a. Deputy Director
- b. Chief of Staff
- c. Executive Secretariat

380.2 Office of Civil Rights

- a. Director
- b. Complaints Management Division
- c. Affirmative Employment Division

380.3 Associate Director for Management

- a. Office of Human Resources
- b. Office of Administration
- c. Office of Security
- d. Office of Contracts

380.4 Office of Engineering and Technical Services

- a. Engineering Resource Directorate
- b. Engineering Operations Directorate
- c. Engineering Technical Directorate
- d. Information Technology Directorate

380.5 Office of Policy

380.6 Associate Director for Program Support

- a. Office of Marketing and Program Placement

- b. Office of Performance Review
- c. Office of Public Affairs
- d. International Media Training

380.7 Office of Cuba Broadcasting

- a. OCB Directorate
- b. Administration Directorate
- c. Technical Operations Directorate
- d. Broadcast Operations Directorate

380.8 Voice of America

- a. Office of the Director
- b. News Division
- c. English Programs Division
- d. Special English and Music Division
- e. Language Divisions
- f. Broadcast Operations Directorate

380.9 VOA Television and Film Service

- a. Technical Operations Directorate
- b. Programming Directorate
- c. Production Directorate

380.1 OFFICE OF THE DIRECTOR

The International Broadcasting Bureau is the Nation's only publicly funded global radio and television network. The Office of the Director is responsible for planning, organizing and directing this global network. Its professional staff enlightens millions of listeners and viewers each week through Voice of America radio and television, and Radio and TV Marti.

A unique blend of global radio and television programming is prepared every hour of every day, presenting international news and information as well as an accurate picture of the United States and its foreign policy to foreign audiences. The Director, who is Presidentially appointed and confirmed by the U.S. Senate, reports directly to the Broadcasting Board of Governors.

a. The Deputy Director is a career government official and acts for the Director.

b. The Director is assisted by a Chief of Staff.

c. Executive Secretariat - Is a communications control center. It serves the entire organization including the Broadcasting Board of Governors. It provides communications and logistical support and serves as a means of controlling and routing action communications as well as non-action correspondence. The Secretariat operates 10 hours each day, Monday through Friday. All Congressional and White House mail addressed to any employee of IBB is also handled by the Secretariat. It is also the final reviewing office for all correspondence prepared for the signature of the Director.

The Secretariat maintains formal record of the Director's decisions and actions and official files. It distributes and stores classified material. It stores pertinent information related to the Director's correspondence in an automated data system for ready reference as well as historical purposes. The Secretariat is Broadcasting's liaison for all executive branch communications.

### 380.2 THE OFFICE OF CIVIL RIGHTS

The Office of Civil Rights advises management officials and employees on the Federal laws, regulations, policies, and guidelines prohibiting discrimination based on race, color, religion, sex (including sex-based wage discrimination), national origin, age (person 40 years and older), physical and mental disability, reprisal (person engaged in prior EEO activity) and sexual orientation. All employment activities - recruitment, hiring, retention, evaluation, promotion, transfer, wages, assignment, training, benefits, and separation - are to be conducted in compliance with the Agency's Equal Employment Opportunity (EEO) Programs.

OCR's objective is to promote equal opportunity through a continuing affirmative employment program that identifies and eliminates discriminatory practices, policies, and procedures that limit or restrict equitable opportunities for open competition in the workforce.

OCR's staff consists of the Director, EEO Specialists, EEO Program Assistants, and contracted EEO Counselors and EEO Investigators. The Director of Civil Rights is the Principal EEO Officer/Official and reports to the Director of the International Broadcasting Bureau. Staff members assist the Director of OCR in carrying out the daily operations of the Agency's EEO Programs.

Through the Alternative Dispute Resolution (ADR) Program, OCR utilizes Mediation as a method in which a third party neutral assists employees and management officials in resolving workplace disputes. Mediation is available for employees and applicants for employment during the discrimination complaint process.

The Disability Program was developed pursuant to Executive Order 13164, which requires all Federal Agencies to develop written procedures for responding to requests for reasonable accommodation under the Rehabilitation Act of 1973. OCR implements this program, which is designed to provide reasonable accommodation to qualified employees with a disability and applicants for employment. These written procedures are available on the Agency's web site.

OCR is responsible for the processing of informal and formal complaints alleging employment discrimination in violation of Title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, as amended, the Rehabilitation Act of 1973, the Equal Pay Act of 1963, and Executive Order 13087. These Federal laws and Executive Order prohibit discrimination based on race, color, religion, sex (including sex-based wage discrimination), national origin, age (person 40 years and older), physical and mental disability, reprisal (person engaged in prior EEO activity) and sexual orientation. All Settlement Agreements and the



Agency's Final Decisions are forwarded to the Office of General Counsel (GC) for legal sufficiency review.

OCR prepares and submits the Agency's Annual Federal Equal Employment Opportunity Statistical Report on Discrimination Complaints (462) Report) to EEOC.

The Broadcasting Board of Governors (BBG) is one of the most diverse agencies in the Federal Government; and through its Diversity Program, it recognizes the valuable diversity of all employees. OCR is committed to ensuring that BBG incorporates diversity throughout the entire workforce.

OCR coordinates and monitors BBG's compliance with the requirements of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and Title IX of the Education Amendments of 1972. These Federal laws protect individuals from discrimination based on their race, color, or national origin in programs that receive Federal financial assistance. Under the Federally Conducted and Assisted Program, OCR is responsible for conducting audits, investigating Title VI, Title IX, and Section 504 complaints of discrimination, and preparing and submitting annual reports pursuant to the guidelines provided by the U.S. Department of Justice.

OCR coordinates the Mentoring Program for management officials and employees. Management officials (along with other Agency volunteers) provide substantive career guidance and training to employees at various grade levels. Each year the participants are required to attend a mandatory Dynamic Mentoring Workshop.

OCR manages the Affirmative Employment and Special Emphasis Programs. The purpose of these programs is to eliminate discriminatory practices and ensure that all groups are appropriately represented in the workforce. Throughout the year, OCR coordinates programs and observances that are designed to enhance cultural awareness among employees. Pursuant to Equal Employment Opportunity Commission (EEOC) Management Directive (MD) 715, the Agency must maintain a Model EEO Program, conduct an annual self-assessment, and complete an annual status report of its EEO programs for submission to EEOC.

Each fiscal year, OCR prepares Annual Accomplishment Reports for submission to the Office of Personnel Management (OPM), U.S. Department of Education (ED), U.S. Department of Justice (DOJ) and Equal Employment Opportunity Commission (EEOC). These annual reports are: Federal Equal Opportunity Recruitment Program (FEORP) and FEORP Plan Certification; Hispanic Employment Initiative: Nine Point Plan; Disabled Veterans Affirmative Action Program (DVAAP) and DVAAP Plan Certification; Annual Federal Performance Report on Executive Agencies Actions to Assist Historically Black Colleges and Universities (HBCU) and HBCU Plan; Hispanic Employment in the Federal Government; Educational Excellence for Hispanic Americans; and Federal Agency Annual Equal Employment Opportunity Program Status Report (Management Directive-MD-715).

OCR provides mandatory training for managers and supervisors on EEO and the Prevention of Sexual Harassment. Training is available for all

employees on EEO and the Prevention of Sexual Harassment, Workplace Disputes, Building a Highly Effective, Inclusive Organization, Understanding the Americans With Disabilities Act, and Valuing Diversity on Teams.

OCR coordinates a quality community outreach program for educational institutions in the Washington, DC metropolitan area. The National Partnerships in Education Program utilizes Agency employees as tutors and presenters in career/job fairs. Students are invited to attend the Agency-sponsored special emphasis and commemorative programs, and tours conducted by the Voice of America (VOA).

See, also, Delegation of Authority 99-5, MOA II, Section 480.

### 380.3 ASSOCIATE DIRECTOR FOR MANAGEMENT

The Associate Director for Management provides support services for the BBG and the IBB through the Office of Human Resources, the Office of Administration, the Office of Security, and the Office of Contracts.

#### a. OFFICE OF HUMAN RESOURCES

Provide worldwide personnel management policies, programs and services enabling the Agency to carry out its mission and enhancing the well being of its employees.

Office of the Director - Directs the provision of worldwide personnel management services to the International Broadcasting Bureau and to the BBG and its staff. Evaluates and develops personnel policies and programs to meet the specialized and unique needs of the Agency and its employees.

Foreign Service Personnel - Provides services for Foreign Service Overseas Specialists (engineers and correspondents) and overseas Foreign Service National employees (FSNs) including persons serving under Personnel Services Agreements (PSAs) and Personal Services Contracts (PSCs) and locally hired US citizens. Services include: determining the occupation and pay level classification of Overseas Specialists; coordinating recruitment, appointments, assignments and performance evaluations of these specialists; providing career counseling services; overseeing their benefits and allowances: administering annual Selection Board which review overseas specialists for promotion, tenure, denial of salary increases and recommendations for removal; coordinating assignments of State Department foreign service officers to Broadcasting and assignments of Agency employees to the State Department. and overseeing the structure and classification of FSN, PSA and PSC positions, overseas compensation plans and policies and personnel services provided by the State Department to employees hired overseas.

Operations & Benefits Division - Provides worldwide recruitment services for all domestic positions, to include administering examinations for international broadcasters (IB) and coordination of tests for broadcaster applicants worldwide. Assists managers in creating positions and determining the appropriate occupation and grade/pay level classification of positions, administers requirements for competition for promotion

opportunities, and provides related advice and assistance to managers and employees. The Division also processes all personnel actions, maintains official personnel files; provides visa, immigration and relocation assistance to non-US citizen employees as broadcasters. Assists non-US citizen employees in obtaining travel visas for their family members to visit them in the US while assigned to IBB; processes sponsorship paperwork for permanent residency; and administers special emphasis programs such as the paid and volunteer intern programs, co-op, fellowship, welfare-to-work, stay-in-school and summer hire programs. The Division also administers and advises on pay matters, work schedules, reorganizations and reduction-in-force. Other responsibilities of the Division include: scheduling drug tests for top secret positions; determining suitability for new employees; conducting orientation programs for new employees and new supervisors; providing notary public services and employment verification for employees. Administers benefits program, providing advice and assistance to supervisors and employees on retirement, thrift savings plan, health and life insurance, long term care insurance, workers' compensation, unemployment, transit subsidy, incentive awards, performance appraisals and related compensation issues. Provides advice and assistance on issues related to work scheduling, e.g., telecommuting, compressed work schedules and leave programs. Retirement program administration includes counseling employees, providing annuity estimates, and coordinating with the Office of Personnel Management to insure timely processing and payment.

The Automated Human Resources Systems Staff develops and maintains the Agency's automated personnel system, provides support to system users and develops and provides a variety of reports to support the operations of the office and meet the needs of other Agency elements and other agencies, e.g., employment reports, staffing patterns, EEO reports.

Labor and Employee Relations - Labor Relations - Prepares for, advises on, and represents management in negotiations/bargaining with the three unions representing IBB employees. Example: negotiations related to changes in working conditions, physical moves, reorganizations, and Reductions in Force (RIF). Researches and coordinates responses to all grievances filed by Civil Service and Foreign Service employees through negotiated (union) or administrative grievance procedures. Assists management in defending against Unfair Labor Practices (ULPs) filed by unions. Advises management on all aspects of contract administration, required notices to unions, and subsequent bargaining regarding changes in working conditions or personnel policies, practices or procedures.

Employee Relations - Advises and assists supervisors and managers in addressing all types of conduct and/or performance problems that are adversely affecting the organization and in taking all disciplinary and adverse actions against employees for misconduct or unacceptable performance. Provides expert guidance and assistance in defending the Agency against a variety of third party reviews such as grievance arbitration, Equal Employment Opportunity Commission (EEOC) complaints, and the Merit Systems Protection Board (MSPB) appeals. Advises and assists supervisors and managers in resolving questions/problems on a wide range of personnel related laws, regulations and policies particularly as they relate to employee performance or conduct. A few examples are work

schedules and assignments, attendance and leave, and performance requirements, standards, and appraisals.

Training and Development Division - Provide worldwide training and development policies, programs and services that enable the Agency to carryout its mission by fostering the improvement of individual and group performance, encouraging professional growth and enhancing employee capabilities. Training Specialists provide a variety of training and development consulting services for managers and staff. They work with program areas to do needs analysis and design individual and organizational training plans. The Training Division manages training resources and identifies appropriate training sources to deliver high quality and innovative learning programs. Training staff conducts and facilitate formal and informal training events and counsel employees on training opportunities and career development.

Advisory, Referral and Counseling Service (ARCS) - Provides confidential counseling to employees and their families; refers employees to outside counseling services and resources; provides consultation to supervisors regarding problems or concerns of employees; educates employees and supervisors on problems of alcoholism, drug abuse, mental/emotional concerns and behavioral disorders.

#### b. OFFICE OF ADMINISTRATION

Director - Responsible for providing a full range of administrative services to include space and property management; occupational safety and health; emergency planning; telecommunications; mail processing; copier and reprographic programs; building maintenance, repair and renovations, parking management; warehousing, maintenance of directory boards; and monitoring of cafeteria. The support services include travel policy and transportation program; impress fund; records management and automated forms; health services; courier messenger services; liaison with outside oversight agencies; complies reports for FAIR Act; and maintains Manual of Administration (MOA).

Management Analysis Division - Responsible for planning, developing and conducting comprehensive studies, analyses, surveys and evaluations of Broadcasting activities with focus on resource utilization and improvement of administrative operations; implements the internal controls program; provides audit liaison and follow-up; administers the directives program; ensures that the MOA is updated.

Facilities Services Division - Responsible for the planning, development and implementation of policies, procedures and programs pertinent to the administration of the Bureau's facilities, with regard to such issues as space utilization, real and personal property control, health and safety, emergency preparedness, telecommunications and parking.

Communications Operations Division - Responsible for mail and communications operations, telecommunications, reprographics, copier program and coordinating telephone billing verification surveys.

Administrative Operations Division -Responsible for planning, implementing, and administering travel management policy; manages and coordinates the Travel Card program, trust fund accounts and gift acceptance, entertainment/representation funds, messenger service, and other related administrative support services; provides direct administrative support for specified elements, including the Office of the Director, Office of the Board of Governors, Office of Budget, Strategic Planning, Office of Congressional and External Affairs, Office of Policy, and the elements of the Management Directorate.

#### c. OFFICE OF SECURITY

The Office of Security is responsible for all matters affecting the security of the BBG (Broadcasting) personnel, domestic facilities and procedures. Specifically, it is responsible for safeguarding classified materials and all physical security concerns domestically. The Department of State provides physical security for overseas facilities. The Broadcasting Office of Security coordinates activities with the Department of State. In addition, the Office of Security has physical security experts who will provide on site advice and assistance at overseas installations on critical security matters of particular concern to Broadcasting. The Office is also responsible for insuring that the Broadcasting work force is staffed with individuals who have been investigated and adjudicated as required by Executive Orders 10450 and 12968 and posses the proper security clearance/approval for their designated positions.

See also MOA Part VIII and MOA Part II, Section 480, Delegation of Authority Number 8

#### d. Office of Contracts

The Office of Contracts is responsible for planning, managing, developing, implementing, executing, and administering simplified acquisitions and contracts in excess of \$100,000 for supplies, services, construction, and other types of procurements for all agency elements worldwide in full compliance with applicable Federal laws and regulations; implementing acquisition policies and procedures to supplement the Federal Acquisition Regulation (FAR) for all agency satellite offices; administering the agency-wide Purchase Card Program and Contracting Officer Warrant System; maintaining the agency-wide Acquisition Workforce Career Management Program Training database; conducting procurement compliance reviews of acquisition operations throughout the agency; and providing procurement expertise and advice to agency personnel.

### 380.4 OFFICE OF ENGINEERING AND TECHNICAL SERVICES

Under the guidance of the Director, responsible for directing all engineering and technical activities necessary to enable Broadcasting to meet its mission objectives.

a. ENGINEERING RESOURCE DIRECTORATE - Establishes a systematic process for the acquisition and administration of personnel, fiscal and facilities resources. It provides an efficient and responsive mechanism for

controlled planning, justification, evaluation, documentation, and correction, if necessary. This directorate is responsible for administration, budget, financial management, cost estimating, scheduling, and analysis for all Engineering projects and contracts.

The directorate is also the focal point for coordinating and consolidating customer requirements. It will provide and articulate strategic plans and special reports related to network and broadcast mission planning required to assist the Director of Engineering in presentations to varied groups. It provides specialized support in the form of maps or signal coverage patterns to other offices in engineering for use in presentations or reports.

The directorate prepares, coordinates, and justifies the budget to support requests for financial resources. Provides a focal point for coordination of the financial activities with the Broadcasting budget office. Establishes managerial oversight of engineering fiscal resources.

Supports engineering's administrative and personnel needs for technical training, career development, retirement, performance evaluations, staffing, time and attendance, awards and recruitment. Provides services related to travel, space management, publications, records, files and forms management, and conference and audio/visual services.

b. ENGINEERING OPERATIONS DIRECTORATE - Responsible for policy development, implementation, and assessment of the global relay station system. It maintains a close relationship with its customers. And it is charged with planning and guiding the maintenance, repair, environmental remediation and enhancement of broadcast, audio, control and facility systems throughout the global network.

1. Network Support Division - Provides engineering support for the maintenance and repair of facilities and for enhancements to broadcast systems.

Ensures that transmitting station facilities are operationally efficient under normal conditions and are kept operational during contingency and emergency conditions.

Provides logistics support essential to sustaining the transmitting station system. Develops, implements and administers logistics plans and policies, including property accountability, inventory management, and transportation management.

Assesses the technical performance of the transmitting station system. Analyzes failure trends and pursues improvements.

Manages the Internal Controls Program for Engineering Operations. Serves as the focal point for safety-related issues within the system.

Serves as the focal point for the review and updating of the Transmitting Station Instructions (TSI's), which provide the framework of directives for operation of the transmitting station system.

2. Spectrum Management Division - Plans and schedules the use of all Broadcast facilities to ensure that proper transmitter site frequencies and antennas deliver programs to specific target areas during the required time periods with the optimum signal. Is responsible for international coordination of broadcast schedules.

Responsible for the effective utilization of the worldwide transmission system through the development and implementation of technical operational schedules for all relay stations. Plans and implements frequency changes and related antenna and transmitter changes caused by seasonal propagation changes, programming changes, etc.

Directs the worldwide technical monitoring network. Provides feedback on program transmission quality, signal strength, and engineering test feeds. Evaluates signal reception through the accumulation and analysis of technical monitoring data, system performance and radio reception surveys.

Serves as the focal point responsible for regulatory affairs issues relating to international broadcasting, intentional harmful interference (jamming) and World Radio Communication Conferences (WRC's). Obtains spectrum certification and frequency registration from appropriate U.S. Government agencies and host countries.

Advances and protects the BBG's use of the radio frequency spectrum through participation in international, regional and national telecommunications and broadcasting forums, principally the International Telecommunication Union (ITU) and the Interdepartmental Radio Advisory Committee (IRAC).

Conducts negotiations with foreign international broadcasting organizations to lease shortwave and medium wave transmitting facilities needed to supplement the transmitting station network.

3. Network Control Center - Operates the global network from Washington, D.C. on a 24-hour basis. Acts as focal point and primary source of expertise within engineering on the operating status of Broadcasting's global systems. Provides audio, video and subcarrier circuit switching, traffic coordination, network quality control, network performance assessment, remote monitoring, status reports, outage reports, patching and operational distribution of television and associated audio and data feeds to the designated TVROs at the times specified by the broadcast operations managers.

Provides daily technical status reports for distribution to higher management. Acts as duty officer for engineering and provides crisis information immediately to the appropriate personnel within engineering.

c. ENGINEERING TECHNICAL DIRECTORATE - Is the focal point for engineering design for the global network. It is the source of engineering research and development for broadcasting and other multi-media applications including Internet streaming of programs. It is the primary source of information on satellite technology. It is also responsible for the physical integration of broadcast and transmission systems and subsystems, and for overseeing acceptance testing, site activation, and turnover of

major broadcast projects to the Engineering Operations Directorate or other Broadcasting operations offices.

1. Satellite Systems Division - Provides single point of contact for telecommunications issues with the Office of Cuba Broadcasting, The Affiliates Office, Radio Free Asia, Radio Free Europe/Radio Liberty, Worldnet, VOA, the Department of State, and other users of satellite distribution systems. Designs, implements, and manages all satellite feed systems for radio, TV, and communication networks for the BBG. Manages the planning and development of these services, and acts as the Authorized Representative of the Contracting Officer (ARCO) for contracted services, and as the Duly Authorized Telecommunications Entity for the Satellite Interconnect System SIS) and WORLDNET.

Develops SIS, Digital TV links, SCPC, microwave and fiber subsystems and is responsible for their integration from the concept stage to full implementation, including transfer of hardware and documentation to the Engineering Operations Directorate.

Manages all space segment-planning activities for television and radio, including Inmarsat and other global, cellular, mobile communications and direct broadcast satellite systems. Manages space segment for TV analog and digital networks from transmitting terminal to receiving terminal.

Responsible for the concept development, requirement definition, broadcast systems integration, and design documentation for all fielded systems within the broadcast network.

Plans and guides a comprehensive program for the design, construction, maintenance, replacement, and repair of fielded long haul satellite transmit and receive equipment (television receive only TVRO) earth stations and the Satellite Interconnect System and existing terrestrial interconnect links which transport audio, video, and data information to posts, transmitting stations, and commercial terminals.

Maintains liaison with Broadcasting customers and commercial users for existing terminals. Identifies, prioritizes, and initiates projects; conducts field surveys; directs fiscal resources; manages conceptual development, design and construction and implementation activities; adheres to quality assurance and configuration management policies; and coordinates the resources of various functional groups within Engineering to support telecommunication maintenance projects worldwide.

Provides maintenance support for video, audio, and data reception problems reported by hot line telephone call in, facsimile, and cable reports from TVRO/commercial users of Broadcasting's transmission delivery circuits. Draws upon the technical resources of other Engineering directorates to isolate and correct problems to minimize network and user terminal outages. Provides for round robin contract, preventative maintenance, and contract corrective maintenance as required.

2. Broadcast Technologies Division - Is the focal point for digital applications that Engineering is pursuing on behalf of its customers.



Researches and develops prototypical systems to demonstrate the feasibility of new technologies that may be adaptable for broadcasting use.

Leads the digitization of the broadcast chain, from the microphone to the receiver, for broadcasting production and transmission facilities.

Serves as Broadcasting's resource for new technology and application development, applying new technology to create new viable products in concert with other broadcasting elements and improving existing products and transmission capabilities. Supports the transfer of systems hardware and documentation to the end users of these digital systems.

Plans and guides a comprehensive program to implement major project initiatives at existing and future network transmitting stations. Manages the development of project plans, oversees the preparation of facility and broadcast system designs and establishes activity milestones to implement performance requirements established by the Engineering office.

Establishes and maintains a field staff, if necessary, to oversee implementation activities. Is responsible for the physical integration of all systems and subsystems for adherence to quality assurance and configuration management policies and for overseeing acceptance testing, site activation, and turnover to the Engineering Operations Directorate or other IBB operations elements. Maintains close liaison with customers in the Engineering Operations Directorate or other IBB operations elements.

Provides technical expertise in the various technologies such as: radio frequency (medium wave and short-wave) high power transmission systems, antennas, audio and control systems as well as multi-media and Internet activities.

d. Information Technology Directorate - The Information Technology Directorate researches, develops, secures, implements and maintains computer networks and internet works, and the systems connected to them, in support of programming and administrative support functions. Provides guidance and program direction on information policy and planning issues throughout broadcasting. Ensures that computing enhancements conform to broadcasting's immediate and long-range goals.

1. User Services Division - Responsible for providing comprehensive end-user services 24 hours a day, 7 days a week. Develops or enhances computer technology within broadcasting. Conducts reviews of system configurations and application software requirements. Provides training to customers on the use of new or upgraded software applications.

2. Network Operations Division - Responsible for development and management of computing networks and internet works. Manages the specialized and non-specialized servers for departmental, directory and enterprise computer file server systems. Develops and implements standards and guidelines for the configuration and operation of current, new, or upgraded network computer systems and computer technologies.

3. System Development Division - Responsible for the design, development, testing, debugging, and implementation of computing software and

occasionally hardware systems. Reviews hardware platforms, operating systems and run-time environments to support new computing applications. Selects development tools to use in designing and building required software in support of BBG's international mission.

### 380.5 OFFICE OF POLICY

Responsible for fulfilling the third requirement of the VOA Charter, which says that VOA "will present the policies of the United States clearly and effectively and will also present responsible discussion and opinion on these policies"; produces U.S.-policy oriented programs for television, radio, and internet for broadcast by some 40 VOA language services as well as in English, including daily Editorials that reflect the official views of the U.S. government, the regionally targeted "View from Washington" and "Punto de Vista," "On the Line," and "A Woman's World."

### 380.6 ASSOCIATE DIRECTOR FOR PROGRAM SUPPORT

The Associate Director for Program Support is responsible for management and oversight of critical support functions within the International Broadcasting Bureau, including (380.10b) the marketing and promotion of placement of U.S. non-military international broadcasting products produced by entities of the Broadcasting Board of Governors on radio and television stations around the world; (380.10c) the evaluation of VOA and OCB radio, television, and Internet products; (380.10d) the exercise of public affairs functions relevant to operations of the IBB; (380.10e) the functions of International Media Training; and certain Development functions as they pertain to the use of non-appropriated funds obtained through private donations and interagency agreements with other Federal agencies for specific programming purposes. The Associate Director works with senior VOA and IBB management, other BBG officials, State Department Public Diplomacy personnel, and other sources to broadly identify potential users of BBG radio and television programs; works to establish formal relationships with foreign governments in control of potential affiliated program users, including the negotiation of re-broadcast agreements and equipment grants.

a. Office of Marketing and Placement - is responsible for the marketing and promotion of placement of U.S. non-military international broadcasting products produced by entities of the Broadcasting Board of Governors on radio and television stations around the world; works with posts, VOA language service Chiefs and Division managers to identify potential users of VOA and television programs and to establish formal relationships with program users, including the negotiation of re-broadcast agreements and equipment grants; develops promotional campaigns for BBG, and particularly VOA radio and television programs, including design of advertising campaigns and development of video, audio, print, and on-line publicity material; organizes training programs for affiliate managers and personnel; tracks placement activity for radio and TV programs; manages schedules for delivery of VOA programs on satellite sub-carrier circuits. The Office is also responsible for advising relevant elements of the BBG regarding equipment donations, and coordinating placement activities with posts in the region, as well as with Transmitting Stations. The Prague Office works in conjunction with RFE/RL and the Bangkok office works in conjunction

with RFA in coordinating affiliate activities including equipment training and workshops. The Office represents the BBG's international broadcasting interests at regional conferences and trade fairs.

b. Office of Performance Review - The Office of Performance Review is comprised of two components, namely, Program Review and Research. The Program Review staff is responsible for conducting annual reviews and periodic spot checks of programs broadcast by the Voice of America (VOA), and the Office of Cuba Broadcasting (OCB); evaluating programming for conformity with the VOA Charter, the VOA Programming Handbook and its adjuncts, accepted journalistic standards, and other relevant guidelines; evaluates program content, presentation and delivery against the informational needs of the various audiences and the media environment in each listening/viewing area; hosts formal program review discussions based on staff analyses and independent outside evaluations, attended by concerned International Broadcasting Bureau and VOA/OCB elements (VOA News Division, Research, Marketing & Program Placement, Engineering, VOA Broadcast Operations, Policy, Public Affairs, Personnel); develops recommendations for improving programs in consultation with the Offices of the VOA Associate Directors for Language Programming, Central Programs, and Operations, managers and editors in the Office of Cuba Broadcasting, and the IBB Research Director and his staff; monitors the implementation of Action Plan items at a follow-up session three months after the review; conducts partial reviews or spot checks as warranted by events in target area, or by other programming concerns; participates in program development discussions and provides expert advice on a variety of special studies, surveys and projects; oversees the preparation of reports and documents as requested by the Director, International Broadcasting Bureau. The Research staff is responsible for developing formal research projects such as national or regional audience surveys, Monitoring Panels, and focus groups to evaluate audience characteristics and the effectiveness of BBG programs, and to track changes in patterns of media use around the world. The Office designs, contracts for, and oversees research projects in the countries of interest to the BBG's broadcast management, analyzes the results of such projects, and reports the findings to management and program staff. Research staff in the Office also produces regular estimates of the size of the VOA audience and the audience for other international broadcasters. Planning for research projects is undertaken in consultation with BBG and Broadcasting management and, in particular, with VOA language service and division chiefs.

c. Office of Public Affairs - The Office of Public Affairs is responsible for a wide range of services intended to facilitate IBB's contacts with public and private sector groups and individuals, almost entirely within the United States. These include all forms of media contact, developing media and promotional campaigns, providing graphic design and in-house photographic support, coordinating symposia and other media events for public or private audiences, preparing internal newsletters and external program guides, and advising senior management on media issues. The Office is also responsible for the development and maintenance of the voa.gov informational web site for use as a public affairs outreach tool. In addition, the Office reviews requests from employees to speak, teach and write on matters of official concern; reviews requests from employees for approval to engage in outside media employment; and, in conjunction with

the General Counsel, provides routine guidance to staff and management on legal constraints regarding distribution of BBG materials in the United States. On certain specialized matters including Congressional liaison activities involving the Board of Governors, the Office defers to General Counsel and BBG staff.

d. International Media Training - Responsible for the development and management of a program to train future communications leaders from high-priority target areas, and to provide them with skills and a philosophy that they can carry back and implement in their own countries.

#### 380.7 OFFICE OF CUBA BROADCASTING (OCB)

Responsible for planning, organizing and directing radio and television broadcasts to Cuba which provide news, commentary and other information about events in Cuba and elsewhere to promote the cause of freedom and democracy; ensures the open communication of news and ideas, particularly about or related to Cuba, not available through the state-controlled Cuban media.

a. OCB Directorate - Oversees all OCB operations including administration, broadcast operations, and engineering and technical services.

b. Administration Directorate - Provides administrative support services for Office of Cuba Broadcasting, including responsibility for financial management, procurement, travel services, security, and other logistical and administrative support.

c. Technical Operations Directorate - charged with primary responsibility for the on-going development, implementation, operation, maintenance, and management of the technical facilities, staff and other resources necessary to accomplish and enhance OCB's ability to communicate with the people of Cuba by radio and television. Applies current and emerging technologies to create new products, and seeks to improve existing products, services, and transmission capabilities for all OCB elements. The organization is also responsible for providing the architecture, tools, and infrastructure needed to meet the current and future automated information needs of the entire OCB organization. Responsibilities are carried out at the OCB Headquarters in Miami, Florida, and three transmission locations in the Florida Keys.

d. Broadcast Operations Directorate - Responsible for developing accurate, balanced, and timely news, information, and general programs for broadcast via radio, television, and the internet. Broadcasts are designed specifically for the people of Cuba with the objective of contributing to the global free flow of information, promotion of human rights, and fostering the growth of democratic values.

#### 380.8 VOICE OF AMERICA

a. Office of the Director - Responsible for directing all Voice of America (VOA) programming and for establishing and implementing policies and programming standards to ensure consistency with the VOA Charter (Public Law 94-350) and Broadcasting objectives; provides oversight and guidance

to subordinate programming elements to ensure effective integration of the functions and resources associated with News and English broadcasts, regional language programming and Broadcast Operations.

b. News Division - The News Division consists of three main elements:

(1) Regional Desks - There are a total of 11 desks. Eight to cover various regions of the world, economics, sports and one for central editing of all news copy. The writers and editors on these desks are responsible for compiling and writing the central news (CN) file, i.e. the news stories used by English and other VOA language services in their newscasts. The Regional Desks are supervised by a managing editor.

(2) The News Bureaus and Stringers - The News Division has a total of 17 overseas bureaus, including regional news centers in London and Hong Kong. The overseas staff includes 19 correspondents worldwide and editors in London and Hong Kong. The Division also has nine domestic bureaus, including five offices in Washington. The Division also relies on about 100 freelancers (stringers) who regularly file news stories and features from around the world and within the United States. The Division also has a number of in-house reporters and writers, who cover breaking news and provide longer in-depth and analytical pieces. Correspondents, stringers and in-house writers provide the Newsroom, and other language services with the bulk of the material for their daily news and feature programs. Correspondents, stringers and in-house writers/reporters are supervised by the Washington Assignments Chief through the Assignments Desk.

(3) English News Programs - These are the actual programmers - the writers, editors, reporters, producers and anchors who put live English newscasts and longer format programs on the air, to every region of the world, around the clock.

c. English Programs Division - This Division is comprised of the VOA News Now Branch, the Talk to America unit, and Broadcast Production. VOA News Now is 24-hours news and feature programming written, produced, and broadcast by this Division.

d. Special English and Music Division - A Special English Branch, the Music Programs Branch and the Music Library make up this Division. Special English broadcasts are done with a limited English vocabulary and at a slowed pace for ease of listening to non-native English speakers. The Branch also assists in producing English Teaching materials for VOA. The Music Programs Branch is responsible for the 24-hours music service via satellite and for providing music feature material to the VOA News Now Branch.

e. Language Divisions - Responsible for the production of non-English language programming to all regions of the world; develops programming that blends centrally-produced and individual service-originated material in a cost-effective way; produces programming consistent with the VOA Charter and established VOA standards. VOA's regional language divisions are as follows:

- Africa Division

- European Division
- East Asia/Pacific Division
- Latin America Division
- South and Central Asia Division
- Near East and North Africa Division
- Eurasia Division

In the languages of their respective geographic regions, language divisions create and broadcast daily radio programs, produce material for satellite or taped placement on local radio stations overseas and provide special feed services to other radio stations or networks on request and as resources permit.

f. Broadcast Operations Directorate - Responsible for providing technical, production, logistical and a wide array of support services to all VOA programming elements, with the goal of enhancing program quality, cost effectiveness and production efficiency throughout VOA. Plans, develops and implements systems to support coverage of special events; plans and organizes feature coverage trips; secures and provides taped and recorded sound; maintains and updates archives of reusable or historically significant material; provides music, research services and resources to broadcasting elements; coordinates technical and engineering support of remotes and special requests of the broadcast divisions.

(1) Operations Management Division - Responsible for operating and maintaining broadcast studios in Washington, D.C.; responsible for installation of technical studio equipment in overseas bureaus; operates Master Control to route program transmissions; provides appropriate field technical support for remote and audio gathering activities in the U.S. and overseas; performs maintenance and inventory control to ensure that equipment meets VOA broadcast standards.

(2) Traffic Management Division - Responsible for planning, budgeting, scheduling, technical support, procurement and management of electronic communications, programs, data circuits and facilities for VOA domestic and overseas installations, in-house audio and video recording, dubbing and distribution systems, and for domestic and overseas electronic newsgathering and conference support.

### 380.9 VOA TELEVISION AND FILM SERVICE

Responsible for planning, organizing and directing television and film activities of International Broadcasting and for organization and management of the Television and Film Service; develops television programs and services for foreign audiences to support and explain U.S. Government policy objectives, promote U.S. national interests and provide information about the U.S. and its policies not available through commercial sources; produces and/or acquires television programs and transmits them via satellite for use by posts and directly by broadcasters worldwide; provides technical and operational direction of television and film facilities; coordinates with other government agencies on dissemination of information overseas through television.

a. Technical Operations Directorate - Responsible for planning, acquisition and management of all technical services and facilities required in the production and distribution of television programs, both live and on video tape; plans, procures and supervises the installation of telecommunications equipment; operates and maintains the technical equipment and appropriate information management systems of television; manages required support resources, such as tape libraries, supply functions, all technical facilities and network traffic management; conceives, designs and develops long range plans and projections for future transmission and communication technology, TV production systems and appropriate information systems; serves as principal advisor to the Director of Television and Film Service on all technical aspects of international and domestic television broadcasting; facilitates transmission of programs for TV Marti and VOA simulcast programs; participates in the analyses and development of telecommunication policy for Broadcasting.

(1) Operations Division - Plans, procures, constructs, operates, maintains and manages the Television and Film Service's domestic television installations to provide technical support services and facilities for the production, adaptation and distribution of television programs; serves as principal advisor and source of technical information on television operation, recording and broadcasting technology; provides guidance and counsel to field post requests on technical matters; provides technical support and services for TV Marti and VOA simulcast programs.

(a) Traffic Branch - Responsible for the scheduling of all activities for technical facilities to support program requirements; makes all arrangements for special purpose transmission (both incoming and outgoing) for Television and VOA simulcast programs; provides cost estimates for all special transmission requirements and fiscal data for budgetary requirements.

(b) Video Tape Branch - Provides facilities for original television program production on videotape, foreign language versioning, videotape and disc based computerized electronic editing, mass distribution of copies of produced and acquired programs in all videotape formats and various international television standards world-wide; provides facilities for videotape recording of off-air and off-line program material; provides electronic editing and recording facilities and support for field production activities in all parts of the world.

(c) Maintenance Branch - Provides expert technical support services, including the construction, installation, maintenance, repair and calibration of all broadcast electronic equipment associated with the operation of the television facility; advises posts on equipment purchases; provides temporary storage of electronic equipment to be installed in the plant or shipped to overseas posts; provides posts with equipment surplus by television; maintains an inventory of technical equipment and parts and maintenance history. Provides technical support as required to TV Marti and VOA-TV projects.

(d) Studio and Field Operations Branch Provides technical expertise and staffing for remote electronic field production, electronic news gathering,

studio production, audio mixing and transfer, electronic graphics and language versioning support for all TV production activities in Washington and elsewhere; provides foreign press center technical facilities support for TV production activities; provides technical support for VOA simulcast programs; branch functions entail multi-shift and multi-location (domestic and overseas) requirements.

(e) Technical Operations Center Branch - Operates twenty-four hours daily, seven days per week serving as the focal point and primary source of real time technical information within TV and for all users of the facility; television circuit switching, traffic coordination, quality control, performance assessment, monitoring, status reports, irregularity reporting and patching and operational distribution of television feeds into the Cohen Building; reports on the availability and reliability of television systems including MTBF (Mean Time Between Failures) and MTTR (Mean Time To Repair) to the Chief, Technical Operations Directorate; responsible for operations and routine maintenance of the KU-Band satellite system and all microwave equipment not covered by contract; provides the logistical control for the Operations Division's multi-network activities; responsible for central routing, integration switching, incoming and outgoing circuit management, and control and support of studio electronic equipment complement.

(2) Services Division - Oversees laboratory services and program distribution and inventory systems. Processes orders from private foreign sources for prints and videotapes of television programs; acts as liaison with the National Archives and the Library of Congress for identification and transfer of historically important film and videotape programs for preservation; maintains post inventories of programs and distributes catalog information.

(a) Laboratory and Quality Control Branch - Directs contract work for laboratory services, including that required for in-house production, language versions, prints and pre-print materials; sets standards and maintains quality control over all film and videotapes used for production, language versions and release copies of motion picture and television programs; provides quality control and recycling of videotape stock; serves as Broadcasting's principal advisor and source of technical information on film and videotape laboratory processing methods and quality control.

(b) Services and Distribution Control Branch - Provides storage of videotape materials; authorizes the duplication of release prints, videotapes, and scripts; ships these program materials to overseas posts in accordance with distribution plans, project priorities and Broadcasting and post requests; manages the Film and Videotape Loan Library.

b. Programming Directorate - Responsible for all program planning and development within TV; responsible for the evaluation of existing and proposed program efforts to ensure that the products and programs acquired and produced by TV reflect Broadcasting goals; ensures that TV's program priorities serve to accomplish programmatic objectives; acts as TV's principal representative in coordinating those activities with other elements; responsible for directing the acquisition of videotape for



affiliates, post and broadcast usage; responsible for promotional activities; works with the Office of Affiliate Relations and Media Training on the coordination of liaison with foreign broadcast organizations; executes evaluations of program distribution and placement strategy; works with the Office of Research on TV matters.

(1) Acquisitions Division - Responsible for the acquisition of videotape programs from networks, commercial distributors and other sources in the United States to meet themes and post objectives; distributes these programs via satellite feeds and diplomatic pouch for broadcast, cablecast and post use; identifies, evaluates and obtains selected programs; authorizes language versions when appropriate; responsible for the compilation, publication and implementation of television schedules.

(2) Program Evaluation Staff - Responsible for coordinating the evaluation of existing and proposed program efforts; works to establish comprehensive, accurate and understandable mechanisms for program evaluation. Prepares media, audience and post reaction studies.

c. Production Directorate - Consists of five divisions, which have the responsibility for creating and producing all original television productions. Responsible for coordinating and operating the on-air look as well as the program content and scheduling of the satellite delivery system.

(1) Directors and Artist Division -Supports/provides the creative elements needed to ensure directing and artistic support for Television; coordinates tasks between the producer/director and the television technical crew to ensure that the highest quality program is produced; manages Graphics Branch and electronic graphic designers responsible for designing electronic art for television programs.

(2) Language Versions Division - Plans and directs production of language versions for produced and acquired film and videotape programs; serves as advisor to all elements, including individual overseas posts that are involved in making language versions of produced and acquired film and videotapes; produces language versions using combinations of in-house facilities and outside contract facilities both domestically and overseas; conducts language tests for prospective translators and voice talent; supplies simultaneous interpreters for live interactive dialogues and timely satellite specials.

(3) Broadcast Operations Division -Responsible for the daily transmission of all television programming, including two cable blocks: "WORLDNET Presents" for audiences in Asia, South Asia, the Near East, and Africa, and "Esta Noche en WORLDNET," a program block in Spanish and English for Latin American audiences; compiles and disseminates daily and weekly program schedules both electronically and in hard copy; coordinates closely with other divisions in Television Production, assorted elements in the Programming Directorate and the Technical Operations Directorate in carrying out its activities; communicates frequently with the Network Operations Directorate of International Broadcasting and overseas posts.

(4) Staff Productions Division -Responsible for in-house production of news and public affairs programming; researches and arranges the production and direction of news material, including the editing of material and its assembly in final program format for NEWSFILE, INFORMATION IN BRIEF, SCIENCE WORLD, ASSIGNMENT EARTH, FORO INTERAMERICANO, and DOING BUSINESS; produces special news programs; arranges special facilitative assistance and cooperative programs requested by posts with foreign broadcast organizations for foreign broadcasters on topics including current events, business, medicine, entertainment and general Americana. Works with the Voice of America to develop and plan news coverages.

(5) Targeted Television Programs Division - Responsible for in-house production of "Window on America," a weekly half-hour news magazine program containing information about the week's top news events as well as features about economic and health issues, personality profiles, and in-depth stories about the process of democracy in daily American life. The program is produced in Ukrainian for placement on Ukraine's national television network as well as in English for placement on WORLDNET Presents. The division also produces a feature reel called SATELLITE FILE.

International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

Material within this Manual of Operations and Administration may no longer be current. To ensure having the most current policy or procedure, please contact the Agency office responsible for the subject matter, e.g., information about performance appraisal, staffing, or compensation should be directed to the Office of Human Resources. For assistance in determining which office to contact, please contact Cathy Brown or Renee Tyrance-Gauff of the Analysis and Administration Division on (202) 203-4664 or feel free to email this staff at cabrown@bbg.gov or crgauff@bbg.gov.

MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART II GENERAL ADMINISTRATION, A3000 FEDERAL INFORMATION POLICY MAKING, 3010  
MONITORING OR RECORDING OF TELEPHONE CONVERSATIONSSection 3010

MONITORING OR RECORDING OF TELEPHONE CONVERSATIONS

3011 Introduction

3011.1 Definitions

3012 Non-consensual Listening-in Or Recording

3013 Consensual Listening-in Or Recording

3013.1 Law Enforcement

3013.2 Counterintelligence

3013.3 Public Safety

3013.4 Handicapped Employee

3013.5 Service Monitoring

3013.6 Consent Of All Parties

3015 Use of Line Identification Equipment

Section 3010

MONITORING OR RECORDING OF TELEPHONE CONVERSATIONS

3011 INTRODUCTION

General Services Administration (GSA) regulations prohibit the monitoring or recording of telephone conversations except under very limited circumstances. This regulation describes the limited circumstances under which listening-in or recording of telephone conversations may be performed and prescribes policies which limit this practice within Broadcasting.

3011.1 Definitions

- a. "Consensual" means one party to a telephone conversation has given prior consent to the interception or recording of the conversation.
- b. "Non-consensual" means none of the parties to a telephone conversation has given consent to the interception or recording of the conversation.

- c. "Listening-in devices" as used in this section means such devices that can intercept any telephone communication and be used to listen-in and/or record telephone conversations without the knowledge of one or more of the parties to the conversation.
- d. "Determination" means a written document that specifies the operational need for listening-in or recording of telephone conversations, indicates the specific system and location where it is to be performed, lists the number of telephones and/or recorders involved, establishes operating times and an expiration date, and justifies the use. The determination will be signed by the Director or his/her designee.

### 3012 NON-CONSENSUAL LISTENING-IN OR RECORDING

Non-consensual listening-in or recording of telephone conversations shall be authorized for certain law enforcement and counterintelligence purposes.

### 3013 CONSENSUAL LISTENING-IN OR RECORDING

Consensual listening-in or recording of telephone conversations on the Federal Telecommunications System or any other telephone system approved in accordance with the Federal Property and Administrative Services Act of 1949, section 201(a)(1) and (3) (40 U.S.C. 481(a)(1) and (3)), and implementing regulations thereof is prohibited except for the following conditions:

3013.1 Law Enforcement - When performed for law enforcement purposes in accordance with the Attorney General's Guidelines. Questions relating to this paragraph should be referred to the Office of the General Counsel.

3013.2 Counterintelligence - When performed for counterintelligence purposes and approved by the Attorney General or his/her designee. Questions relating to this paragraph should be referred to the Office of the General Counsel.

3013.3 Public Safety - When performed by any Federal employee for public safety purposes and when documented by a written determination signed by the Director or his/her designee citing the public safety needs. A written determination and a request for equipment acquisition and/or installation must be approved by GSA prior to the operational date. The determination must identify the segment of the public needing protection and cite examples of the hurt, injury, danger, or risks from which the public is to be protected.

3013.4 Handicapped Employee - When performed by a handicapped employee, provided a physician or licensed authority has certified that the employee is physically handicapped and the Director or his/her designee determines that the use of a listening-in or recording device is required to fully perform the duties of the official position description. A written determination and a request for equipment acquisition and/or installation must be approved by GSA prior to the operational date. The equipment shall be for the exclusive use of the handicapped employee and when not in use should be stored in a secure place. Questions relating to this paragraph should be referred to the Office of Civil Rights (OCR).

3013.5 Service Monitoring - When performed by any Federal agency for service monitoring, but only after analysis of alternatives and a determination by the agency head or his/her designee that monitoring is required to effectively perform the agency mission. (Service monitoring pertains to such activities as determining the accuracy of a service. It is unlikely that there often would be a need for this activity ) Questions relating to this paragraph should be referred to the Office of the General Counsel.

3013.6 Consent Of All Parties - When performed by an employee with the consent of all parties for each specific instance. (For example, telephone conferences, and secretarial recording.) Strict supervisory controls shall be maintained to eliminate any possible abuse of this privilege. The Director or his/her designee shall be informed of this capability for listening-in or recording telephone conversations. All participants shall be provided a transcript of the conversation. (This does not apply to administrative or informational messages which are routinely left on recorders. For example, a log is not required, nor a

transcript provided to the caller when authorized newsgathering officials of Broadcasting conduct routine monitoring and recording of news stories and program feeds.) A telephone log will be maintained (by each office for a period of three years) of all recorded telephone conversations. The log will include the following information: Date, time, names of persons involved, and the length of the conversation. In the event recording equipment is used, a written determination and a request for equipment acquisition and/or installation must be approved by GSA prior to the operational date. Questions relating to this paragraph should be referred to the Office of the General Counsel.

#### 3015 USE OF LINE IDENTIFICATION EQUIPMENT

Line identification equipment may be installed in FTS telephone facilities to assist Federal law enforcement agencies to investigate threatening telephone calls, bomb threats, and other criminal activities. No invasion of privacy is involved, and the use of this equipment does not violate the Privacy Act of 1974 or any Federal or State wiretap laws; e.g., Title III of the Omnibus Crime Control and Safe Streets Act of 1968. Information and assistance may be obtained from General Services Administration, Washington, D. C. 20405.

## APPENDIX A

### GUIDANCE ON WRITING POLICY



**Title:**

**Policy #:** (This space to be filled by IBB/AS)

**Effective Date:**

**Originating Office:** (Office Title), (Contact Phone Number)

**Notes on Format and Content:** To easily incorporate policies into the BAM, IBB/AS strongly recommends that all offices write policy in 12 point, Times New Roman font, with 1” margins. Each policy should identify the office responsible for drafting it and provide a phone number for that office.

**(a) PURPOSE:** State the reason(s) for the policy here. It might be helpful to think of this section as answering the question: WHY should the Agency adopt this policy?

**(b) AUTHORITY & SCOPE:**

(1) Authority:

(i) Provide a list of the authorities for this policy under law, regulation, executive order, delegation of authority from the IBB Director, or any other source. To the maximum extent possible, include citations and links to the full text of each authority. It might be helpful to think of this section as answering the question: WHERE can the reader find additional information?

(ii) Example: [Delegation Order 99-8, Redlegation of Authority to Direct and Administer the Board's Security Program to the Director of the Office of Security](#)

(2) Scope: Then, explain which offices, personnel, activities, or federal assets the cited authorities, and this policy, regulate. It might be helpful to think of this section as answering the question: TO WHOM does this policy apply?

**(c) POLICY:** Explain, in general terms, the course of action planned to fulfill the policy's purpose. However, save detailed information and explanations for Section D, Procedures and Primary Responsibilities. It might be helpful to think of this section as answering the question: WHAT will the agency do to achieve the purpose of this policy?



**(d) PROCEDURES AND PRIMARY RESPONSIBILITIES:**

(1) Explain, in specific terms, the steps necessary to accomplishing the course of action explained in Section C, Policy. Each step in the procedures should identify who has Primary Responsibility for executing that step. It might be helpful to think of this section as answering the questions:

- (i) WHO is responsible for implementing this policy; and
- (ii) HOW will the agency achieve the purpose of this policy?

(2) To the maximum extent possible, use the active voice when writing procedures.

- (i) Example: The IBB Director approves policies;
- (ii) But not: Policies will be approved by the IBB Director.

(3) Explain each step necessary to implementing the policy, in sequence, from beginning to end.

- (i) Explain sub-steps in an outline format.

**(e) DEFINITIONS:** List the meanings of special terms or abbreviations within the policy that a reader, who is not an expert in the policy's subject matter, would probably not understand. Note that this section should not include definitions of commonly-used terms or abbreviations.

(1) Example: Indefinite-Delivery, Indefinite-Quantity Contract (IDIQ) means an agreement that the Government will purchase an undetermined amount of goods or services, within specific minimum or maximum amounts, and which provides the Government the right to issue delivery or task orders for goods or services at any time during the period of the contract;

(2) But not: U.S.A. means the United States of America

**(f) EFFECTIVE DATE AND APPROVAL:** After approving the policy, the IBB Director signs it here.

Approved by:

Effective Date:

---

Richard M. Lobo  
Director  
International Broadcasting Bureau

**Title:** II BAM 100 – Proposing Reviewing, and Approving Agency Policy

**Policy Tracking #:** IBB/AS-12-01

**Effective Date:** 06/01/2013

**Originating Office:** IBB Administrative and Secretariat Operations, 202-203-4664

---

**(a) PURPOSE:** To establish Agency-wide procedures for creating, updating, reviewing, approving, and communicating Agency policy.

**(b) AUTHORITY & SCOPE:**

**(1) Authority:**

(i) By Delegation of Authority from the Broadcasting Board of Governors (BBG), The Director of the International Broadcasting Bureau (IBB) provides for the general administrative management of the BBG and all Federal Entities that receive authority or funding from the BBG (collectively, “The Agency”). Pursuant to this authority, the IBB Director approves all documents establishing policies and procedures to achieve the mission and responsibilities of the Agency.

(ii) The IBB Director has delegated the coordination of policy approval to the Office of Administrative and Secretariat Operations (IBB/AS).

(2) Scope: IBB/AS is responsible for overseeing the approval of any new or revised management or administrative policy, guideline, or procedure which governs the Agency. Excepted from this requirement are housekeeping guidelines and Standard Operating Procedures that are of interest to only one element of the Agency.

**(c) POLICY:**

(1) Policies are intended to govern the conduct, performance, accountability, and responsibility of Agency employees and are made accessible to all employees through the Agency intranet website.

(2) Policies are used to communicate Agency regulations, requirements, guidance, rules, and mandates and remain in effect until revised or canceled. All separate guidance provided through email or memoranda which are intended to create or modify existing policy must be incorporated in an updated policy document.

**(d) PROCEDURES & PRIMARY RESPONSIBILITIES**

(1) New policies will be proposed by element heads or office directors to IBB/AS (See Appendix A for guidance on writing policy and a policy template).

(2) When an office develops a new policy, or there are major, substantive changes to existing policy, IBB/AS will circulate the policy and coordinate meetings, as appropriate, to provide an opportunity for input from all offices affected by the policy involved. For example, a



change in the procedures governing the use of purchase cards should be shared with VOA, OCB, the Office of the Chief Financial Officer, the Office of Contracts, and other affected offices.

(3) Once input from affected offices has been incorporated by IBB/AS, IBB/AS will coordinate with the Office of General Counsel (OGC) to obtain legal clearance for the policy. OGC will:

- (i) Ensure that the policy's guidelines and procedures are in compliance with all applicable laws and regulations; and
- (ii) Advise IBB/AS on any public notice or publication requirements.

(4) IBB/AS will also submit proposed new and amended policies to the Office of Human Resources, Labor and Employee Relations Division (OHR/L). OHR/L will determine whether proposed policies require the Agency to provide notice and opportunity to bargain to employee unions, and notify IBB/AS of its determination. If union notice and opportunity to bargain is required, OHR/L will notify the appropriate union(s) of the proposed policy, coordinate bargaining, notify IBB/AS when the bargaining obligation is fulfilled, and notify IBB/AS of any changes in the proposed policy that result from bargaining. If bargaining results in any significant changes to the policy, IBB/AS will re-circulate the policy among affected offices for their input, and then re-submit the policy to OGC for final legal clearance.

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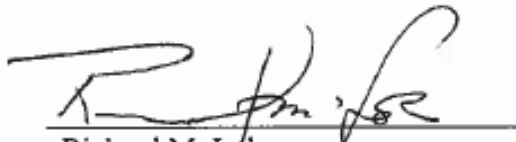
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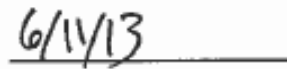
**(e) EFFECTIVE DATE AND APPROVAL:**

Approved by:

Effective Date:

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Richard M. Lobo  
Director  
International Broadcasting Bureau

The date '6/14/13' is handwritten in black ink over a horizontal line.

**Title:** II BAM 100 – Proposing Reviewing, and Approving Agency Policy

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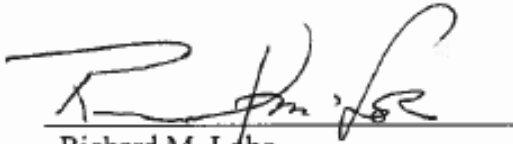
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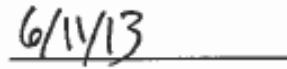
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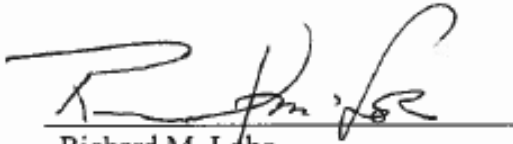
(6) Ordinarily, the IBB Director determines whether to grant a proposed policy final approval after the review process, explained in paragraphs (d)(1)-(5), is complete. However, the IBB Director may approve a final policy without going through the policy review process explained above, when determined necessary.

(7) Once the IBB Director approves a policy, the Director returns the approved policy to IBB/AS for immediate posting on the Agency's intranet website. The IBB/AS staff will prepare a broadcast message announcing the policy's location in the Broadcasting Administrative Manual (BAM) and providing instructions to access it.

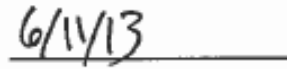
**(e) EFFECTIVE DATE AND APPROVAL:**

Approved by:

Effective Date:

A handwritten signature in black ink, appearing to read 'R. M. Lobo', is written over a horizontal line.

Richard M. Lobo  
Director  
International Broadcasting Bureau

The date '6/14/13' is handwritten in black ink over a horizontal line.



## APPENDIX A

### GUIDANCE ON WRITING POLICY



**Title:**

**Policy #:** (This space to be filled by IBB/AS)

**Effective Date:**

**Originating Office:** (Office Title), (Contact Phone Number)

**Notes on Format and Content:** To easily incorporate policies into the BAM, IBB/AS strongly recommends that all offices write policy in 12 point, Times New Roman font, with 1” margins. Each policy should identify the office responsible for drafting it and provide a phone number for that office.

**(a) PURPOSE:** State the reason(s) for the policy here. It might be helpful to think of this section as answering the question: WHY should the Agency adopt this policy?

**(b) AUTHORITY & SCOPE:**

(1) Authority:

(i) Provide a list of the authorities for this policy under law, regulation, executive order, delegation of authority from the IBB Director, or any other source. To the maximum extent possible, include citations and links to the full text of each authority. It might be helpful to think of this section as answering the question: WHERE can the reader find additional information?

(ii) Example: [Delegation Order 99-8, Redlegation of Authority to Direct and Administer the Board's Security Program to the Director of the Office of Security](#)

(2) Scope: Then, explain which offices, personnel, activities, or federal assets the cited authorities, and this policy, regulate. It might be helpful to think of this section as answering the question: TO WHOM does this policy apply?

**(c) POLICY:** Explain, in general terms, the course of action planned to fulfill the policy's purpose. However, save detailed information and explanations for Section D, Procedures and Primary Responsibilities. It might be helpful to think of this section as answering the question: WHAT will the agency do to achieve the purpose of this policy?

**(d) PROCEDURES AND PRIMARY RESPONSIBILITIES:**

(1) Explain, in specific terms, the steps necessary to accomplishing the course of action explained in Section C, Policy. Each step in the procedures should identify who has Primary Responsibility for executing that step. It might be helpful to think of this section as answering the questions:

- (i) WHO is responsible for implementing this policy; and
- (ii) HOW will the agency achieve the purpose of this policy?

(2) To the maximum extent possible, use the active voice when writing procedures.

- (i) Example: The IBB Director approves policies;
- (ii) But not: Policies will be approved by the IBB Director.

(3) Explain each step necessary to implementing the policy, in sequence, from beginning to end.

- (i) Explain sub-steps in an outline format.

**(e) DEFINITIONS:** List the meanings of special terms or abbreviations within the policy that a reader, who is not an expert in the policy's subject matter, would probably not understand. Note that this section should not include definitions of commonly-used terms or abbreviations.

(1) Example: Indefinite-Delivery, Indefinite-Quantity Contract (IDIQ) means an agreement that the Government will purchase an undetermined amount of goods or services, within specific minimum or maximum amounts, and which provides the Government the right to issue delivery or task orders for goods or services at any time during the period of the contract;

(2) But not: U.S.A. means the United States of America

**(f) EFFECTIVE DATE AND APPROVAL:** After approving the policy, the IBB Director signs it here.

Approved by:

Effective Date:

---

Richard M. Lobo  
Director  
International Broadcasting Bureau

International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

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MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART II GENERAL ADMINISTRATION, 100 GENERAL ADMINISTRATION  
Section 110

PUBLICATIONS REQUIRED BY THE LIBRARY OF CONGRESS

111 General

111.1 Statutory Requirement

112 Procedures

112.1 Broadcasting Output

112.2 Administrative Publications

Section 110

PUBLICATIONS REQUIRED BY THE LIBRARY OF CONGRESS

111 GENERAL

111.1 Statutory Requirements - Title 44 of the U.S. Code requires that copies of all Government publications must be provided the Library of Congress.

112 PROCEDURES

112.1 Media Output - The General Counsel (GC) has gained the commitment of the Librarian of Congress that printed items of media output, which will be provided the Library, will not be made available to any member of the public for any purpose unless and to the extent that Broadcasting, pursuant to appropriate Congressional action, is able at some future date to authorize the Library to deviate from this provision. We will forward one copy of each issue of publications to:

Exchange and Gift Division  
FAC - BBG  
Library of Congress  
Washington, D.C. 20540

112.2 Administrative Publications - Included under this heading are the various manuals and handbooks that are produced as aids in the administration of programs of the BBG. Each element will establish a procedure to forward two copies of each such administrative publication ordered to be printed by them to:

Exchange and Gift Division  
Library of Congress  
Washington, D.C. 20540

International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

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MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART II GENERAL ADMINISTRATION, 100 GENERAL ADMINISTRATION, 120 WHITE HOUSE PRESS  
ACCREDITATION  
Section 120

WHITE HOUSE PRESS ACCREDITATION

121 Summary

122 Purpose

123 Procedures

- 123.1 Submitting Request
- 123.2 Data Required
- 123.3 Action by the Office of Security
- 123.4 Responsibility of Media Representatives

Section 120

WHITE HOUSE PRESS ACCREDITATION

121 SUMMARY

This section describes the purpose for which White House Press Passes are requested and the procedures to obtain them.

122 PURPOSE

White House Press Passes are intended for the use of working level journalists, photographers, engineers, and technical crews who are obtaining press, television, radio, or motion picture coverage of White House events for Broadcasting.

123 PROCEDURES

123.1 Submitting Request - Contact the Office of Security, to obtain copies of Secret Service Form 1888. Complete the form (original and three copies) and forward with covering memorandum to Security, specifying the rationale for press accreditation at the White House. While exceptions occasionally may be anticipated, it is envisioned that most requests will be initiated by:

Director, Broadcast Operations  
Chief, News Division  
Director, Office of Worldnet Production

123.2 Data Required - List name, title, office, and statement of need, accompanied by SF 1888.

123.3 Action by the Office of Security - The Office of Security will process the application and originate a letter to the Technical Security Division, U. S. Secret Service, requesting the issuance of a White House Press Pass. Once approved by the Secret Service, Security will notify the applicant. Should further administrative processing or background checks be required by the Secret Service, Security will serve as intermediary in notifying the applicant. Also, Security will inform the personnel office when an employee has been provided a White House Pass.

123.4 Responsibility of the Director, Broadcast Operations, Chief, News Division, and Director, Office of Worldnet Production - These individuals are responsible for picking up press passes from employees who retire, resign, or move to other offices where they have no need for the passes. The passes should be sent to Security for return to the Secret Service.



**Title:** II BAM 160 – Domestic Distribution of Program Materials

**Policy #:** IBB-13-01

**Effective Date:** November 15, 2013

**Originating Office:** IBB Director's Office, (202) 203-4515

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**(a) PURPOSE:** This policy provides guidance and establishes procedures for making Agency programming available within the United States.

**(b) AUTHORITY & SCOPE:**

(1) Authority:

(i) Section 501 of the U.S. Information and Educational Exchange (Smith-Mundt) Act, as amended, as codified in [22 U.S.C. § 1461](#).

(ii) Section 208 of the Smith-Mundt Act, as amended, Clarification on Domestic Distribution of Program Material, [22 U.S.C. § 1461-1a](#).

(iii) The U.S. International Broadcasting Act, [22 U.S.C. 6201 et seq.](#)

(iv) The Radio Broadcasting to Cuba Act, [22 U.S.C. § 1465 et seq.](#)

(v) The Television Broadcasting to Cuba Act, [22 U.S.C. § 1465aa et seq.](#)

(vi) Office of Management and Budget Circular A-25, Revised, [Memorandum for the Heads of Executive Departments and Establishments, Subject: User Charges](#).

(2) Scope: This policy applies to all offices and divisions of the Federal Government which the Broadcasting Board of Governors supervises pursuant to the U.S. International Broadcasting Act (collectively, the Agency).

**(c) POLICY:**

(1) The Agency's mission is to inform, engage, and connect people around the world in support of freedom and democracy. Amendments to the Smith-Mundt Act in [Pub. L. 112-239](#) re-affirm the Agency's mission to broadcast to foreign audiences, while lifting some restrictions on disseminating information within the United States.

(2) The Agency may provide individuals, media entities, or other organizations with Agency program materials for use or distribution within the United States in accordance with law and the procedures in this policy. The Agency may not seek to syndicate its program materials through domestic media outlets with the intent to develop audiences within the United States. The Agency may provide program materials, prepared for dissemination abroad, to domestic broadcasters aimed at foreign diaspora communities as part of the Agency's foreign policy mission. Unless these program materials are made available in the U.S. under a partnership or as part of the agency's public affairs activities, (*See*, 22 U.S.C. § 1437; VI BAM 610,

Partnership Policy), then program materials must be provided upon request only. All domestic distribution shall fall within the following three categories:

(i) Public Affairs – The Agency may provide information about the Agency’s operations, programs, and program materials, including granting permission for a one-time use of Agency programming, when it serves the Agency’s public affairs functions.

(ii) Media and Organization Requests for an Ongoing Subscription to Agency Program Materials – Upon request, the Agency may enter an agreement to provide media entities, or other organizations, an ongoing subscription to Agency program materials on a case-by-case basis, as described below.

(A) A case-by-case determination shall include the following considerations:

(1) Whether such an ongoing subscription agreement is consistent with the public diplomacy and broad foreign policy objectives of the United States (*See* 22 U.S.C. §§ 6201, 6202(a)(1));

(2) Whether such an ongoing subscription agreement would serve the Agency’s mission to communicate to foreign audiences, or open communication of information and ideas among the people of the world (*See* 22 U.S.C. §§ 1461, 6201(2), 6204(a)(1));

(3) Whether such an ongoing subscription agreement would serve the Agency’s mission to promote human rights, including freedom of opinion and expression. The Agency shall consider whether a media entity’s intended use of Agency programming would support the Agency’s efforts to provide a variety of opinions or otherwise meet the needs which remain unserved by the totality of media voices available to people within nations and regions subject to censorship or repression (*See* 22 U.S.C. §§ 6201(1), 6202(a)(8), (b)(7));

(4) Whether entering such an agreement would be consistent with the highest professional standards of broadcast journalism, as outlined in an Agency broadcasting element’s charter or journalistic code (*See* 22 U.S.C. § 6202(a)(5), (c));

(5) Whether a media entity’s intended use of Agency programming would complement, rather than duplicate, adequate information dissemination from the Agency’s other broadcasters, private United States broadcasters, or government-supported broadcasting entities of other democratic nations. The Agency shall consider what, if any, broadcasts are available to the public in the relevant media market, in the same language and medium (e.g. radio or television) as the requested program materials, from private U.S. broadcasters or from government-sponsored broadcast entities from democratic nations (*See* 22 U.S.C. §§ 1462, 6202(a)(3)-(4); H. Conf. Rep. No. 103-482);

(6) Whether entering into such an agreement would help the Agency to effectively reach a significant target audience (*See* 22 U.S.C. §§ 6202(a)(7));



(7) The extent to which entering into an ongoing subscription agreement would be consistent with all other broadcasting standards, principles, charters, and objectives of the Agency (*See generally*, 22 U.S.C. §§ 1461, 1462, 6201-6206; and

(8) Whether distributing the requested program materials would be cost prohibitive to the agency because of an agreement with a third party who holds a copyright in the requested materials. (*See* Pub. L. 112-239 §1078(b); 22 U.S.C. §§ 1461(b)(1)(C));

(B) The Agency may provide ongoing subscribers access to a professional distribution systems, such as the Direct system (“Direct”). Any agreement to grant a media entity an ongoing subscription to Agency programming:

(1) Must include limitations to ensure the subscriber keeps the Agency fully informed regarding its dissemination of Agency programming, to prevent further dissemination of Agency programming outside the scope of the agreement, and to prevent use or dissemination of Agency programming that does not meet the standards in paragraph (C)(ii)(1) above;

(2) Must place responsibility on the subscriber to secure any necessary licenses from all persons or organizations that hold a copyright in any portion of requested program materials;

(3) Must require the subscriber to credit the Agency broadcasting element which produced the programming in any and all uses of those program materials; and

(4) Must require the subscriber to play program materials unaltered and in full at least once; and

(5) May establish subscriber fees in order to recover reasonable costs.

(iii) Domestic Partnerships with Incidental Distribution - The Agency may pursue and enter contractual or partnership agreements to distribute its programming in any form, or via any medium of communication, including but not limited to satellite broadcasting and the Internet. The Agency may distribute its programming via any means, regardless of whether this distribution incidentally reaches the United States, so long as distributing programming by these means serves the Agency’s international broadcasting statutory mission. *See* VI BAM 610, Partnership Policy; and BAM Title IX, Procurement for procedures on entering partnerships or contracts.

#### **(d) PROCEDURES AND PRIMARY RESPONSIBILITIES:**

(1) Public Affairs – Each broadcaster will respond to its own public affairs requests through the broadcaster’s Public Relations Office.

(i) The Public Relations Offices at each broadcaster are responsible for keeping a record of all domestic public affairs programming requests. This record should be provided once a year to the IBB Director's Office.

(2) Media Requests for an Ongoing Subscription to Agency Program Materials –The procedures for reviewing and answering requests for an ongoing subscription agreement are below:

(i) The Office of Strategy and Development (OSD) responds to written requests to enter into an ongoing subscription agreement for Agency program materials in the United States, including requests for access to Direct.

(ii) After OSD receives a written request with sufficient information, OSD shall, within 15 calendar days, draft a determination regarding whether entering into an ongoing subscription agreement is in the Agency's best interests, based on the considerations in paragraph (c)(ii) above, and forward its recommendation to the IBB Director's Office.

(iii) Within 15 calendar days of receiving OSD's recommendation, the IBB Director will make a determination, in consultation with either the VOA or OCB Director, based on the considerations in paragraph (c)(ii) above, whether to allow the request to go forward to the next step or whether to deny it.

(iv) Decisions by the IBB Director not to enter into the subscription agreement will be communicated to the requestor by OSD in writing.

(v) If the IBB Director determines that a subscription request should be granted, OSD shall immediately communicate that determination to the Agency broadcasting element that produces the requested program materials, the Office of Digital Design and Innovation (ODDI), and the Office of Technology, Services and Innovation (TSI).

(vi) Within 15 calendar days of receiving the IBB Director's decision, ODDI and TSI shall consult with OSD and the Agency broadcasting element regarding the capabilities of Direct, or other Agency systems used to provide subscribers with ongoing access to Agency programming.

(vii) Also within 15 calendar day of the IBB Director's decision, the broadcaster shall initiate contact with any third party vendors to determine if the requestor needs to secure any domestic rebroadcast rights. Alternatively, the broadcaster may provide vendor contact information directly to the requestor (via OSD) for the purpose of securing the necessary domestic rebroadcast rights. The broadcasting element may not grant a request without approval from the IBB Director.

(viii) Once the broadcasting element communicates any vendor issues or costs for the request, OSD shall inform the Requestor, in writing, of this information.

(ix) Provided the domestic licensing issues are resolved, OSD may use a template agreement that has been previously cleared by the Office of General Counsel for all ongoing subscribers approved by the IBB Director. Alternatively, OSD may negotiate a

new agreement or amendments to a template agreement, as long as OSD receives legal clearance from the Office of General Counsel before entering such an agreement.

(x) OSD shall keep a copy of:

(A) The final determination regarding the best interest of the Agency based on the standards in paragraph (c)(ii) above;

(B) The final version of all subscription agreements; and

(C) Any other records related to the subscription agreement.

(xi) The relevant broadcasting element shall coordinate with ODDI and TSI to ensure that the programming the subscriber requests is available on Direct, or is available through another system.

(xii) Annual Review:

(A) Within one year of the effective date of each subscription agreement to allow continuing use or distribution of Agency program material within the United States, OSD shall review its original determination regarding the standards in paragraph (C)(ii)(1) and submit the results of that review to the IBB Director.

(B) If, for any reason, OSD or the IBB Director, in consultation with the OCB or VOA Directors, determine that providing an ongoing subscription is no longer in the best interest of the Agency based on the factors outlined in this policy, the Agency shall take appropriate action, including but not limited to amending or terminating a subscription agreement.

(3) Domestic Partnerships and Contracts with Incidental Distribution – Agency non-fee partnership requests will follow the procedures in VI BAM 610, Partnership Policy, which is managed by the IBB Office of Administrative and Secretariat Operations. The procedures for entering into Contracts are found in the Federal Acquisition Regulation and BAM Title IX. The Office of Contracts manages contracts and procurements, including Contracts to broadcast or make Agency programming available abroad, with incidental distribution in the United States.

(4) Determining Fees – The Office of the Chief Financial Officer (OCFO), Financial Operations Division, in consultation with OSD, ODDI, TSI and the Agency broadcasting element, shall draft the Agency's determination whether to charge fees, and the amount of fees, in accordance with OMB Circular A-25. OCFO shall conduct a review of the Agency's determination on fees, at least once every two years, or more frequently as necessary. OCFO shall keep all records associated with the Agency's determinations, and periodic reviews, as described in OMB Circular A-25 paragraph 8(g).

**(e) DEFINITIONS:**

(1) "Media Entity" means any person or entity, that actively gathers information of potential interest to a segment of the public, turns gathered information into a distinct work, or distributes that work to an audience within the United States.

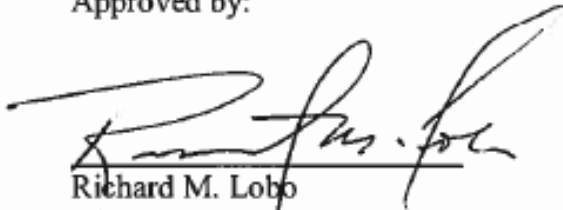
(2) "Organization" means any corporation, trust, association, cooperative, or other group organized primarily for scientific, educational, service, charitable, or similar purpose, including but not limited to institutions of higher education.

(3) "Programming" or "Program Material" means radio broadcasts, television broadcasts, and Internet content that the Agency disseminates to audiences outside of the United States, pursuant to: The U.S. Information and Educational Exchange Act of 1948 (22 U.S.C. § 1461 et seq.); The U.S. International Broadcasting Act of 1994 (22 U.S.C. § 6201 et seq.); The Radio Broadcasting to Cuba Act (22 U.S.C. § 1465 et seq.); or The Television Broadcasting to Cuba Act (22 U.S.C. § 1465aa et seq.).

(4) "Syndicate" means to license the right to distribute programming to multiple media entities outside the network of the broadcaster that produced the programming.

**(f) EFFECTIVE DATE AND APPROVAL:**

Approved by:

  
Richard M. Lobo  
Director  
International Broadcasting Bureau

Effective Date:

  
\_\_\_\_\_

International Broadcasting Bureau  
Manual of Operations & Administration

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TITLE 2, GENERAL ADMINISTRATION, PART 180

SECTIONS 181

SOLICITING INFORMATION FROM THE PUBLIC

181     Policy

182     Definitions

183     Provisions

183.1   OMB Approval

183.2   Information Collections Required by Statute

184     Responsibilities

184.1   Director of Administration

184.2   BBG Submissions

184.3   BBG Clearance Officer

185     Disclosure of Estimated Burden

185.1   Mandatory Requirement for BBG

186     Procedures

186.1   Assembling the Submission Package

187     Actions Following Submission to OMB

187.1   Final Clearance of Information Collection

187.2   OMB Control Number

187.3   Providing OMB with Sample Copies of Forms

188     OMB Monthly Report

189     Revision of Data Collection Forms Before Expiration Date

181 POLICY

The Paperwork Reduction Act of 1995 (PRA), P.L. 104-13, amending 44 U.S.C. Chapter 35, became effective October 1, 1995. The PRA, as implemented by the Office of Management and Budget, (OMB) regulations 5 CFR 1320, requires minimizing and controlling burdens associated with the collection of information by Federal agencies from individuals, businesses and other private institutions, and State and local governments.

182 DEFINITIONS

For purposes of implementing the Paperwork Reduction Act the following terms are defined:

a. Collection of Information means the obtaining or soliciting of information by an agency from ten or more persons which includes the use of forms, schedules, questionnaires, reporting or recordkeeping requirements, or other similar methods including verbal responses to questions asked as part of a public opinion survey. This definition also applies to any collection of information performed domestically or overseas.

b. Burden means the total time, effort, or financial resources expended by persons to respond to a collection of information, including reviewing instructions; developing, acquiring, installing, and utilizing technology and systems for the purposes of a) collecting, validating, and verifying information, b) processing and maintaining information, and c) disclosing and providing information; training personnel to respond to a collection of information; searching data sources; completing and reviewing the collection of information; and transmitting, or otherwise disclosing the information.

183 PROVISIONS

183.1 OMB Approval - To obtain OMB approval of a collection of information, an agency must demonstrate that it has taken every reasonable step to insure that the proposed collection of information:

a. is the least burdensome necessary for the proper performance of the agency's functions to comply with legal requirements and achieve program objectives;

b. is not duplicative of information otherwise accessible to the agency; and

c. has practical utility.

183.2 Information Collections Required by Statute - Unless it can be demonstrated that a collection of information is necessary to satisfy statutory requirements or other substantial need, OMB will not approve the collection of information.

## 184 RESPONSIBILITIES

184.1 IBB, Chief of Staff - The IBB Chief of Staff Director of has been delegated by the BBG Executive Director as the senior agency official to carry out BBG responsibilities under the Paperwork Reduction Act of 1995.

184.2 BBG Submissions - BBG submissions of information collection requirements for OMB review may only be made by the BBG Executive Director, senior official, or their designee.

184.3 BBG Clearance Officer - The senior official will appoint the BBG Clearance Officer from the Analysis and Administration Division, IBB/A, to execute the detailed work associated with obtaining OMB approval of new submissions and renewal of existing clearances for continuing information collection requirements.

## 185 DISCLOSURE OF ESTIMATED BURDEN

185.1 Mandatory Requirement for BBG - Section 1320.5 of OMB regulations 5 CFR Part 1320 requires agencies to indicate on each information collection the estimated average burden hours per response and to request public comments on the information collection. BBG's statement should read: "Public reporting burden for this collection of information is estimated to average (requesting office is to fill in amount hours or minutes) per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information." Also, the statement must inform respondents of the reasons the information is being collected; the way in which such information is to be used; whether responses are voluntary, required to obtain a benefit or mandatory."

In addition, the following statement must appear on all collections of information:

"An agency may not conduct or sponsor, and the respondent is not required to respond to a collection of information unless it displays a valid OMB control number. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Broadcasting Board of Governors, IBB/A, 330 Independence Avenue, SW, Washington, D.C. 20237; and to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB, Washington, D.C. 20503."

a. The requesting office shall disclose on each collection of information, as close as practicable to the location of the current OMB Control Number, the estimated average burden hours per response.

b. If it is not practicable to place the burden estimate and request for comments on the front page, at the beginning of the collection of information or in the regulatory text, the requesting office may place the burden estimate and request for comments at the beginning of the instructions that accompany the collection of information, or at the beginning of the preamble of a proposed or final rule that contains the collection of information.

c. Place the burden estimate and request for comments only on the copies of the collection of information, or in its instructions, printed or otherwise reproduced.

d. If special circumstances exist, OMB may, in consultation with the BBG Clearance Officer, exempt from the requirements of this section, specific collections of information or categories thereof.

## 186 PROCEDURES

### 186.1 Assembling the Submission Package

a. BBG elements requiring clearance of information collections or public use forms should contact the BBG Clearance Officer, IBB/A, to obtain a Form OMB-83-I, Paperwork Reduction Act Submission, and instructions for completing it and other supporting documentation. Because of the time required for public comments and OMB clearance, BBG elements should submit all documents to IBB/A 150 days before the information collection is to begin.

b. The requesting element completes OMB 83-I, and places the name and phone number of the BBG contact person in item 18.

c. The Clearance Officer will obtain the signature of the senior agency official (IBB, Chief of Staff) on item 19 of the OMB 83-I, "Certification for Paperwork Reduction Action Submissions."

d. The instructions for completing the OMB 83-I require the requestor to answer, in narrative form, 18 questions justifying the information collection, and if statistical methods are used, a section of 5 additional questions related to statistical use of the data collected.

e. Sample copies of any forms to be used in the information collection must also be submitted for OMB approval. The estimated burden hours statement must be properly displayed on all forms (see section 185.1).

f. After receipt of the Form OMB 83-I, supporting statement, sample copies of forms and copies of legislation in hand, the Clearance Officer writes an announcement for publication in the Federal Register. The BBG Clearance Officer prepares the first of two notices for publication in the Federal Register:

The 60-day Federal Register Notice is published 60 days prior to OMB submission to solicit public comment. Following the 60-day period, the BBG Clearance Officer prepares the second of two notices for publication in the Federal Register:

The 30-day Federal Register Notice is published to announce that the Information Collection packet has been submitted to OMB, and to allow the public an additional 30 days to comment on the collection.

186.2 Public Comment Period - Both the 60-day and 30-day Federal Register Notices (section 186.1), must allow the public a total of 90 days to comment on the proposed information collection. During this period, the public may also request copies of all submissions from the BBG Clearance



Officer. Public comments are to be submitted to the OMB Desk Officer for BBG and or the BBG Clearance Officer.

g. The Clearance Officer then prepares a forwarding letter to OMB explaining the submission package, and requesting review and clearance. OMB requires that all submissions include three sets of documents. The letter is to be addressed as follows:

Mr./Ms. (name of OMB Desk Officer for BBG)  
Office of Information and Regulatory Affairs (OIRA)  
Office of Management and Budget (OMB)  
Attn: Docket Library, Room 10102  
Washington, D. C. 20503

h. The final submission package is entered into the OMB electronic ROCIS system - the Regulatory Information Service Center (RISC) and Office of Information and Regulatory Affairs (OIRA) Combined Information System to include: electronic link to the Federal Register announcement; Information from Form OMB 83-I; narrative justification (Word or .pdf); .pdf copies of forms to be used for information collection; electronic links to the legislation or statute which allows or requires the information collection.

#### 187 ACTIONS FOLLOWING SUBMISSION TO OMB

187. 1 Final Clearance of Information Collection - Following the initial 60-day period for public comment, upon submission to OMB, the OMB Desk Officer will proceed with the clearance of the form, which requires a minimum review period of 30 to 60 days.

187.2 OMB Control Number - Upon approval, OMB ROCIS system will display the approval date and provide a unique identifying number, and an expiration date (from one to three years) for the information collection. The control number and the date must appear in the upper right hand corner of any forms or other documents used in the information collection, and must be updated with this information upon approval.

187.3 Providing OMB with Sample Copies of Forms - When information collection forms have been updated to display the OMB clearance number, expiration date, and estimated burden statement, a .pdf copy will be loaded onto into the electronic ROCIS system by BBG's clearance officer.

#### 188 OMB MONTHLY REPORT

OMB prepares a monthly compilation of information collection approvals, indicating the date of last action and the expiration date. OMB usually begins 150 days in advance to alert agencies when existing information collection approvals are due to expire.

#### 189 REVISION OF DATA COLLECTION FORMS BEFORE EXPIRATION DATE

If it is necessary to make substantive revisions to a public use form before the expiration date of the information collection, another full and complete submission to OMB is required as outlined in section 186 above.

#### 190 RENEWAL OF INFORMATION COLLECTION APPROVAL

If an information collection is to continue beyond the assigned expiration date, another full and complete submission, as outlined in section 186 above, will be required. An agency shall not continue to engage in an information collection after the expiration date of the OMB control number unless OMB has approved an extension. Renewal submissions for OMB should be submitted to IBB/A at least 150 days before the expiration date.

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## PART II GENERAL ADMINISTRATION, 100 GENERAL ADMINISTRATION, 190 REVIEWS AND INVESTIGATIONS OF BBG OPERATIONS BY OTHER FEDERAL AGENCIES AND THE CONGRESS Section 190

### REVIEWS AND INVESTIGATIONS OF BBG OPERATIONS BY OTHER FEDERAL AGENCIES AND THE CONGRESS

#### 191 General Policy

#### 192 Notice of Visit

- 192.1 Advance Arrangements
- 192.2 Unannounced Visits

#### 193 Restrictions on Disclosure of Information

- 193.1 Classified and Administratively Controlled Material
- 193.2 Personnel Records
- 193.3 Inspection Reports
- 193.4 Documents Intended for Personal Knowledge
- 193.5 Other

#### 194 Requests for Documents or Information Other Than by Personal Visit

#### 195 Action on Completion of Review, Inspection, or Audit

### Section 190

### REVIEWS AND INVESTIGATIONS OF BBG OPERATIONS BY OTHER FEDERAL AGENCIES AND THE CONGRESS

191 GENERAL POLICY - Various operations of the BBG are subject to review or investigation by several other agencies of the Executive Branch of the Government, such as the Office of Management and Budget (OMB), the Office of Personnel Management (OPM), by the General Accounting Office (GAO), State IG and committees and individual Members of the Congress. It is the policy of the BBG to cooperate with individuals from other agencies and the Congress in the conduct of their reviews and investigations, and to make available to authorized persons information and records required for official purposes unless disclosure would prejudice the best interest of the United States or violate statutory or regulatory provisions.

#### 192 NOTICE OF VISIT

192.1 Advance Arrangements - Normally, advance arrangements for visits are made by the reviewing or investigating individuals through the BBG Staff. If the planned visit is to an overseas establishment, the Director notifies the head of the establishment as far in advance as possible and provides any special instructions considered appropriate.

192.2 Unannounced Visits - If an individual visits an office or an overseas establishment without prior arrangements, the head of the office visited should request identification credentials, where appropriate.

a. Unannounced visits should be reported immediately to the Director of International Broadcasting and to the BBG Staff. The report should include information as to the name of the visitor, the name of the agency for which he or she is conducting the review or investigation, the purpose of the review or investigation, the extent which normal activities may be disrupted during the course of the review or investigation, and other information considered appropriate.

### 193 RESTRICTIONS ON DISCLOSURE OF INFORMATION

193.1 Classified and Administratively Controlled Material - Disclosure of classified material and administratively controlled material originated by Broadcasting or by another agency is governed by policies and procedures contained in MOA VIII.

193.2 Personnel Records - Disclosure of information contained in employees' official personnel files, and related documents such as personnel loyalty or security reports, performance reports, and medical records, is governed by policies and procedures contained in MOA V-A-900 and MOA V-B-900 (Personnel Records, Files, and Reports).

193.3 Documents Intended for Personal Knowledge - Intra-Agency correspondence, or correspondence between individuals in the Executive Branch, believed only for the personal knowledge of the receiver, will be made available only after obtaining the prior approval of the originating officer.

193.5 Other - Where doubt exists as to whether or not a certain document or certain information should be disclosed, clarification or advance approval should be obtained from the appropriate office of Broadcasting.

194 REQUESTS FOR DOCUMENTS OR INFORMATION OTHER THAN BY PERSONAL VISIT - The same policy and rules apply in furnishing documents or information in response to oral or written requests as that outlined above. Written replies transmitting documents or supplying requested information should be coordinated through the Office of Administration. Receipt of subpoenas with a view to producing records or obtaining information from records served on behalf of a court of law or a committee of the Congress should be reported immediately to the Office of the General Counsel.

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PART II GENERAL ADMINISTRATION, 200 COST REDUCTION AND MANAGEMENT  
IMPROVEMENTS  
Section 220

MANAGEMENT ACCOUNTABILITY AND CONTROL

- 221 Purpose
- 222 Policy
- 223 Authority
- 224 Scope
- 225 Responsibility of Managers
- 226 Risks
- 227 Management Controls
- 228 Management Reporting
  - 228.1 Director's Report
  - 228.2 Administration's Procedures
  - 228.3 Distribution of Integrity Act Report
- 229 The Role of the Office of the Inspector General (OIG)

221 PURPOSE - The purpose of this Manual of Operation & Administration (MOA) is to issue implementing instructions of the Chief Financial Office guidance toward financial soundness for the International Broadcasting Bureau/ Board of Governors, to meet compliance with the Office of Management and Budget (OMB) Circular A-123.

222 POLICY - It is the policy of BBG to acknowledge the requirements of laws regarding the establishment, maintenance, review of, and reporting on management controls. Management controls are intended to provide managers at all levels with reasonable assurance that resources are safeguarded against fraud, waste, abuse, mismanagement, loss, and unauthorized use in accordance with Office of Management and Budget (OMB) Circular A-123 and A-127, A-136 and Circular A-11.

223 AUTHORITY - This section issued pursuant to the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 3512) as amended by the Federal

Managers' Financial Integrity Act (FMFIA) of 1982 (P.L. 97-255), requiring organizational heads to establish and maintain systems of management controls and to report annually on their operation to the President and Congress. OMB Circular A-123, "Management Accountability and Control", (henceforth the Circular) provides guidance to Federal managers on improving the accountability and effectiveness of Federal programs and operations by establishing, assessing, and reporting on management controls. This compliance effort is, and must remain, an integral aspect of everyday management involving all managers and employees. All Broadcasting activities are subject to compliance with this directive, the Circular and the FMFIA. 224 SCOPE- Effective March 30, 2006, provisions of this section apply to all programs, operations, policy functions, management, administrative and accounting systems, and to personnel at all levels of Broadcasting. The head of each element should ensure compliance with provisions of this section by maintaining management controls that make sense for each organization's structure and environment.

225 RESPONSIBILITIES OF MANAGERS - Managers have been designated to be in charge of both program and administrative resources. At every level of leadership and supervisory control, management is responsible for:

- a. Ensuring internal controls are established, or where already in place followed, to ensure compliance with applicable regulatory guidance outlined herein. This will include annual checklists prepared by the CFO office and coordinated with BBG managers by the Office of Administration. (Checklists will serve to outline areas of vulnerability, which are to be reported in annual assessments). Ensure identification and implementation of operational safeguards to facilitate prevention of fraud, waste and abuse;
- b. Identifying and reporting to the CFO on the risks for waste, fraud, abuse and mismanagement of funds or property, conflict of interest, errors in reports and information, illegal or unethical acts and mismanagement inherent in unit operations;
- c. Ensuring an annual review of in-place safeguards to verify their adequacy;
- d. Modifying or replacing safeguards found to be inadequate in the annual reviews, noting for management, deficiencies judged to be of major consequence immediately upon their discovery and reporting annually on this process by means of a written statement to the next level manager in the organizational chain of command;
- e. Ensuring special emphasis of Property Accountability in accordance with the President's Management Agenda (PMA), as outlined herein.

226 RISK - Represents potential for problems present in the programs and functions of Broadcasting for which specific internal controls need to be in place. Assessments of risk potential by managers should be continuous. Examples are:

- a. Inadequate quality and cost measurement, control and reporting capability;

- b. Improperly, unsupervised or poorly trained employees;
- c. Absence of reasonable checks and balances in any aspect of the operation;
- d. Broad ranges of authority to individuals transcending standard functional lines such as ordering, receiving, paying, inventorying, and issuing;
- e. Lack of prior supervisory approval for overtime, travel, supply requisitions, etc., or other transactions affecting agency fund control.
- f. Insufficient or undocumented, or non-current Delegations of Authority on file;
- g. Vague areas of responsibility in position descriptions;
- h. Infrequent or haphazard inventorying, record keeping and reporting of supplies and equipment.
- i. Noncompliance with Federal Financial Systems requirements, Standard General Ledger (SGL) Accounting Standards, and applicable Federal Accounting Standards.

227 MANAGEMENT CONTROLS - Specifically, these measures provide reasonable assurance, if established and implemented properly, that an organization or function: (a) accomplishes its mission and objectives efficiently and effectively; (b) complies with applicable laws, regulations, policies and procedures; (c) safeguards funds, property, and other resources against waste, fraud, abuse, unauthorized use or mismanagement; (d) avoids conflict of interest; (e) makes effective use of human and financial resources; (f) has at its disposal sufficiently reliable financial and statistical reports to maintain accountability over assets and liabilities; and (g) holds its managers and staff accountable for their performance.

226 228 MANAGEMENT REPORTING - Pursuant to OMB Circular A-136, Agencies must prepare Performance and Accountability Reports (PAR) in accordance with OMB Bulletin No. 01-09 Form and Content of Agency Financial Statements, as amended and OMB Circular No. A-11 (Preparation, Submission, and Execution of the Budget), as amended. OMB Circular A-123, Reporting pursuant to Section 4. 31 U.S.C. 3512(d)(2)(B) (commonly referred to as Section 4 of the Integrity Act) requires an annual statement on whether the agency's financial management systems conform to government-wide requirements. The proposed "Accountability Report" would integrate the following information: the Integrity Act report, Management's Report on Final Action as required by the IG Act, the CFOs Act Annual Report (including audited financial statements). The CFO Office prepares agency financial statements, various segments of the reporting phase will require explanation or justification of data included in the statements. Under the Reports Consolidation Act of 2000 (P.L. 106-531), agencies are permitted to submit combined reports in implementing statutory requirements for

financial and performance management reporting to improve the efficiency of executive branch performance.

228.1 DIRECTOR'S REPORT - The annual reports on management control provide the basis for the Director's annual report, due in August of each year, assuring that Broadcasting's management controls are achieving their intended objectives. The Director's annual report, which is a part of the Annual Performance Report, must include a schedule and plan for the correction of material weaknesses cited. The Director must also consider deficiencies identified by the OIG, OMB and the GAO. The annual assurances from the element heads should be addressed to the Director and forwarded to the Director of Administration. An annex to the Director's Report provides the status of any previously reported major management deficiencies in Broadcasting's management control system. Submissions from various organizational elements or bureaus must be prepared with consideration given to the guidelines provided by the Office of Administration. These submissions will be used to support the BBG's overall Assurance Statement. Checklists and other narratives or justification of individual (organizational element) submissions must be provided to the Director of Administration.

228.2 ADMINISTRATION'S PROCEDURES - The Director of Administration will inform all elements, on an annual basis, of the procedures for Broadcasting's management control system and appropriate reporting requirements.

TAB A: Guidelines for BBG Managers (to facilitate management control objectives):

The agency head's assessment of management controls can be performed using a variety of information sources. Management has primary responsibility for monitoring and assessing controls, and should use other sources as a supplement to -- not a replacement for -- its own judgment. Sources of information include:

- o Management knowledge gained from the daily operation of agency programs and systems.
- o Management reviews conducted (i) expressly for the purpose of assessing management controls, or (ii) for other purposes with an assessment of management controls as a by-product of the review.
- o IG and GAO report, including audits (internal or external), inspections, reviews, investigations, outcome of hotline complaints, or other products.
- o Program evaluations/internal reviews.
- o Audits of financial statements conducted pursuant to the Chief Financial Officers Act, as amended, including: information revealed in preparing the financial statements; the auditor's reports on the financial statements, internal controls, and compliance with laws and regulations; and any other materials prepared relating to the statement.
- o Reviews of financial systems which consider whether the requirements of OMB Circular No. A-127 is being met. Reviews of systems and applications conducted pursuant to the Computer Security Act of 1987 (40 U.S.C. 759 note) and OMB Circular No. A-130, "Management of Federal Information Resources."



- o Annual performance plans and reports pursuant to the Government Performance and Results Act (GPRA).
- o Reports and other information provided by the Congressional committees of jurisdiction.
- o Establish goals consistent with the President's Management Agenda (PMA) on Real Property Asset Management Initiative

TAB B: Management Review Checklists (Best Practices):

The Director of Administration distributes guidance, Self Assessment Checklists and submission procedures; managers should ensure proper implementation and management of internal control systems. The agency head's assessment of management controls can be facilitated, in accordance with the above guidelines, by using the checklists to be furnished by the Office of Administration.

TAB C: Reporting on Management Controls:

Reporting Pursuant to Section 2. 31 U.S.C. 3512(d)(2) (commonly referred to as Section 2 of the Integrity Act) requires that annually by December 31, the head of each executive agency submit to the President and the Congress (i) a statement on whether there is reasonable assurance that the agency's controls are achieving their intended objectives; and (ii) a report on material weaknesses in the agency's controls. OMB may provide guidance on the composition of the annual report.

· Statement of Assurance. The statement on reasonable assurance represents the agency head's informed judgment as to the overall adequacy and effectiveness of management controls within the agency. The statement must take one of the following forms: statement of assurance; qualified statement of assurance, considering the exceptions explicitly noted; or statement of no assurance.

In deciding on the type of assurance to provide, the agency head should consider information from the sources described in Section III of this Circular, with input from senior program and administrative officials and the IG. The agency head must describe the analytical basis for the type of assurance being provided, and the extent to which agency activities were assessed. The agency head must sign the statement of assurance.

· Report on Material Weaknesses. The Integrity Act report must include agency plans to correct the material weaknesses and progress against those plans. Reporting Pursuant to Section 4. 31 U.S.C. 3512(d)(2)(B) (commonly referred to as Section 4 of the Integrity Act) requires an annual statement on whether the agency's financial management systems conform to government-wide requirements. These financial systems requirements are presented in OMB Circular No. A-127, "Financial Management Systems," section 7. If the agency does not conform with financial systems requirements, the statement must discuss the agency's plans for bringing its systems into compliance. If the agency head judges a deficiency in financial management systems and/or operations to be material when weighed against other agency deficiencies, the issue must be included in the annual Integrity Act report in the same manner as other material weaknesses.

228.3 DISTRIBUTION OF INTEGRITY ACT REPORT - The assurance statements and information related to both Sections 2 and 4 should be provided in a single Integrity Act report. Copies of the report are to be transmitted to

the President; the President of the Senate; the Speaker of the House of Representatives; the Director of OMB; and the Chairpersons and Ranking Members of the Senate Committee on Governmental Affairs, the House Committee on Government Reform and Oversight, and the relevant authorizing and appropriations committees and subcommittees. In addition, 10 copies of the report are to be provided to OMB's Office of Federal Financial Management, Management Integrity Branch. Agencies are also encouraged to make their reports available electronically.

229 THE ROLE OF THE OFFICE OF INSPECTOR GENERAL (OIG) - It is the responsibility of the OIG to evaluate the IBB/BBG practices in accordance with the CFO Act, to determine compliance with applicable laws and regulations. The Director of Administration will be advise by the OIG if an active part in the on-going review of management controls used by Broadcasting elements is necessary. The OIG routinely supports and augments the management controls and performance improvement efforts of broadcasting managers.

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PART II GENERAL ADMINISTRATION, 200 COST REDUCTION AND MANAGEMENT  
IMPROVEMENTS  
Section 230

AUDIT FOLLOW-UP

- 231 Purpose
- 232 Scope
- 233 Authority
- 234 Policy
- 235 Follow-up System
- 236 Action Officials and Impasse Resolution
  - 236.1 Final Letter of Determination
  - 236.2 Senior Audit Follow-up Official
- 237 Definitions
  - 237.1 Inspections
  - 237.2 Internal Audits
  - 237.3 External Audits
  - 237.4 Ineligible Cost
  - 237.5 Unsupported Cost
  - 237.6 Disallowed Cost
  - 237.7 Audit Finding
  - 237.8 Audit Recommendation
  - 237.9 Audit Determination
  - 237.10 Audit Resolution

231 PURPOSE - The purpose of this section is to provide policies and guidance for the implementation of OMB Circular A-50, "Audit Follow-up," regarding OIG issued reports with regard to the establishment, hierarchy, improvement, review, and reporting on the BBG audit follow-up system.

232 SCOPE - The audit follow-up system is applicable to all administrative and financial recommendations contained in external and internal audit and inspection reports processed or issued by the Office of Inspector General (OIG) and to all audit report recommendations involving the BBG, which are

presented by the General Accounting Office (GAO) and other government organizations.

233 AUTHORITY - This section is issued pursuant to the Budget and Accounting Act of 1921, as amended (31 USC & 53); Section 236 of the Legislative Reorganization Act of 1970; and GAO Policy and Procedures Manual for Guidance of Federal Agencies (Title 2-Accounting). The Supplemental Appropriation and Rescissions Act of 1980 specifically requires that all audits involving disallowed or questioned costs be resolved within six months of issuance.

234 POLICY- It is the policy of the BBG that audit follow-up is an integral part of good management that is a shared responsibility among Broadcasting management officials. Additionally, it is the BBG's policy that all corrective actions to audit findings are essential to improving the effectiveness and efficiency of the agency and its operations.

235 FOLLOW-UP SYSTEM - The BBG shall assign a high priority to the resolution of audit recommendations and to corrective action. Systems for resolution and corrective action must meet the following standards:

- (1) Provide for appointment of a top level audit follow-up official.
- (2) Require prompt resolution and corrective actions on audit recommendations. Resolution shall be made within a maximum of six months after issuance of a final report or, in the case of audits performed by non-Federal auditors, six months after receipt of the report by the Federal Government. Corrective action should proceed as rapidly as possible.
- (3) Specify criteria for proper resolution and corrective action on audit recommendations, whether resolution is in favor of the auditor or an auditee. These criteria should provide for written plans for corrective action with specified action dates, where appropriate.
- (4) Maintain accurate records of the status of audit reports or recommendations through the entire process of resolution and corrective action. Such records shall include appropriate accounting and collection controls over amounts determined to be due to the Government.
- (5) Provide a means to assure timely responses to audit reports and to resolve major disagreements between the audit organization and agency management or contracting officials. The process should provide sufficient time to permit resolution to take place within the six month limit.
- (6) Assure that resolution actions are consistent with law, regulation, and Administration policy; and include written justification containing, when applicable, the legal basis for decisions not agreeing with the audit recommendation.
- (7) Provide for coordinating resolution and corrective action on recommendations involving more than one program, agency, or level of Government.

(8) Provide semi-annual reports to the agency head on the status of all unresolved audit reports over six months old, the reasons therefore, and a timetable for their resolution; the number of reports or recommendations resolved during the period; the amount of disallowed costs; and collections, offsets, write-offs, demands for payment and other monetary benefits resulting from audits. These reports should include an update on the status of previously reported unresolved audits.

(9) Provide for periodic analysis of audit recommendations, resolution, and corrective action, to determine trends and system-wide problems, and to recommend solutions.

(10) Assure that performance appraisals of appropriate officials reflect effectiveness in resolving and implementing audit recommendations.

(11) Provide for an evaluation of whether the audit follow-up system results in efficient, prompt, and proper resolution and corrective action on audit recommendations. The first evaluation will be made within one year of the date of this Circular, and evaluations will be made periodically thereafter.

236 ACTION OFFICIALS & IMPASSE RESOLUTION: The Associate Director for Management, International Broadcasting Bureau, is the designated agency Senior Audit Follow-up Official. The SAFO has responsibility for ensuring that:

- (1) Systems of audit and inspection follow up, resolution, and corrective action are documented and in place;
- (2) Timely responses are made to all audit and inspection reports;
- (3) Disagreements are resolved; and
- (4) Corrective actions are taken, if required.

The Executive Director of the Broadcasting Board of Governors' (BBG) is the designated official for final impasse resolution when an audited or inspected BBG bureau, office, or other BBG activity does not agree with the Office of Inspector General (OIG) over the corrective action to resolve an audit/inspection recommendation.

By definition, the term "impasse" means that the audited/inspected action office either rejects or makes no response to an OIG corrective action recommendation after a reasonable effort to achieve agreement by the OIG and the action office. If at an "impasse" with the action office, the OIG can then seek resolution of the issue at the management level with the SAFO, but will provide the action office with sufficient notice and opportunity to present its reason for noncompliance concurrent with the OIG referral to the SAFO.

236.1 FINAL LETTER OF DETERMINATION - The official written notice detailing all necessary actions taken or to be taken and financial adjustments necessary to resolve the findings in an external audit report.

236.2 SENIOR AUDIT FOLLOW-UP OFFICIAL- is the individual responsible for audit follow-up. OMB Circular A-50 requires the head of an organization to

designate a top management official to oversee audit follow-up, including resolution and corrective action.

237 DEFINITIONS- The BBG shall provide understanding of the terms below for employees who will be involved with audits/inspections being conducted by the Inspector General's Office and the Government Accounting Office:

237.1 Inspections - Evaluations performed by OIG staff in the area of program effectiveness and efficiency, project impact, management operations, and compliance with Government regulations.

237.2 Internal Audits - Internal audits are detailed and extensive reviews of internal activities conducted by OIG staff. They include operational audits, performance audits, management reviews, or surveys covering headquarters and/or overseas activities.

237.3 External Audits - External audits are reviews covering contracts, grants, proposals or other activities of organizations (grantees, contractors, etc.) external to, but doing business with, Broadcasting elements.

(a). OIG Audits - OIG reviews of grantee or contractor operations including audits of fiscal and non-monetary operations, pre-award reviews, and contract closing statements.

(b). Independent Public Accountant Audits - Audits performed by independent public accountants engaged by external organizations or under contract with the BBG.

(c). Other Federal Audits - Audits conducted by the Department of State and Commerce Department or other Federal Agencies under contract.

237.4 Ineligible Cost - An incurred cost that is questioned by the OIG because of an alleged violation of a provision of a law, regulation, contract, grant, cooperative agreement, or other agreement or document governing the expenditure of funds.

237.5 Unsupported Cost - An incurred cost that is questioned by the OIG because at the time of the audit such costs were not supported by adequate documentation.

237.6 Disallowed Cost - An ineligible or unsupported cost that the contracting officer has concluded, in an audit determination, should not be charged to the Federal Government.

237.7 Audit Finding - A written explanation of errors, non-compliance with legal requirements, use of funds for improper purposes, weaknesses, deficiencies, or the need for improvements of changes which are disclosed in an audit.

237.8 Audit Recommendation - The auditor's written suggestions for specific action to correct a deficient condition, prevent a recurrence of the condition, alleviate the adverse effects of a condition, or request repayment of funds used improperly. The recommendation relates directly to

the cause of the weakness or deficiency. Recommendations are directed to action officials who have the authority and the responsibility to take corrective action on the adverse condition or weakness.

237.9 Audit Determination - The evaluation by management of the findings and recommendations included in an audit report and the issuance of a written final decision by management concerning its response, including corrective actions concluded to be necessary, to such findings and recommendations.

237.10 Audit Resolution - OMB Circular A-50, dated September 29, 1982, defines audit resolution as:

(A). "For most audits, the point at which the audit organization (OIG) and agency management or contracting officials agree on action to be taken on reported findings and recommendations; or, in the event of disagreement, to the point at which the Senior Audit Follow-up Official determines the matter to be resolved. A report may be considered resolved despite the right of persons outside the organization to negotiate, appeal, or litigate. Resolution of a report with respect to parties outside the Government does not preclude further consideration of issues in the report by broadcasting management."

(B). "For GAO reports, the point at which the organization responds to the Congress, as required by the Legislative Reorganization Act of 1970."

(C). External Audits findings:

(1) Disallowed costs - are considered resolved when the Contracting Officer transmits the final determination regarding amounts to be recovered. Evidence of the resolution of audit reported deficiencies are supplied to the OIG.

(2) Ineligible and Unsupported Costs - are considered resolved when costs are supportable and eligible under the program. [Such evidence should consist of appropriate documents, materials, and schedules].

(3) Findings Involving Procedural Matters - are considered resolved when evidence that action on the audit recommendation was completed or is underway, with reasonable assurances that the necessary action will be completed within a specified time frame.

d. Internal Audits and Inspections:

(1) Improved Management Practices - are considered resolved when management has completed the recommended action or has established and reported definitive plans and procedures (including estimated completion dates) for doing so.

(2) Revisions to Directives and/or Regulations - are considered resolved when management has started action to rewrite or revise policies, procedures, or regulations, including estimated implementation dates.

(3) Other findings are considered resolved when agreement has been reached between the OIG and the Action Official that good reasons exist for not following the audit recommendation, e.g., the conditions upon which a recommendation was made have changed to such an extent as to negate implementation of the recommendation.



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PART II GENERAL ADMINISTRATION, 200 COST REDUCTION AND MANAGEMENT  
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Section 260

ACQUISITION OF COMMERCIAL OR INDUSTRIAL PRODUCTS AND SERVICES

261 Purpose and Scope

262 Responsibilities

262.1 Director of Administration

262.2 Director of International Broadcasting

262.3 Appeals

Section 260

ACQUISITION OF COMMERCIAL OR INDUSTRIAL PRODUCTS AND SERVICES

261 PURPOSE AND SCOPE - the purpose of this section is to assign responsibilities for implementing Office and Management and Budget (OMB) Circular A-76, Revised, Policies for Acquiring Commercial or Industrial Products and Services Needed by the Government. The Circular prescribes policies and provides guidelines for determining whether Agencies should rely on themselves or on private enterprise to supply the commercial and industrial products and services they use.

262 RESPONSIBILITIES

262.1 Director of Administration - In accordance with Section 9 of OMB Circular A-76, Revised, the Director of Administration is designated as the official responsible for:

a. Implementing and administering the policies in the Circular.

262.2 The Director of International Broadcasting should be familiar with the provisions of Circular A-76 and is responsible for advising the

Director of Administration when the establishment of a new or expansion of an existing commercial or industrial activity is being proposed.

- a. A new start is a Government commercial or industrial activity, estimated to incur more than \$100,000 in annual operating costs, including a transfer from contract to in-house performance. Additionally, any expansion of an existing activity which would increase the capital investment or annual operating cost by 100% or more is considered a new start.
- b. An expansion is the modernization, replacement, upgrade, or enlargement of a Government commercial or industrial activity involving additional capital investment of \$100,000 or more, or increasing annual operating costs by \$200,000 or more; provided the increase exceeds 20% of the total investment or annual operating costs.

262.3 Appeals - In accordance with Section 11 of OMB Circular A-76 Revised, the Director of International Broadcasting is the official responsible for the review of appeals resulting from decisions made under OMB Circular A-76 and the resolution of questions of determinations between contract and in-house performance.

- a. Any party affected directly by a decision or action on an A-76 activity may appeal the decision or action. Affected parties mean Federal employees and their representative organizations, contractors and potential contractors, and contract employees and their representatives.
- b. The appeal must be made in writing stating the specific objection and be received by the Director of Administration within 10 working days after the announcement of the decision.
- c. The decisions and the appeal will be reviewed by the Director of International Broadcasting and a determination made within 30 days of receipt.
- d. If more than one appeal is based on the same objection(s), one decision by the Director will resolve all appeals relative to the specific objection(s).
- e. Decisions by the Director are final in all cases. This appeals procedure does not authorize an appeal outside Broadcasting or a judicial review. The procedure and Broadcasting determinations are not subject to negotiation, arbitration, or agreements with any affected party or parties.

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NOTICE

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MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART II GENERAL ADMINISTRATION, 300 ISSUANCE SYSTEMS AND FORMS  
Section 310

ISSUANCE SYSTEMS

311 Purpose and Scope

312 Directives

- 312.1 Manual of Operations and Administration (MOA)
- 312.2 Foreign Affairs Manual

313 Circulars

- 313.1 Controls
- 313.2 Authority

314 Broadcast Announcements

- 314.1 Scope
- 314.2 Controls

311 PURPOSE AND SCOPE - This Section describes the way information on matters of administration, policy, and procedures are disseminated within Broadcasting.

312 DIRECTIVES

Directives consist of operational regulations and legislation relating to the management of Broadcasting which includes the Manual of Operations and Administration (MOA) , Administrative Advisories, and new operating guidelines.

312.1 Manual of Operations and Administration (MOA) - is used to incorporate and publish policy and procedures . The Manual is designed to provide all employees with an authoritative source of information on policies and procedures. It details organizational structure, functions,

and authorities. It explains the statutes and regulations governing Broadcasting practices. It describes the policies through which Broadcasting is operated and it outlines the procedures through which these policies are implemented. Administrative Advisories are issued in advance of changes in the MOA.

312.2 Foreign Affairs Manual - Regulations covering certain fields e.g., travel, security, Foreign Service personnel, etc. have been issued as uniform regulations in the Foreign Affairs Manual (FAM) of the Department of State. These uniform regulations are used to publish joint administrative policies and procedures. These regulations will remain in effect until Broadcasting develops its own regulations.

### 313 CIRCULARS

Circulars are used for issuing regulations or instructions that are of a temporary nature. They are numbered in numerical sequence as they are issued.

313.2 Controls - Circulars are drafted and clearances obtained, as necessary, by the office having primary responsibility for the subject matter. The Directives Management Staff, Office of Administration reviews proposed Circulars for conformity to standards, edits and prepares material for electronic distribution.

313.3 Authority - Circulars are issued without signature, but with proper clearances and approvals recorded on file with the Office of Administration.

### 314 BROADCAST ANNOUNCEMENTS

314.1 Scope - Announcements are used for official one-time, information-only. Announcements are issued ELECTRONICALLY. Announcements are identified with a number which denotes the current year, a sequential number and the originating office and drafter.

#### 314.2 Controls

Processing - Announcements are drafted and clearances obtained, as necessary, by the office having primary responsibility for the subject matter. The Office of Administration reviews proposed Announcements for proper clearances and forwards the material for electronic distribution. The Office of Administration maintains appropriate records of necessary clearances and approvals of the proposed announcements.

Use of Official Format - The format illustrated below is to be used :

#### BROADCAST

Announcement No.

January X, 2000

Originating Office:

International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

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TITLE 2 GENERAL ADMINISTRATION, PART 300 ISSUANCE SYSTEMS AND FORMS  
Section 330  
FORMS CONTROL PROGRAM

Sections 331

331 Purpose and Scope

- 331.1 Purpose
- 331.2 Scope
- 331.3 Policy
- 331.4 Authorities

332 Definitions

333 Related Procedures

334 Access and Operation of .pdf Forms in Sharepoint

335 Forms Design, Revision, and Approval

- 335.1 New Forms Design
- 335.2 Previously Issued Forms
- 335.3 Approval

336 Request for Automation/Reproduction

337 Unauthorized Forms

331 PURPOSE AND SCOPE

331.1 Purpose - This Directive establishes the Broadcasting Board of Governors, International Broadcasting Bureau's (BBG/IBB) Forms Control Program. The International Broadcasting Bureau's, Analysis and Administration Division's, Forms Control Program provides for the management, centralized review and standardization of all in-house IBB

forms, Standard forms (SF), Optional forms (OF), and specialty forms in electronic and hard-copy formats. The centralized review and standardization of forms eliminates unnecessary forms, produce forms that reduce paper work, and contributes to more efficient operations.

331.2 Scope - The Forms Control Program covers all forms, whether used throughout Broadcasting or by one element. This includes all IBB created forms; Standard forms, prescribed by a Federal agency and approved by the General Services Administration (GSA) for mandatory use throughout the Federal Government; and Optional forms, developed for use by two or more agencies and approved by GSA for non-mandatory use.

331.3 Policy - All IBB forms designed and/or used by the IBB in the conduct of Government business will be centrally designed, controlled and maintained in a standardized format by the International Broadcasting Bureau's, Analysis and Administration Division, to:

- a) promote consistent quality, economy, and efficiency; and
- b) ensure that forms are designed in a standardized format to simplify preparation, eliminate duplication, and comply with GSA forms design standards.

331.4 Authorities -

- a) Federal Records Act, 44 U.S. Chapter 31, Records Management by Federal Agencies. This statute contains the legal authority for records management in the Federal Government. It provides GSA with oversight responsibility concerning the creation, maintenance, and use of records in Federal agencies. Forms management is one area of records management.
- b) Government Paperwork Elimination Act (GPEA), P.L. 105-277 requires that, when practicable, Federal agencies use electronic forms, electronic filing, and electronic signatures to conduct official business with the public.
- c) Privacy Act of 1974, 5 U.S.C. 552a. This Act safeguards individuals against an invasion of personal privacy. It requires agencies to establish procedures for identifying and preventing the disclosure of personal information that it maintains to unauthorized individuals or organizations. The Act also requires that forms used to collect information from individuals contain a Privacy Act statement that cites the authority for collecting the information, the purposes for requesting it, and the penalties for not providing the information.
- d) Freedom of Information Act (FOIA) of 1966, 5 U.S.C. 552. This Act establishes policy and guidelines concerning public access to Federal records. Agencies are required to identify restricted information, including information contained on forms, under the provisions of the Act.
- e) Federal Management Regulation, Chapter 102, Part 102-194, Standard and Optional Forms Management Program. This regulation describes GSA's Standard and Optional Forms Management Program and provides a model for Federal Agencies to follow in the management of their Forms Control Program.

f) Code of Federal Regulations, Title 41, Chapter 101, Part 101-26, Section 101-26.302, Standard and Optional Forms. This regulation describes the GSA procedures for the procurement of Standard and Optional forms.

### 332 DEFINITIONS

A *form* is a fixed arrangement of captioned spaces designed for entering and extracting prescribed information, used in reporting, processing, transmitting, or recording data concerning the operations. All forms that are in continuous use or will become a permanent record, whether Broadcast wide or one element's use, will be given a number in the appropriate series.

A *paper form* is a preprinted document with fixed information and blank spaces for entering information.

An *electronic form* is an arrangement of fixed data items, created on a computer that can be completed, saved, transmitted/routed, signed electronically, and/or printed at the user site.

### 333 RELATED PROCEDURES

The office having functional control for the use of a form is responsible for preparing and updating administrative regulations covering its use. Requisitions processed through the Office of Contracts must be completed using only Prism software NOT Adobe .pdf software.

### 334 ACCESS AND OPERATION OF .PDF FORMS IN SHAREPOINT

a) .PDF Adobe forms are accessed from the <http://inside.bbg.gov> Home Page by clicking on the "Electronic Forms" link.

b) To locate a particular form, click on one of the major form categories, IBB,SF, OF, GSA, etc., scan through the forms in numeric order, or enter in a key word in the search function located at the top right side of the page. Each form is listed by number, title, and revision date. For faster access to the forms when using the search function, type in the form number or a portion of the title in the box provided, and click on the magnifying glass graphic. If there are multiple matches, they will all be listed.

c) A completed IBB form may be saved to your "H:\Forms" directory for easy retrieval, or it may be saved into another personal directory of your choosing.

d) The electronic Adobe .pdf forms are also available on the FTP Server to Agency elements/organizations without access to the BBG Home Page using the following information:

Hostname: upload.voa.gov  
Username: ibbforms  
Password: dwlndLe

For any Optional, Standard (OF/SF) or other forms not found on the IBB Home Page or FTP Server, please visit the GSA Forms. The GSA website is best viewed in Microsoft Internet Explorer.

### 335 FORMS, DESIGN, REVISION, AND APPROVAL

335.1 New Forms Design - The Analysis and Administration Division, will develop new forms in the Agency approved software, Adobe .pdf. The Analysis and Administration Division should be consulted early in the draft stage to avoid duplication. All IBB created forms will bear the IBB approved eagle logo, IBB prefix followed by a unique four-digit number, appropriate BAM citation, and edition date for control purposes to indicate that the forms have been cleared and approved. A new form should be letter-size, except under unusual circumstances, and will not be approved if there is an existing form that will serve the same purpose.

335.2 Previously Issued Forms - The office of origin/primary user is the only office authorized to modify existing forms. To request a revision, the office of origin must submit a copy of the current form along with the revision instructions to the Analysis and Administration Division.

335.3 Approval - No form is to be printed, entered into Adobe or automated using alternate software without obtaining prior clearance from the Analysis and Administration Division. Requests to revise a form or develop a new form must be approved by the originating office head prior to submission to the Analysis and Administration Division.

### 336 REQUESTS FOR AUTOMATION/REPRODUCTION

Use of electronic forms is encouraged; however, organizations requiring blank paper forms may print out the form in Adobe and make the necessary copies. If the form is unavailable in Adobe and a hardcopy is needed, a blank copy may be acquired by contacting the The Analysis and Administration Division. If more than 100 copies are needed, the office may request copies of the form by submitting a Printing and Reproduction Services Requisition (IBB-300) The Analysis and Administration Division, Room 1657, Cohen Building.

Requests to place a form into Adobe or for reproduction of blank forms must include a final version of the form on white bond paper. An attached memorandum should state the proposed use of, and justification for, the form; estimated annual usage; required clearances; the BAM citation; and if the form is to be used by more than one organizational element. The Analysis and Administration Division will assign the form number and date. In lieu of hardcopy forms, all forms will be automated and entered into Adobe as practicable in keeping with the Government Paperwork Elimination Act (GPEA).

THE APPROPRIATION CHARGEABLE AND FUNDS AVAILABLE BLOCKS ON THE SERVICES REQUISITION, IBB-300 FORM, MUST BE COMPLETED BY THE REQUESTING ELEMENT.

### 337 UNAUTHORIZED FORMS



Unauthorized forms are known to be duplicative, inefficient, may not gather all the information needed, or may gather irrelevant information. Automated unauthorized forms can also impact the agency's database management system by collecting data in a different format or by preventing access to other users who could share the data. Unauthorized forms are not recognized as official IBB forms as they exist outside of the IBB control system.

International Broadcasting Bureau  
Manual of Operations & Administration

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PART II GENERAL ADMINISTRATION, 400 ADMINISTRATIVE MANAGEMENT  
Section 480

DELEGATIONS OF AUTHORITY

481 Inherent Authority

482 Written Delegation of Authority

- 482.1 Limits of Authority
- 482.2 Conditions or Criteria of Execution
- 482.3 Authorizing Redelegations
- 482.4 Authority of Officers in Line of Command
- 482.5 Officers Acting as Principals

483 Publishing and Distributing Delegations of Authority

484 Specific Delegation

- 484.1 Approval of Travel Authorizations and Signing and Issuing United States of America Transportation Requests
- 484.2 Delegated Officials
- 484.3 Designating Certifying Officers in Event of Civil Defense Emergency or Enemy Attack
- 484.4 Order of Precedence to Serve as Acting Director
- 484.5 Other Delegations
- 484.6 Delegation of Authority for Procurement Transactions

FORMAL BBG DELEGATIONS OF AUTHORITY WITH NUMERICAL LISTING (AT THE END OF THIS SECTION)

Section 480

DELEGATIONS OF AUTHORITY

481 INHERENT AUTHORITY

The authority for heads of Agencies and offices to carry out their responsibilities is an inherent part of the assignment of such responsibilities. This authority is included in personnel "job" sheets, organization charts, and functional statements, and in policies and responsibilities set forth in circulars and other directives. Certain authorities vested in the Director by law may be delegated by the Director only through written delegations of authority.

#### 482 WRITTEN DELEGATIONS OF AUTHORITY

When written delegations of authority are issued, the following conditions apply:

482.1 Limits of Authority - The written delegation of authority will set forth the specific actions for which an officer has authority as well as limitations and special conditions for exercising the authority.

482.2 Conditions or Criteria of Execution - The written delegation of authority will be subject to any legally prescribed conditions or criteria of execution, whether or not mentioned in the delegation.

482.3 Authorizing Redelegations - No redelegations of authority can be made unless specifically authorized by the terms of the delegation. A signed copy of each redelegation of authority will be kept on file by the Office of Administration and the Office of the General Counsel.

482.4 Authority of Officers in the Line of Command - The officers in line of command above the officer to whom authority is delegated have the same authority as that contained in the written delegation.

482.5 Officers Acting as Principals - An officer acting during the extended absence of a principal to whom authority has been delegated has the full authority of that principal, in accordance with the following:

- a. A officer formally designated by official personnel journal action or in an Announcement automatically becomes acting chief and may exercise authorities of the chief during his or her absence.
- b. An assistant not included in paragraph a. above, or other responsible officer, may exercise authorities of the principal when designated in writing by the principal.

#### 483 PUBLISHING AND DISTRIBUTING DELEGATIONS OF AUTHORITY

The Office of Administration is responsible for publishing and distributing all delegations of authority. All delegations of authority will be issued in this Section. If a delegation of authority is intended to be temporary, or for a particular event, it will be issued as a separate numbered document. Most delegations of authority will be written by the Office of the General Counsel.

ALL delegations of authority will be cleared by the Office of the General Counsel.

#### 484 SPECIFIC DELEGATIONS

484.1 Approval of Travel Authorizations and Signing and Issuing United States of America Transportation Requests - Pursuant to provisions of 5 U.S.C. 302, 22 U.S.C. 2658 as transferred by Reorganization Plan No. 2 of 1977 and according to the provisions of Executive Order 10477 (August 1, 1953) as amended, and Executive Order 12048 (March 27, 1978), and the Foreign Affairs Reform and Restructuring Act of 1998, the Director of Administration is authorized:

- a. to approve and sign travel authorizations, including transportation of personnel and their dependents and household effects in connection with a transfer of personnel;
- b. to sign and issue United States of America Transportation Requests.

484.2 Delegated Officials -A complete list of officials to whom the authorities described in subparagraph 484.1b above have been redelegated is at the end of this section.

484.3 Designating Certifying Officers in Event of Civil Defense Emergency or Enemy Attack - Authority is delegated to the ranking official of Broadcasting at each existing point of operation and relocation center in the continental United States to designate Certifying Officers to certify vouchers presented to Disbursing Officers for payment, in accordance with the Act of December 29, 1941 (55 Stat. 875). This delegation is to be exercised only upon proclamation by the President of the existence of a state of civil defense emergency or in the event of an enemy attack upon any point within the continental limits of the United States.

484.4 Other Delegations - Are listed at the end of this section.

EXHIBIT 480A

Table of Delegations of Authority  
Incorporated in the MOA

MOA LOCATION SUBJECT

II-484.1 & VII-811.3 Approval of Travel Authorizations, Travel Advances,  
and Signing and Issuing United States of America Transportation Requests

II-484.3 Designating Certifying Officers in Event of Civil Defense  
Emergency or Enemy Attack

II-512 Signing Working Agreements with Other Government Agencies

IV-555 Authorizing Acceptance by Employees of Contributions, Awards, or  
Payments Under the Government Employees Training Act

IV-814 Approving Use of Government-Owned Motor Vehicles to Transport  
Employees Between Domicile and Place of Employment in U. S.

V-A-122 Approving Personnel Actions

V-A-122 Determining Whether Work of an Employee Meets "Acceptable Level of  
Competence" Requirement for Within-Grade Increase

V-A-122 Approving Additional Within-Grade Salary Increases in Recognition  
of High Quality Performance

V-A-235.7 Reconsidering a Determination or Redetermination That an  
Employee's Work Was Not of an Acceptable Level of Competence

V-B-122 Approving Personnel Actions

V-B-122 & 121.2 Delegation of Travel and Personnel Authorities to 6 FAM  
Officers-in-Charge of Transmitting Stations, Program Centers, and VOA  
Correspondent Staffs, and Affiliate Offices

V-B-122.2h Approving Within-Grade Salary Increases for Foreign Service  
Employees

V-B-235.5 Reconsidering a Determination or Redetermination That an  
Employee's Work Was Not of an Acceptable Level of Competence

VI-113 Administrative Responsibility for Control of Funds

VII-112 For Certain Fiscal Transactions

VII-112 Authority on Certain Administrative Matters

VII-112 Certain Authorities to Director, Office of Administration

VII-481.3 Domestic Tort Claims

VII-811.3 & II-484.1 Approval of Travel Authorizations, Travel Advances,  
and Signing and Issuing United States of America Transportation Requests

VIII-432.3 Granting Exceptions to Security Screening Regulations for  
Persons Furnishing Services Under Contract or Purchase Order

IX- 118, IX-246.3 & 246.4 For Procurement Transactions

Exhibit 480B

Compilation of Redelegations of Authority Regarding United States of America Transportation Requests (GTR's)

The officials listed below have been redelegated the authority to sign and issue United States of America Transportation Requests as indicated:

a. For Broadcasting

- (1) Travel Assistant, Office of Administration
- (2) Chiefs of the Boston, Chicago, Los Angeles, Miami, and New York News Bureaus
- (3) Station Manager, Deputy Station Manager, and Administrative Officer, Edward R. Murrow Transmitting Station with respect to travel of the Transmitting Station staff within a radius of 600 miles of Greenville, North Carolina.
- (4) Station Manager and Deputy Station Manager at the Delano Transmitting Station, with respect to travel of their staff within a radius of 500 miles of the home stations and between home stations and Washington, D. C.
- (5) Administrative Officer - Office of Cuba Broadcasting
- (6) Chief, Travel and Transportation Branch, Office of Administration
- (7) Traffic Management Specialist, Travel and Transportation Branch, Office of Administration
- (8) Travel Assistant, Travel and Transportation Branch, Office of Administration

Exhibit 480C

NUMERICAL CHECKLIST OF DELEGATIONS OF AUTHORITY

Delegation Order - 99-1 - Director, Broadcasting Board of Governors  
Delegation Order - 99-2 - Chief Information Officer  
Delegation Order - 99-3 - Director of International Broadcasting - Certain  
SES Authorities  
Delegation Order - 99-4 - Director of International Broadcasting - Anti-  
Discrimination Authorities  
Delegation Order - 99-5 - Director, Office of Civil Rights - Redelegation  
of Anti-Discrimination Authorities  
Delegation Order - 99-6 - General Counsel  
Delegation Order - 99-7 - Director of International Broadcasting -  
Security Authorities  
Delegation Order - 99-8 - Director, Office of Security - Redelegation of  
Security Authorities  
Delegation Order - 99-9 - Designated Agency Ethics Officer  
Delegation Order - 99-10 - Director of International Broadcasting -  
Procurement Authorities  
Delegation Order - 99-11 - Senior Procurement Executive - Redelegation of  
Procurement Authorities  
Delegation Order - 99-12 - Director of International Broadcasting -  
Personnel Authorities  
Delegation Order - 99-13- Director, Office of Personnel - Redelegation of  
Personnel Authorities

The following pages are copies of delegations of authority arranged in  
numerical order.



DELEGATION ORDER 99-1

DELEGATION OF AUTHORITY TO THE DIRECTOR OF THE BROADCASTING BOARD OF GOVERNORS

Pursuant to the authority vested in the Broadcasting Board of Governors ("the agency") under the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431, et seq.), the United States International Broadcasting Act of 1994, as amended (22 U.S.C. 6201, et seq.), the Foreign Affairs Consolidation Act of 1998 (Public Law 105-277), and other relevant laws, Executive Orders and regulations, we hereby delegate to the Director of International Broadcasting the following authority:

- 1) To review engineering activities to ensure that all broadcasting elements receive the highest quality and cost-effective delivery services;
- 2) To undertake such studies as may be necessary to identify areas in which broadcasting activities could be made more efficient and economical;
- 3) To the extent considered necessary to carry out the functions of the organization, to procure supplies, services and other personal property;
- 4) To provide administrative services, both domestically and overseas, to various elements and to its officers and employees wherever located; to supervise the making of contracts and grants, and otherwise to supervise the acquisition of property and services required by the agency for the conduct of its official business; and to make arrangements for communication and for automatic data processing equipment and services;
- 5) To provide personnel services (including by appointment in the civil or foreign service and by employment of foreign nationals both domestically and in foreign countries); to establish training and development programs with respect to any category of personnel; to conduct employee-management relations; and to administer systems for the resolution of employee grievances;
- 6) To conduct management reviews of overseas establishments; to provide security services and to conduct personnel and administrative investigations;
- 7) To prepare for and to participate in conferences or negotiations with foreign governments or international organizations with respect to the functions delegated hereunder. The assistance and participation of the Office of the General Counsel shall be considered necessary in all such negotiations.
- 8) To enter into interagency agreements to further the discharge of responsibilities set forth herein;
- 9) To issue requisitions for personal property, services (including construction) and real property to be acquired by the Senior Procurement Officer. This delegation order does not give the Director of the Broadcasting Board of Governors the authority to make contracts or grants.

10) To approve and sign travel authorizations, including transportation of personnel and their dependents and household effects in connection with a transfer of personnel.

11) To make all determinations and decisions with respect to the standardization of material, equipment and other personal property to be acquired for use;

12) To administer and manage Federal property under regulations issued by the General Services Administration;

13) To provide budgeting, fiscal control and other financial services, including the planning and preparation of annual budgets for submission to the Office of Management and Budget and to the Congress;

14) To authorize the publication in newspapers of advertisements, notices, or proposals pursuant to 4 U.S.C. 3702. Texts of all such advertisements, notices and proposals shall be submitted to the Office of the General Counsel prior to publication;

15) As provided by law, to accept gifts on behalf of the Broadcasting Board of Governors. This authority may not be redelegated.

16) To redelegate any authority delegated herein, together with the power of further redelegation, unless otherwise specified.

In the event of a vacancy in the position of Director of International Broadcasting, any authority delegated hereunder may be exercised by the Acting Director of International Broadcasting .

Notwithstanding this or any other delegation of authority, the Broadcasting Board of Governors retains, and may at any time exercise, the authority delegated herein.

All actions taken pursuant to any authority delegated prior to this Order are hereby confirmed and ratified and shall remain in full force and effect as if taken under this Order, unless or until rescinded, amended or superseded.

This order is effective immediately.

BROADCASTING BOARD OF GOVERNORS

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Marc B. Nathanson

Chairman

Date \_\_\_\_\_

DELEGATION ORDER 99-2

CHIEF INFORMATION OFFICER

The Information Technology Management Reform Act of 1996 (P.L. 104-106) requires each agency to appoint a Chief Information Officer. The duties of the Chief Information Officer are set forth in section 5125 of the Act (attached.) Those duties are:

1) to provide advice and other assistance to the head of the agency to ensure that information technology is acquired and information resources are managed in a manner that implements the policies and procedures in the Act.

2) to develop, maintain, and facilitate the implementation of a sound and integrated information technology architecture. "Information technology architecture" is defined in the Act as an integrated framework for evolving or maintaining existing information technology to achieve strategic goals and information resources management goals.

3) to promote the effective and efficient design and operation of all major information resources management processes.

DELEGATION ORDER 99-2

ASSISTANT TO THE DIRECTOR OF THE INTERNATIONAL BROADCASTING BUREAU AND  
CHIEF INFORMATION OFFICER

Pursuant to the authority vested in the Broadcasting Board of Governors under the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431, et seq.), the United States International Broadcasting Act of 1994, as amended (22 U.S.C. 6201, et seq.), the Foreign Affairs Consolidation Act of 1998 (Public Law 105-277), the Information Technology Management Reform Act of 1996 (Public Law 104-106), and other relevant laws, Executive Orders and regulations, the Broadcasting Board of Governors hereby designates and appoints the Assistant to the Director of International Broadcasting and Chief Information Officer.

Also, pursuant to the above authorities, the Broadcasting Board of Governors hereby delegates the Assistant to the Director of International Broadcasting and Chief Information Officer, the authority, functions, and responsibilities of Chief Information Officer, as set forth in the Information Technology Management Reform Act of 1996.

Notwithstanding any other provision of this Delegation Order, the Broadcasting Board of Governors retains, and may at any time exercise, any functions or authority delegated herein. This Delegation Order is effective immediately.

BROADCASTING BOARD OF GOVERNORS

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Marc B. Nathanson

Chairman

Date\_\_\_\_\_

BROADCASTING BOARD OF GOVERNORS

DELEGATION ORDER 99-3

DELEGATION OF CERTAIN SENIOR EXECUTIVE SERVICE AUTHORITIES TO THE  
DIRECTOR OF THE INTERNATIONAL BROADCASTING BUREAU

Pursuant to the authority vested in the Broadcasting Board of Governors ("the Board") under the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431, et seq.), the United States International Broadcasting Act of 1994, as amended (22 U.S.C. 6201, et seq.), the Foreign Affairs Consolidation Act of 1998 (Public Law 105-277), the Senior Executive Service Act (Title IV of the Civil Service Reform Act of 1978, 5 U.S.C. 3131, et seq.), and other relevant laws, Executive Orders and regulations, the Board hereby delegates to the Director of the International Broadcasting Bureau, certain powers of the Board, as set forth below, with respect to the Senior Executive Service employees of the International Broadcasting Bureau.

The Director of the International Broadcasting Bureau is hereby delegated the authority to appoint, reassign, transfer, develop, and appraise the performance of the Senior Executive Service employees of the International Broadcasting Bureau, to convene an Executive Resources Board and a Performance Review Board, and to approve final performance appraisals, Senior Executive Service pay level increases, and performance awards for all Senior Executive employees of the International Broadcasting Bureau.

Notwithstanding any other provision of this Delegation Order, the Board may at any time exercise any function or any authority delegated herein to the Director of the International Broadcasting Bureau and, specifically, the Board reserves to itself its authority to appoint, reassign, transfer, develop, and appraise the performance of Senior Executive Service employees serving as staff personnel of the Board pursuant to the Board's authorities under Section 305(a)(11) of the International Broadcasting Act of 1994.

This Delegation Order is effective immediately.

BROADCASTING BOARD OF GOVERNORS

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Marc B. Nathanson  
Chairman

Date \_\_\_\_\_

DELEGATION ORDER 99-4

DELEGATION OF ANTI-DISCRIMINATION AUTHORITIES TO THE DIRECTOR OF THE  
INTERNATIONAL BROADCASTING BUREAU

Pursuant to the authority vested in the Broadcasting Board of Governors ("the Board") under the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431, et seq.), the United States International Broadcasting Act of 1994, as amended (22 U.S.C. 6201, et seq.), the Foreign Affairs Consolidation Act of 1998 (Public Law 105-277), and other relevant laws, Executive Orders and regulations, the Board hereby delegates to the Director of the International Broadcasting Bureau the following described authority:

1. To implement, administer and monitor anti-discrimination laws, regulations, Executive Orders, procedures and programs applicable to the Board, including the International Broadcasting Bureau, its employees, or to any person, organization or business dealing with the Board or the International Broadcasting Bureau.
2. To oversee and direct the investigation, resolution, compromise, and settlement of any and all complaints against the Board, including the International Broadcasting Bureau, arising out of or based on allegations of illegal discriminatory acts by or on behalf of employees of the Board, including the International Broadcasting Bureau, and to issue Final Agency Decisions. The Director of the International Broadcasting Bureau is responsible for ensuring that its investigations, resolutions, compromises, and settlements are consistent with applicable law and, therefore, in order to ensure that they are in compliance with law, all Final Agency Decisions, compromises and settlements are to be reviewed by the Office of the General Counsel before being executed on behalf of the Board.
3. To perform reviews and otherwise oversee organizations and businesses receiving funds or assistance from the Board, including the International Broadcasting Bureau, as required under applicable statutes and regulations to ensure that the organizations and businesses are in compliance with anti-discrimination laws, Executive Orders, and regulations, to the extent that such responsibility does not reside elsewhere.
4. To make recommendations to the Board for such disciplinary actions as may be warranted by the circumstances when an employee of the Board, including the International Broadcasting Bureau, has been found to have engaged in illegal discriminatory practice.
5. To evaluate from time to time the sufficiency of the Board's program for equal opportunity and civil rights, reporting thereon to the Board with recommendations for any needed improvements or corrections, including recommendations for remedial or disciplinary action with respect to managerial or supervisory personnel who have failed in their responsibilities.

The Director of the International Broadcasting Bureau may, and is expected to, redelegate the authorities delegated herein to the Director of the Office of Civil Rights.

Notwithstanding this or any other Delegation of Authority, the Board retains, and may at any time exercise, the authorities delegated herein.

This Delegation Order is effective immediately.

DELEGATION ORDER 99-5

REDELEGATION OF ANTI-DISCRIMINATION AUTHORITIES TO THE DIRECTOR OF THE  
OFFICE OF CIVIL RIGHTS

Pursuant to the authority vested in me as Director of the International Broadcasting Bureau and in accordance with the Broadcasting Board of Governors' Delegation Order 99-4, dated \_\_\_\_\_, I hereby redelegate the following described authority to the Director of the Office of Civil Rights:

1. To implement, administer and monitor anti-discrimination laws, regulations, Executive Orders, procedures and programs applicable to the Board, including the International Broadcasting Bureau, its employees, or to any person, organization or business dealing with the Board or the International Broadcasting Bureau.
2. To oversee and direct the investigation, resolution, compromise, and settlement of any and all complaints against the Board, including the International Broadcasting Bureau, arising out of or based on allegations of illegal discriminatory acts by or on behalf of employees of the Board, including the International Broadcasting Bureau, and to issue Final Agency Decisions. The Director of the Office of Civil Rights is responsible for ensuring that its investigations, resolutions, compromises, and settlements are consistent with applicable law and, therefore, in order to ensure that they are in compliance with law, all Final Agency Decisions, compromises and settlements are to be reviewed by the Office of the General Counsel before being executed on behalf of the Board.
3. To perform reviews and otherwise oversee organizations and businesses receiving funds or assistance from the Board, including the International Broadcasting Bureau, as required under applicable statutes and regulations to ensure that the organizations and businesses are in compliance with anti-discrimination laws, Executive Orders, and regulations, to the extent that such responsibility does not statutorily reside elsewhere.
4. To make recommendations to the Director of the International Broadcasting Bureau for such disciplinary actions as may be warranted by the circumstances when an employee of the Board, including the International Broadcasting Bureau, has been found to have engaged in an illegal discriminatory practice.
5. To evaluate from time to time the sufficiency of the Board's program for equal opportunity and civil rights, reporting thereon to the Director of the International Broadcasting Bureau with recommendations for any needed improvements or corrections, including recommendations for remedial or disciplinary action with respect to managerial or supervisory personnel who have failed in their responsibilities.

Notwithstanding this or any other Delegation of Authority, the Director of the International Broadcasting Bureau retains, and may at any time exercise, the authorities delegated herein.

This Delegation Order is effective immediately.



INTERNATIONAL BROADCASTING BUREAU

\_\_\_\_\_  
Brian T. Conniff

Director

Date \_\_\_\_\_

DELEGATION ORDER 99-6

DELEGATION OF AUTHORITY TO THE GENERAL COUNSEL

Pursuant to the authority vested in the Broadcasting Board of Governors ("the Board") under the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431, et seq.), the United States International Broadcasting Act of 1994, as amended (22 U.S.C. 6201, et seq.), the Foreign Affairs Consolidation Act of 1998 (Public Law 105-277), and other relevant laws, Executive Orders and regulations, the Board hereby delegates to the General Counsel the following described authority:

1. To act as the Board's chief legal officer and to advise the Board, the International Broadcasting Bureau, and all subordinate officers on all matters of law, including the providing of interpretations both as to the authority and application of laws, regulations, Executive Orders, contracts, international agreements, legal decisions and opinions, and to make determinations on all legal matters affecting the Board's operations. In order to increase the effectiveness of the legal services provided by the Office of the General Counsel and to provide for timely and constructive legal advice, attorneys in the Office of the General Counsel shall, whenever possible, be included in early management deliberations and strategic planning.

2. To exercise primary responsibility for drafting legislation, Executive Orders, regulations, international agreements, and other legal documents involving the Board's operations.

3. To provide legal services abroad, with particular emphasis on international agreements, foreign real estate transactions, satellite and other broadcast service and facilities construction agreements. Attorneys from the Office of the General Counsel shall participate in all substantive international negotiations. The Office of the General Counsel is solely authorized to approve the engagement of foreign legal counsel.

4. To advise as to legal issues and to assist in drafting, modifying and terminating contracts, grants, leases, licenses, memoranda of understanding, and similar contractual documents and to provide legal services in connection with disputes and protests arising from Board contracts.

5. To provide legal advice on all communications issues, both domestic and international, affecting or arising from Board operations, including compliance with International Telecommunications Union (ITU) and Federal Communications Commission (FCC) requirements, and to coordinate international communications legal issues with the Department of State's Office of the Legal Adviser.

6. To advise and assist the Board with respect to personnel and labor relations matters, including negotiations and arbitration, to represent the Board in all hearings, panels, or other administrative proceedings both within and outside the Board, and to review for legal sufficiency all proposed adverse personnel actions, proposed adverse security actions, and proposed settlements involving Board personnel.

7. To coordinate legal services provided the Board by other government agencies or by private legal counsel retained by the Board. The Office of the General Counsel is solely authorized to approve the engagement of outside private legal counsel and is solely responsible for the oversight of such outside private legal counsel.

8. To review for legal sufficiency all claims by or against the Board for losses or damages arising domestically or abroad, and to consider, determine, and settle claims arising under the relevant provisions of the Federal Tort Claims Act.

9. To provide legal advice on all copyright, trademark, performing rights, and other intellectual property issues.

10. To provide legal advice to the Board's Designated Ethics Officer.

11. To take custody and control of the Board's official seal, and to certify official documents or records of the Board by causing the official seal to be affixed thereto.

12. To review and comment on proposed legislation, and to review and comment on regulations prepared by the Board or by other Government agencies.

13. To administer oaths of office or any other oath required by law in connection with employment in the Executive Branch.

14. To serve as agent for the receipt of legal process against the Board, as well as against employees of the Board to the extent that the process relates to the official functions of the employees, and, as required by Executive Order 12953, to assist in the service of legal process in civil actions pursuant to orders of State courts to establish paternity and establish or enforce a support obligation by making Board employees available for the service of process.

15. In the event of a vacancy in the office, or during the incapacity or absence of the General Counsel, the authority delegated herein may be exercised by the Acting General Counsel..

Notwithstanding this or any other Delegation of Authority, the Board retains, and may at any time exercise, the authorities delegated herein.

This Delegation Order is effective immediately.

BROADCASTING BOARD OF GOVERNORS

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Marc B. Nathanson

Chairman

Date\_\_\_\_\_

BROADCASTING BOARD OF GOVERNORS

DELEGATION ORDER 99-7

DELEGATION OF AUTHORITY TO THE DIRECTOR OF THE INTERNATIONAL BROADCASTING BUREAU

Pursuant to the authority vested in the Broadcasting Board of Governors ("the Board") under the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431, et seq.), the United States International Broadcasting Act of 1994, as amended (22 U.S.C. 6201, et seq.), the Foreign Affairs Consolidation Act of 1998 (Public Law 105-277), Executive Order 10450 of April 27, 1953, as amended, Executive Order 12958 of April 17, 1995, Executive Order 12968 of August 2, 1995, and other relevant laws, Executive Orders and regulations, the Board hereby delegates to the Director of the International Broadcasting Bureau the following authority:

1) To direct and administer all aspects of the Board's domestic physical, technical, information and personnel security programs, including those established in accordance with Executive Orders 10450, 12958, and 12968. 2) To actively oversee and continue security education and awareness programs to ensure effective implementation of the aforesaid Executive Orders.

The Director of the International Broadcasting Bureau may, and is expected to, redelegate the authorities delegated herein to the Director of the Office of Security.

Notwithstanding this or any other Delegation of Authority, the Board retains, and may at any time exercise, the authorities delegated herein. This Delegation Order is effective immediately.

BROADCASTING BOARD OF GOVERNORS

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Marc B. Nathanson

Chairman

Date \_\_\_\_\_

DELEGATION ORDER 99-8

REDELEGATION OF AUTHORITY TO DIRECT AND ADMINISTER THE BOARD'S SECURITY PROGRAM TO THE DIRECTOR OF THE OFFICE OF SECURITY

Pursuant to the authority vested in me as Director of the International Broadcasting Bureau and in accordance with the Broadcasting Board of Governors' Delegation Order 99-7, dated \_\_\_\_\_, I hereby redelegate the following described authority to the Director of the Office of Security:

1) To direct and administer all aspects of the Board's domestic physical, technical, information and personnel security programs, including those established in accordance with Executive Orders 10450, 12958, and 12968.

2) To actively oversee and continue security education and awareness programs to ensure effective implementation of the aforesaid Executive Orders.

Notwithstanding this or any other Delegation of Authority, the Director of the International Broadcasting Bureau retains, and may at any time exercise, the authorities delegated herein.

This Delegation Order is effective immediately.

INTERNATIONAL BROADCASTING BUREAU

\_\_\_\_\_  
Brian T. Conniff

Director

Date \_\_\_\_\_

BROADCASTING BOARD OF GOVERNORS

DELEGATION ORDER 99-9

DESIGNATION OF AUTHORITY TO THE DESIGNATED AGENCY ETHICS OFFICER

Pursuant to the authority vested in the Broadcasting Board of Governors ("the Board") under the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431, et seq.), the United States International Broadcasting Act of 1994, as amended (22 U.S.C. 6201, et seq.),, the Foreign Affairs Consolidation Act of 1998 (Public Law 105-277), the Ethics in Government Act of 1978 (5 U.S.C. App.), Executive Order 12674 (54 FR 15159, 3 CFR, 1989 Comp., p.215), as modified by Executive Order 12731 (55 FR 42547, 3 CFR 1990 Comp., p.306), and other relevant laws, Executive Orders and regulations:

1) \_\_\_\_\_ is hereby designated as the Designated Agency Ethics Officer (DAEO) for the Board.

2) All authorities, duties and responsibilities residing in the Board pursuant to the aforesaid Ethics in Government Act, Executive Orders 12731 and 12674, and other relevant laws, Executive Orders and regulations are hereby delegated to the Designated Agency Ethics Officer.

This Delegation Order is not redelegable.

This Delegation Order is effective immediately.

BROADCASTING BOARD OF GOVERNORS

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Marc B. Nathanson

Chairman

Date \_\_\_\_\_

BROADCASTING BOARD OF GOVERNORS

DELEGATION ORDER 99-10

DELEGATION OF AUTHORITY TO THE DIRECTOR OF THE INTERNATIONAL BROADCASTING BUREAU

Pursuant to the authority vested in the Broadcasting Board of Governors ("the Board") under the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431, et seq.), the United States International Broadcasting Act of 1994, as amended (22 U.S.C. 6201, et seq.), the Foreign Affairs Consolidation Act of 1998 (Public Law 105-277), the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. Chapter 4), the Office of Federal Procurement Policy Act, as amended (41 U.S.C. Chapter 7), the Federal Grants and Cooperative Agreements Act (31 U.S.C. 6301, et seq.), and other relevant laws, Executive Orders and regulations, the Board hereby delegates to the Director of the International Broadcasting Bureau the following authority:

1) The Director of the International Broadcasting Bureau is authorized to exercise all duties, responsibilities, and powers of the Board with respect to the Board's procurement and financial assistance (i.e., grants and cooperative agreements) matters..

2) The Director of the International Broadcasting Bureau is hereby designated to act as head of the agency with respect to procurement. The Director of the International Broadcasting Bureau shall:

a) Prescribe and publish the Broadcasting Board of Governors' Acquisition Regulation and other directives pertaining to procurement, including, but not limited to, those incorporated in 48 CFR Chapter 19.

b) To the extent permitted by law, make all determinations and findings required by statute to be made by the head of the agency, i.e., the Broadcasting Board of Governors.

3) The authority delegated herein shall be exercised in accordance with the applicable limitations and requirements of the Federal Property and Administrative Services Act, as amended; the Federal Acquisition Regulation (48 CFR Chapter 1); the applicable portions of the Federal Property management Regulations (41 CFR Chapter 101); as well as other relevant statutes and regulations.

4) The Director of the International Broadcasting Bureau may, and is expected to, redelegate the authorities delegated under paragraphs 1 and 2 to the agency's Senior Procurement Executive.

Notwithstanding this or any other Delegation of Authority, the Board retains, and may at any time exercise, the authorities delegated herein. The Board specifically retains its authority under 22 CFR 1300.10 with respect to RFE/RL, Inc. contracts, proposals or leases.

This delegation Order is effective immediately.



BROADCASTING BOARD OF GOVERNORS

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Marc B. Nathanson

Chairman

Date\_\_\_\_\_

INTERNATIONAL BROADCASTING BUREAU

DELEGATION ORDER 99-11

REDELEGATION OF CONTRACTING AUTHORITY TO THE SENIOR PROCUREMENT EXECUTIVE,  
OFFICE OF CONTRACTS

Pursuant to the authority vested in me as Director of the International Broadcasting Bureau and in accordance with the Broadcasting Board of Governors' Delegation Order 99-10, dated \_\_\_\_\_, I hereby designate the Director of the Office of Contracts as the Senior Procurement Executive, and I delegate to the Senior Procurement Executive the following authorities:

- 1) To oversee the development of procurement goals, guidelines, and innovation;
- 2) To measure and evaluate the performance of the Broadcasting Board of Governors' contracting activities against stated goals;
- 3) To advise the Director of the International Broadcasting Bureau whether goals are being achieved;
- 4) To enhance career development of the procurement work force;
- 5) To promote the acquisition of commercial items and the use of simplified acquisition procedures to the maximum extent practicable;
- 6) To issue procurement policies, procedures, and regulations that, where practicable, rely on guiding principles that encourage and reward innovation;
- 7) To provide advice and guidance, in consultation with the Office of the General Counsel as appropriate, to all agency offices and facilities, domestic and foreign, on all matters of procurement law and policy;
- 8) To make determinations and findings of justifications and approvals and take other actions as are deemed consistent with applicable policies, procedures, or regulations, with respect to procurement transactions, except where such actions are required by law or regulation to be made by another officer;
- 9) To appoint contracting officers, and to define the authority of such contracting officers as may be necessary to administer a contract, cooperative agreement or grant, and to require any officer so designated to maintain appropriate records and to submit reports required by the Senior Procurement Executive;
- 10) To participate in the development of government-wide acquisition policies, regulations, and standards, and represent the Board on interagency bodies concerned with acquisition policies and procedures;

11) To select and designate an independent advocate for competition for the Board's acquisitions, and provide advice and counsel to such advocate in accordance with applicable laws and regulations;

12) To issue policies, procedures, and regulations governing Federal financial assistance (grants and cooperative agreements).

13) In the absence of a specific delegation of authority from the Director of the International Broadcasting Bureau or a redelegation of authority from the Senior Procurement Executive, no officer or employee of the agency shall be authorized, on behalf of the agency, to solicit bids or offers; to negotiate contracts, grants or cooperative agreements; to enter into contracts, grants or cooperative agreements; to make findings and determinations; to amend or to administer any contract, grant or cooperative agreement or to make commitments with respect thereto. The authorities hereby delegated shall be exercised in accordance with all applicable provisions of law and subject to all applicable regulations; directives or instructions which are now in effect or may hereafter be issued by the Broadcasting Board of Governors, or by any other Government agency of competent jurisdiction, governing the acquisition of personal property, services (including construction) and real property, cooperative agreements or grants. For purposes of this Delegation Order, the term contract shall include any acquisition by purchase, lease or barter. This authority is plenary and carries the full delegable authority of the Director of the International Broadcasting Bureau insofar as permitted by law;

14) Copies of any redelegation made by the Senior Procurement Executive will be sent to the Office of Comptroller;

15) In the event of a vacancy in the position of the Director of the Office of Contracts, or in the event of his or her absence or illness, the authorities and function delegated herein may be exercised by the Acting Director, Office of Contracts.

16) Notwithstanding any other provision of this Order, the Director of the International Broadcasting Bureau may at any time exercise any function or authority delegated herein.

This Delegation Order is effective immediately.

INTERNATIONAL BROADCASTING BUREAU

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Brian T. Conniff

Director

BROADCASTING BOARD OF GOVERNORS

DELEGATION ORDER 99-12

DELEGATION OF PERSONNEL AUTHORITIES TO THE DIRECTOR OF THE INTERNATIONAL  
BROADCASTING BUREAU

Pursuant to the authority vested in the Broadcasting Board of Governors ("the Board") under the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431, et seq.), the United States International Broadcasting Act of 1994, as amended (22 U.S.C. 6201, et seq.), the Foreign Affairs Consolidation Act of 1998 (Public Law 105-277), and other relevant laws, Executive Orders and regulations, the Board hereby delegates to the Director of the International Broadcasting Bureau, certain powers of the Board, as set forth below, with respect to the employees of the International Broadcasting Bureau.

The Director of the International Broadcasting Bureau is hereby delegated the authority to provide personnel services throughout the world for the International Broadcasting Bureau. Including by appointment in the civil service or in the foreign service of overseas specialists, and by employment of foreign nationals both domestically and in foreign countries); to establish training and development programs with respect to any category of personnel; to conduct employee-management relations; and to administer systems for the resolution of employee grievances.

Notwithstanding any other provision of this Delegation Order, the Board may at any time exercise any function or any authority delegated herein to the Director of the International Broadcasting Bureau and, specifically, the Board reserves to itself its authority to appoint, reassign, transfer, develop, and appraise the performance of staff personnel of the Board pursuant to the Board's authorities under Section 305(a)(11) of the International Broadcasting Act of 1994.

The Director of the International Broadcasting Bureau may, and is expected to, redelegate the authorities delegated herein to the Director of the Office of Personnel.

This Delegation Order is effective immediately.

BROADCASTING BOARD OF GOVERNORS

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Marc B. Nathanson

Chairman

Date \_\_\_\_\_

INTERNATIONAL BROADCASTING BUREAU

DELEGATION ORDER 99-13

REDELEGATION OF PERSONNEL AUTHORITIES TO THE DIRECTOR OF THE OFFICE OF PERSONNEL

Pursuant to the authority vested in me as Director of the International Broadcasting Bureau and in accordance with the Broadcasting Board of Governors' (BBG) Delegation Order 99-12, dated\_\_\_\_\_, I hereby redelegate the following personnel authorities to the Director of the Office of Personnel:

- 1) To classify positions under Title 5, United States Code, positions excluded from Title 5, United States Code, and all classes of Foreign Service schedules, wage system schedules, Senior Executive Service schedules, and other systems excluded from the General Schedule.
- 2) To order or conduct locality wage surveys and approve wage schedules.
- 3) To make certifications of insurance status required under the Federal Employees Insurance program upon separation of an employee from the BBG.
- 4) To administer the oath of office and any other oath in connection with employment of BBG appointees.
- 5) To authorize advertising for recruitment of personnel by radio and television, or by publication of advertisements in newspapers, when such advertising is not prohibited by any applicable law or regulation.
- 6) To reconsider a determination or redetermination that an employee's work was not of an acceptable level of competence, other than employees of the Office of Personnel, who will be considered by the Director of the International Broadcasting Bureau.
- 7) To prescribe regulations governing the conduct of employees in relation to the duties, functions, and obligations of employees and approve certain outside activities of employees in coordination with the Office of the Legal Adviser under the provisions of the Employee Responsibilities and Conduct regulations where such approval is required.
- 8) To conduct training and development programs, employee-management relations programs, and administer systems for the resolution of employee grievances.
- 9) To restore forfeited annual leave.
- 10) To prescribe regulations for separating employees for unsatisfactory performance of duties or for such other cause as will promote the efficiency of the service, and to propose disciplinary action for employees in accordance with applicable regulations.
- 11) To make offers of employment to applicants from outside the Broadcasting Board of Governors.

12) To administer incentive awards, quality or meritorious service increases, and employee suggestion programs.

13) To establish, administer, and make such determinations and orders as may be necessary, the performance appraisal system and the merit pay system in accordance with the Civil Service Reform Act of 1978.

Notwithstanding this or any other Delegation of Authority, the Director of the International Broadcasting Bureau retains, and may at any time exercise, the authorities delegated herein.

This Delegation Order is effective immediately.

INTERNATIONAL BROADCASTING BUREAU

\_\_\_\_\_  
Brian T. Conniff  
Director

Date \_\_\_\_\_

International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

Material within this Manual of Operations and Administration may no longer be current. To ensure having the most current policy or procedure, please contact the Agency office responsible for the subject matter, e.g., information about performance appraisal, staffing, or compensation should be directed to the Office of Human Resources. For assistance in determining which office to contact, please contact Cathy Brown or Renee Tyrance-Gauff of the Analysis and Administration Division on (202) 203-4664 or feel free to email this staff at cabrown@bbg.gov or crgauff@bbg.gov.

MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART II GENERAL ADMINISTRATION, 400 ADMINISTRATIVE MANAGEMENT  
Section 490

491 GIFTS AND DECORATIONS FROM FOREIGN GOVERNMENTS

Section 9 of Article I of the U.S. Constitution prohibits the acceptance of gifts from foreign governments by U. S. employees except as Congress may authorize. Congress has regulated the acceptance and retention of gifts and decorations from foreign governments by U.S. Government employees under the Foreign Gifts and Decorations Act (1976). Implementing instructions are set forth in 3 FAM 621.

Generally, an employee is prohibited from accepting a gift or decoration of more than minimal value from a foreign government or international organization. Minimal value means retail value in the United States at the time of acceptance of \*\$200\* or less, except that at 3-year intervals "minimal value" is to be redefined in regulations prescribed by the Administrator of General Services, in consultation with the Secretary of State, to reflect changes in the consumer price index for the immediately preceding 3-year period (22 C.F.R. Part 3.3(e)).

Gifts of more than minimal value must be deposited with the Property Management Staff within 60 days of acceptance. Violation of the Act may result in a civil penalty of the retail value of a gift improperly solicited or received, plus \$5,000.

Questions regarding the acceptance of gifts or decorations from foreign governments should be directed to the Office of the General Counsel (GC). All officers and employees are reminded that the public propriety of their acceptance of any gift is as important as their legal right to do so.

For instructions on reporting payments from non-Federal sources for travel, subsistence, and related expenses, see MOA VII 359.

International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

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PART II GENERAL ADMINISTRATION, 400 ADMINISTRATIVE MANAGEMENT  
494 SIGNATURE CARDS

494.1 Purpose - A Signature Card , is used to verify the authenticity of the signature of the employee for whom the signature card is issued and his or her authority to request specific supplies, equipment, or services, or to initiate specific fiscal actions.

494.2 Responsibilities

a. Employees authorized to sign documents assume responsibility for the following:

- (1) Necessity and propriety of the request.
- (2) Information contained therein.
- (3) Determining availability of funds, if appropriate.

b. Dual Authority - Employees who have been appointed as Contracting Officers with authority to sign contractual documents (i. e., contracts, purchase orders, grants, etc.) should not also be authorized to certify to the availability of funds. This type of dual authority could result in a conflict of interest.

4 94.3 Distribution

a. Forward the completed Signature Card to the appropriate action office, i.e. contracts to the Office of Contracts.

b. Retain the copy in the originating office for control and review purposes.

494.4 Review - Heads of organizational elements, or their designees, should periodically review the Signature Cards on file in their elements



to assure that signing authorities are maintained on a current basis and are adequate for the elements' requirements.

#### 494.5 Changes

a. If the signing authority of an employee is being canceled and another substituted, prepare a new signature card and insert the name of the employee whose authority is being canceled in Section 5.

b. When the signing authority of an employee is to be canceled and no substitute is being authorized, complete Sections 5 and 6 and forward to the appropriate action offices. Whenever an employee leaves the organization, cancel all his or her signing authorities.

c. Record all changes on the copy of the Signature Card retained in the originating office.

494.6 Unauthorized Signatures - All documents requesting material and/or services that are submitted to action offices without signature or that have an unauthorized signature will be returned to the originating office for proper signature.

## **Title II GENERAL ADMINISTRATION, 400 ADMINISTRATIVE MANAGEMENT**

### **495 EMPLOYEE LOCATOR SYSTEM**

#### **495 SCOPE**

495.1 This section of the BAM addresses locator profiles for domestic and overseas employees in the Broadcasting Board of Governors. Contractors are not included.

#### **496 AUTHORITIES**

496.1 The Privacy Act of 1974, as amended, (Public Law 93-579, codified in 5 U.S.C. 552a) regulates the collection, maintenance, use, and dissemination of personal information about U.S. citizens or aliens lawfully admitted for permanent residence.

496.2 The Privacy Act covers information contained in a “system of records” from which information is retrieved by using the name of an individual or some other personal identifier for the individual.

496.3 The Privacy Act of 1974 further requires Federal agencies maintaining systems of records to protect records from unauthorized disclosure by establishing appropriate administrative, technical, and physical safeguards. Federal agencies may provide office telephone numbers or employment verification information.

#### **497 DEFINITIONS**

497.1 The BBG **locator profile system** contains information about each Agency employee and is considered a system of records as defined by the Privacy Act. Each locator profile includes specific employee information, office information, residential information, and additional information particular to that employee.

#### **498 RESPONSIBILITIES**

498.1 The Agency’s Office of Human Resources provides the initial locator profile for each employee.

498.2 Employees are responsible for reviewing, maintaining, and editing their profile information online by accessing the online Agency Phone Directory system as follows:

Using the Internet Explorer web browser, employees should navigate to URL: <http://inside.bbg.gov> and click on the Phone Directory link. On the left hand side of the page, employees should select “Update Profile” and then enter their login ID and password. The fields that must be completed will be annotated with a red asterisk. Employees may allow or disallow public disclosure of their home address by selecting “Yes” or “No” from the drop down menu. Once the update is completed, employees should click on the “Update” button and sign out.

498.2a When employees view or change any office, personal, or emergency contact information, the locator system will automatically generate an email message indicating that the employee’s private information has been reviewed or changed. If an employee receives an email message stating that changes have been made and the employee did not make these changes, then the employee should forward this information by email message to [locator@ibb.gov](mailto:locator@ibb.gov) for investigation.

498.3 The Personnel Locator Coordinator, located in the Agency’s Office of Engineering and Technical Services, is responsible for:

- (a) Answering telephone inquiries from the public about the location and telephone numbers of Agency employees and assuring that no unauthorized information is given. Assisting overseas BBG employees with updates to their locator profiles.
- (b) Assisting overseas BBG employees with updates to their locator profiles.
- (c) Assuring that locator information is protected from unauthorized disclosure as specified in the Privacy Act of 1974.

#### **499 USES OF LOCATOR PROFILES**

499.1 Agency locator profiles provide: (1) a ready means to locate an employee at work or home, or a relative, if necessary, in an emergency; (2) a current name and address file for payroll purposes; (3) a current name and address for Thrift Savings Plans; and (4) employee information for the alphabetical section of the Agency telephone directory.

499.2 External locator information--The District of Columbia, Northern Virginia, and Suburban Maryland telephone directories list the telephone number of the BBG as (202-260-4500). This number is the main number coming into the Agency's voice mail and Personnel locator systems. The locator provides callers with the telephone numbers of individuals with whom they wish to contact or refers the callers to the appropriate organization. This number will remain in place until the local telephone company, Verizon, schedules updates for its telephone directories in the Washington metropolitan area. At that time, the Agency's locator number for the general public will change to 202-203-4000.

499.3 Agency employees can access the BBG locator system by dialing 9-203-4000.

International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

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MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART II GENERAL ADMINISTRATION, 400 ADMINISTRATIVE MANAGEMENT  
496 RESPONSIBILITIES CONCERNING INTANGIBLE RIGHTS

496.1 Purpose - This paragraph discusses responsibilities concerning intangible rights associated with Broadcasting program material. These rights include copyright and other intangible property rights such as music rights and rights of individuals and organizations under collective bargaining agreement. Broadcasting must obtain grants, releases, waivers, or clearances for such rights in order to use and authorize the use of program material which it either produces or acquires.

496.2 Responsibilities - The Office of the General Counsel is responsible for developing basic policies and procedures in obtaining, exercising, and licensing such intangible rights, and for providing appropriate guidance on these matters to all Broadcasting offices, both domestic and overseas, having operational responsibility for production, acquisition, use, and disposition of program material.

496.3 Procedures

Television and Film Service- works closely with the Office of the General Counsel in acquiring and licensing rights. The Office of the General Counsel approves in advance all requests which Television submits to any rights holder. When a contractor for a Broadcasting production has difficulty in obtaining necessary rights. A representative from the Office of the General Counsel participates as appropriate in securing such rights. In the a case of acquired films and programs where significant problems exist. The Office of the General Counsel may elect to supervise negotiations with the rights holder. In all cases, copies of documents covering rights are filed in the Office of the General Counsel. The Office of the General Counsel determines what rights clearances are required for all staff and contract productions domestically and abroad.

International Broadcasting Bureau  
Manual of Operations & Administration

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PART II GENERAL ADMINISTRATION, 400 ADMINISTRATIVE MANAGEMENT  
497 REPRODUCING COPYRIGHTED MATERIAL

497.1 Background - Much of the very life blood of Broadcasting is the protected materials used by every media under gratis permissions and nominal fee licenses. Disregard of such rights is illegal. Additionally, the U.S. leadership position in the negotiation of new treaty concepts for the Berne Union and the Universal Copyright Convention should be supported by our example, rather than undercut by violation.. Exhibit 490F contains a complete summary of the present state of the laws as interpreted by the courts. The 1909 statute is silent on the subject of Fair Use (see 497.4a below), which is a judicially developed concept.

497.2 Definition - The term "copyright" means the legal right to control copying of intellectual and cultural materials in which there is a proprietary interest. It is just as illegal to reproduce a single copy as it is multiple copies.

497.3 Common Areas of Copyright Violation -

- a. Periodicals and Books - The copying of whole articles and chapters from periodicals and books is now the most common form of copyright violation, and it is no less wrong when performed in the interests of scholarship or serious research. Periodicals and newspapers need carry but a single copyright notice, so that absence of notice on individual articles is not significant.
- b. Sound Recordings - The copying of sound recordings present the same problems as the unauthorized copying of printed material. The retail purchase of a record or tape does not give the purchaser the right to copy it.

497.4 Exceptions -

- a. Fair Use - A very limited exception in the field has developed as so-called "Fair Use." This practice usually involves limited quoting in the context of comment and criticism, not total copying. Where there is insufficient time for securing permission from a publisher to make copies, under Fair Use, limited, controlled copying may be permissible if solely for internal use on a temporary basis; for example, the making of multiple copies of an article for use in a seminar, numbering and signing for each copy, then returning and destroying them. Fair Use is usually demonstrated when that use creates a broader interest in the protected materials and thus improves the market for its author. The Fair Use doctrine is not applicable if the copying will prevent a single sale of the author's product.
- b. Tables of Contents - Another permissible technique is the copying and distributing of tables of contents as a means of encouraging the reading of the article listed.
- c. Other -Broadcasting is expressly given the right to copy some products, such as re-print rights in printed materials and reproduction rights in motion pictures but these grants to us are always precisely circumscribed, and it should never be assumed that our authority to copy is unlimited. Whenever there is question as to what rights Broadcasting holds or what copying is permissible, make advance inquiry to the Office of the General Counsel. Special rights may be obtainable on request.

International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

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MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART II GENERAL ADMINISTRATION, 400 ADMINISTRATIVE MANAGEMENT  
498 DISTRIBUTION FORMULAS

498.1 Purpose - Broadcasting makes use of distribution formulas and addresses to facilitate the addressing and distribution of administrative material to specific groups of employees and offices. Basically, the formulas are issued for distributing Broadcast Announcements, Circulars, Memorandums, and material for the Manual of Operations and Administration (MOA). Virtually all materials are distributed by the Office of Administration, via Computing Services.

498.2 Distribution Formulas - Listed below are the distribution formulas maintained by the Office of Administration, and utilized in distributing administrative materials. The coverage of each formula is indicated beneath it. All elements should keep the Office of Administration advised on a current basis of the number of copies required.

a. Formula

A - Directors of Separate Offices

B - Overseas Supervisory Level

Copies for all Overseas Establishments in quantities requested by each. To be distributed by their respective offices, i.e. Engineering, News, Affiliates.

O - All Americans Overseas - To be distributed by their respective offices.

S - Secretarial and Clerical Personnel

X - All Employees in U.S.

Y- Domestic Supervisory Level

Copies for all supervisors to the Branch level, including domestic Transmitting Stations, and Correspondent Staffs.



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PART II GENERAL ADMINISTRATION, 500 INTERAGENCY AGREEMENTS  
Section 510

INTERAGENCY AGREEMENTS

511 SCOPE

This chapter describes agreements between Broadcasting and other departments and agencies of the U. S. Government. The agreements contained in the chapter are broad in nature, state the purposes of the agreements and the respective responsibilities and roles of the agencies involved. Detailed funding and work agreements are not described in this chapter.

512 DELEGATION OF AUTHORITY

Authority is delegated to the following officials (or designees) of Broadcasting to sign letters of working agreement with other Government departments and agencies concerning the details of projects under the program:

- a. Director, Broadcasting
- b. Director, VOA
- c. Director, Office of Administration
- d. Director, Office of Personnel
- e. Director, Office of Security
- f. Director, Engineering and Technical Services

Such working agreements must be approved by the Office of the General Counsel, and the Director of International Broadcasting is to be informed of working agreements involving resource commitments in excess of \$25,000.

**Title:** FAIR Act Challenges and Appeals

**Policy #:** IBB/AS-13-01

**Effective Date:** 08/20/2013

**Originating Office:** IBB Administrative and Secretariat Operations, x4595

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**(a) PURPOSE:** This policy describes procedures for the Broadcasting Board of Governors for reviewing and deciding challenges and appeals under the Federal Activities Inventory Reform (FAIR) Act of 1998.

**(b) AUTHORITY & SCOPE:**

(1) Authority:

(i) [The Federal Activities Inventory Reform \(FAIR\) Act of 1998](#), Pub. L. 105-270, as codified at 31 U.S.C. § 501 Note; and

(ii) [Office of Management and Budget \(OMB\) Circular A-76](#), revised 05/29/2003.

(2) Scope: This policy applies to challenges and appeals to the FAIR Act inventory for the Broadcasting Board of Governors which oversees two federal broadcast entities - the Voice of America and the Office of Cuba Broadcasting - through an umbrella organization called the International Broadcasting Bureau (IBB), hereinafter collectively referred to as “the Agency”.

**(c) POLICY:** Under Section 3 of the FAIR Act, the Agency’s decision to include or exclude a particular activity from its inventory of activities that are not Inherently Governmental Functions, or the Agency’s application of the OMB’s commercial activity reason codes, is subject to challenge and, then, possible appeal by an “Interested Party” as defined in paragraph (e)(2) below.

**(d) PROCEDURES AND PRIMARY RESPONSIBILITIES:**

(1) Filing a Challenge by an Interested Party

(i) Challenges must be made by an Interested Party and are limited to: the re-classification of activities as inherently governmental or commercial; or the application of commercial reason codes. In addition, challenges must be in writing and:

(A) Identify the activity being challenged as specifically as possible so that the Agency office can identify it;

(B) Specify the location of each activity being challenged and the relevant Agency office;

(C) Include a statement that the activity being challenged should be re-classified as Inherently Governmental or as commercial, and/or that an associated commercial activity reason code should be changed;

(D) Include the Interested Party's reasons for its assertion that the activity being challenged should be re-classified, and/or that an associated commercial reason code should be changed; and

(E) Provide any supporting information or documentation the Interested Party wishes the Agency to consider in support of its challenge, including but not limited to precedent set by other federal agencies that have contracted for a particular activity.

(ii) All items in (d)(1)(i)(A)-(F) are required for each activity or reason code that is being challenged.

(iii) An Interested Party must submit its challenge to the Agency within 30 working days after the date that the OMB publishes a notice in the Federal Register stating that the Agency's FAIR Act inventory is publicly available. If OMB fails to publish the required notice within 45 days after the Agency submits its FAIR Act inventory to OMB for review, and the Agency is directed by [OMB guidance](#) to publish its FAIR Act Inventory on the Agency's public website, an Interested Party should file its challenge within 30 working days after the Agency makes its FAIR Act inventory available to the public on its website. The Agency is not required to consider any challenges to inventories that are untimely filed, including challenges to inventories from previous fiscal years.

(iv) All challenges shall be sent by United States mail, express delivery or similar service to:

IBB Senior Policy Advisor  
Broadcasting Board of Governors  
330 Independence Ave, S.W.  
Washington, DC 20237

(2) The Agency's Decision on Challenges: Within 28 working days after receiving a challenge, the IBB Senior Policy Advisor shall decide the challenge and transmit to the Interested Party a written notification of the Agency's decision. The written notification must include the Agency's rationale for its decision. If the Agency's decision is adverse to the Interested Party's challenge, the written notification must explain the Interested Party's right to file an appeal.

(3) Filing an Appeal:

(i) An Interested Party may appeal an adverse decision to a challenge. The Agency is not required to consider on appeal new reasons why an activity should be re-classified, or a commercial reason code should be changed, when the Interested Party did not include those reasons in its original challenge.

(ii) Appeals must be in writing and shall include:

(A) All reasons for the Interested Party's assertion that the Agency should have decided the challenge in the Interested Party's favor;

(B) Any supporting documentation that the Interested Party wishes the Agency to consider in support of its appeal; and

(C) A copy of the challenge document and the Agency's decision.

(iii) Appeals shall be sent by United States mail, express delivery or similar service to:

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ATTN: FAIR Act Appeals Committee  
Broadcasting Board of Governors  
330 Independence Ave, S.W.  
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**(4) The Agency's FAIR Act Appeals Committee:**

(i) Appeals shall be decided by a FAIR Act Appeals Committee, headed by the IBB Chief of Staff. The FAIR Act Appeals Committee shall include a representative designated by the Directors of the Office of Human Resources and the Office of Contracts. In addition, the FAIR Act Appeals Committee will include one representative designated by each of the Directors of VOA, OCB, or IBB when positions within these Agency elements are the subject of an appeal. The Office of General Counsel shall advise the FAIR Act Appeals Committee, as necessary, on applicable laws and regulations.

(ii) Within 10 working days of receipt of the appeal, the Fair Act Appeals Committee must decide the appeal and transmit to the Interested Party a written notification of the decision together with a discussion of the rationale for the decision.

(iii) The Agency's decision on the appeal is final; no further appeals will be considered by the Agency.

**(5) If the Agency changes its FAIR Act Inventory due to a Challenge or Appeal:**

(i) The IBB Office of Administrative and Secretariat Operations will transmit a copy of any change(s) to the inventory that result from this process to OMB, submit for publication in the Federal Register a notice of public availability, and make those change(s) available to the public on the Agency's website; and

(ii) The Agency's Office of Communications and External Affairs will transmit a copy of any change(s) to the inventory that result from this process to Congress.

**(e) DEFINITIONS:**

(1) "Inherently Governmental Function" as defined in Section 5 of the FAIR Act, means a function that is so intimately related to the public interest as to require performance by

Federal Government employees. For additional guidance, see [FAIR Act, Section 5\(2\)\(B\)](#) or [OMB Circular A-76](#).

(2) “Interested Party” means:

(i) A private sector source that —

(A) is an actual or prospective offeror for any contract, or other form of agreement, to perform an Agency activity; and

(B) has a direct economic interest in performing an Agency activity that would be adversely affected by a determination not to procure the performance of the activity from a private sector source.

(ii) A representative of any business or professional association that includes within its membership private sector sources referred to in paragraph (e)(2)(i) above.

(iii) An officer or employee of an organization within an executive agency that is an actual or prospective offeror to perform an Agency activity; or

(iv) The head of any labor organization referred to in section 7103(a)(4) of Title 5, United States Code, that includes within its membership officers or employees of an organization referred to in paragraph (e)(2)(iii) above.

**(f) EFFECTIVE DATE AND APPROVAL:**

Approved by:

  
Richard M. Lobb  
Director  
International Br

**Title:** FAIR Act Challenges and Appeals

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Director  
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Manual of Operations & Administration

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PART III COMMUNICATIONS AND RECORDS , 200-400 CORRESPONDENCE HANDBOOK  
PART III

MANUAL OF OPERATIONS AND ADMINISTRATION

COMMUNICATIONS AND RECORDS

CORRESPONDENCE HANDBOOK

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## APPENDICES

## APPENDICES

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## FOREWORD

The purpose of this Correspondence Procedures Handbook is to provide guidance to drafters and secretaries on the preparation of internal and external correspondence.

For this use, the Handbook:

- provides examples and helpful information for preparing various types of correspondence; and
- provides ready reference material.

The first section of the Handbook is organized in "frames" consisting of two pages each. On one page is the example, and the facing page contains helpful information for its correct preparation. Included in the "information for preparation" pages are references to the more detailed material contained in the second section of this Handbook, the Appendices.

## INFORMATION ON PREPARATION OF ACTION MEMO

USE:



- As a covering memo for substantive letters for signature by the Director, which are not self-explanatory.
- For obtaining a decision by the Director.
- Internally, among other elements for the same purposes.

#### PREPARATION OF MEMO:

- Typed on Action Memo form. If it is necessary to extend the memorandum to more than one page, the first page should include the summary, recommendation and approval block. The background section should be included as an attachment or tab to the Action Memo. Type the second page (and any following pages) on plain white bond paper.
- Route memo from an individual (by name) to the Director (by title).
- For more details/explanation see Appendix B.
- Pages should be numbered.

#### CLEARANCES:

- Clear with elements before delivery to the Secretariat. Drafting officer indicia and necessary clearance information (symbols and names) must appear in the lower left corner of all Action Memos. This information must be typed on the original document.
- Allow sufficient time for staff review and for reaction by the addressee.

#### PACKAGING:

- The Action Memo should be placed on the outside of a manila folder for outgoing correspondence. Inside the folder on the left side, place the action sheet and incoming correspondence. On the right side, place correspondence in the following order:
    - All correspondence should be placed in a folder and properly addressed on routing slip.
- Proposed Outgoing Correspondence (on top)  
Enclosures/Attachments  
File Copy with all the clearances indicated  
Copies of outgoing correspondence  
Edited drafts (if any)  
Envelopes for outside addresses

Use appropriate size clips to hold bulky items in place in the manila folder.

(Date delivered to Secretariat)

MEMORANDUM FOR: The Director or The Acting Director as appropriate)

FROM: Element Symbol - Name

SUBJECT: Guidelines for Action Memorandums

Summary

This section contains:

- a clear, concise statement of the issue, including the action being requested of the addressee; and

- mention of any urgency.

Type drafting officer indicia and necessary clearance information (symbols and names) in the lower left corner of the memo. This information must be typed on the original document. Clearances must be obtained (including initials) before the correspondence is delivered to the Secretariat Staff.

#### Background

This section presents pertinent information the addressee will need in order to make a judgment. Lengthy background data or supporting documents should be attached separately. If there is more than one course of action possible, alternatives should be discussed, including pros and cons.

#### Recommendation

This section states clearly the proposed action and possible alternative actions.

APPROVE                      DISAPPROVE                      DATE

DISCUSS

Drafter:E:JASmith:abc:4/15/94

Clearances and ccs: E:CBrown

B:AJones

M:JJohn

#### INFORMATION ON PREPARATION OF BRIEFING MEMO

##### USE:

- For all office calls on the Director, even "courtesy calls."
- As covering memo for transmitting talking points and background information for events at which the Director will participate.

##### PREPARATION OF MEMO:

- Typed on Briefing Memo form. If it is necessary to extend the memorandum to more than one page, type the second page (and any following pages) on plain white bond paper.

- Route memo from an individual (by name) to the Director (by title).

-- Director should receive only one Briefing Memo for a meeting. The drafting office should assure that all subjects to be discussed with a particular visitor are included in the Briefing Memo. This will require coordination with other elements to prepare a single Briefing Memo.

-- Only an original is needed (i.e., no copies).

-- For more details/explanations see Appendix B.

#### BACKGROUND INFORMATION:

-- Provide as much detail as the subject matter of the meeting warrants. This section should include only information directly relevant to the conversation expected. When appropriate, include information on the Director's last contact with the visitor.

#### ISSUES AND TALKING POINTS:

-- If a Briefing Memo contains talking points, keep this section of the memo as brief as possible. Use "bullets" to highlight important issues. The substance of the points should be developed in the background section of the Briefing Memo.

-- Use subheads for each issue treated e.g. transmitting station, OPM SES ceiling, etc. When talking points are for use only if the caller raises the issue, this fact should be noted parenthetically. Note subjects to be avoided.

#### CLEARANCES:

-- Drafting and clearance information must appear in the lower left corner of all Briefing Memos. Clear with appropriate elements before delivery to the Secretariat.

-- Briefing memos are due in the Secretariat at least 72 hours in advance of appointment or event.

(Date delivered to D/S)

MEMORANDUM FOR: The Director or The Acting Director as appropriate)

FROM: Element Symbol - Name

SUBJECT: Your Meeting with (name, title, date, time, and place of event)

Subject for Discussion

Provide a three or four sentence summary of the subject area(s) to be addressed. For events outside Broadcasting, provide an insight to the setting.

List of Participants

List participants' names and titles.

Bio-data

This section should be used to offer a brief sketch of visitors not familiar to the Director. Detailed bios may be attached to the memo.

#### Background Information

Provide only as much detail as the subject matter of the meeting warrants. Include information on the Director's last contact with the visitor.

#### Issues and Talking Points

This section should contain issues or points to be raised. Use subheads for each issue. Include a brief statement of the Broadcasting or U.S. position. Avoid restating information provided in the background section. When talking points are only for use if the caller raises the issue, this fact should be noted parenthetically. Note subjects to be avoided.

Briefing Memorandums are due in the Secretariat at least 72 hours in advance of the appointment or event.

Drafter:E:JASmith:abc:4/15/94  
Clearances and ccs: E:CBrown  
                    B:AJones  
                    M:JJohn

#### INFORMATION ON PREPARATION OF INFORMATION MEMO

##### USE:

- To convey information ONLY.
- As a covering memorandum to summarize lengthy reports, directives, etc., of interest to the addressee(s).

##### PREPARATION OF INFORMATION MEMOS:

-- These memorandums convey information only. Type on Information Memo form. If it is necessary to extend the memorandum to more than one page, detailed background should be included as an attachment or tab to an Info Memo. Type the second page (and any following pages) on plain white bond paper.

-- Info Memos do not require action, and do not prepare the addressee for meetings. The memo should begin with a clearly identified summary briefly outlining the subject. Details should follow in narrative form.

##### SUMMARY:

A clear, concise statement of an event, issue, report, etc.

##### BACKGROUND AND DETAILS:

Narrative or outline form, as appropriate, to convey the substance of the event, issue, report, etc.

##### CLEARANCES:

Drafting and clearance information must appear in the lower left corner of the memo. Clear with elements before delivery to the Secretariat.

PACKAGING:

It is not necessary to place an Information Memo in a manila folder. The Information Memo should be the first page and any lengthy attachments should be placed directly under it. Only an original is needed (i.e., no copies).

(Date delivered to the Secretariat)

MEMORANDUM FOR: The Director

FROM: Element Symbol - Name

SUBJECT: Brief Description of Subject

Summary

This section outlines the content of the memo in a brief paragraph.

Following paragraphs should give complete details in narrative form. This format is used to transmit information only; it does not seek or require action.

Drafting officer indicia and necessary clearance information (symbols and names) must appear in the lower left corner of all Information Memos. This information must be typed on the original document. Clearances must be obtained (including initials) before the correspondence is delivered to the Secretariat.

Only an original is needed.

Drafter:E:JASmith:abc:4/15/94

Clearances and ccs: E:CBrown

B:AJones

M:JJohn

OPTIONAL

INFORMATION ON PREPARATION OF MEMORANDUM OF CONVERSATION (MEMCON)

USE:

-- To record the substance of conversations between officials of Broadcasting and representatives of other government agencies, foreign governments, or private persons.

-- To keep appropriate offices informed.

-- To provide a permanent record of significant conversations and specify necessary action to be taken.

MEMCON FORMAT:

-- Type on white bond with the title "MEMORANDUM OF CONVERSATION" centered at the top of the page.

-- To facilitate follow-up on action items which arise in meetings with the Director, add an additional segment entitled "ACTION ASSIGNMENTS" at the end of each MEMCON.

(If no action assignments result from the meeting, type "NONE" following the "ACTION ASSIGNMENTS" heading.)

#### PREPARATION OF MEMCON:

-- Note-taker is designated for each meeting in which the Director participates.

-- The note-taker is responsible for providing the Secretariat within three working days an accurate record of the meeting, including the explicit and implicit action assignments which are developed.

-- To ensure consistency and clarity, note-takers should use the standard format.

-- Drafters should briefly state the action assignments separately at the end of the MEMCON, including due date (not more than seven days after the meeting date) and action assignee (organizational element or officer).

-- In case of doubt about the action assignee or the due date, drafters should check with the Director's office.

-- Distribution should include all recipients of action assignments, as well as the meeting attendees.

-- Persons or offices receiving action assignments must report completion or progress to the Director's office by the due date via an Information or Action Memorandum. (See Information Memo preparation - page 6; Action Memo preparation - page 2). The action assignments will be treated as Director's Requests and logged accordingly.

#### SAMPLE OPTIONAL

(Date delivered to the Secretariat)

#### MEMORANDUM OF CONVERSATION

**PARTICIPANTS:** All those present should be listed, with brief identification given for non-Broadcasting employees. The note-taker should be listed last.

**DATE AND PLACE:** e.g., "January 1, 2000, Director's office."

**SUBJECT:** A concise definition, e.g., "Courtesy Call by U.S. Ambassador to Italy John Doe" or "Space Exhibit for Ruritania."

**DISTRIBUTION:** A listing of all offices concerned with the subject and which should receive copies.

----- ( a broken line to set off the text )-----

SUMMARY OF DISCUSSION: The text of the memorandum should concisely represent the subjects covered, the significant points of view expressed, agreements reached and actions to be taken subsequently.

-----  
ACTION ASSIGNMENTS: These should clearly stem from subjects and points covered in the text, for example:

"B/K to draft public affairs action plan by COB January 15" or "Smith to telephone Jones for his views by January 10."

CLEARANCES: Should be obtained as necessary and so indicated.

The Memcon Review Officer should be listed at the bottom of the Memorandum of Conversation, and his/her signature should appear next to the name.

Only an original is needed.

Drafter:E:JASmith:abc:4/15/94

Clearances and ccs: E:CBrown

B:AJones

M:JJohn

MEMCON Reviewing Officer:E:Hank Hughes

#### INFORMATION FOR PREPARING DIRECTOR'S SIGNATURE LETTER

##### PROCEDURES:

- Drafting guidelines can be found in Appendices A and D.
- Use Broadcasting letterhead for the first page and white bond for any following pages. Do not use xerox paper.
- Preparation of file copies is described in Appendix F.

##### FORMAT:

- Use short concise sentences and paragraphs. Paragraphs must be blocked with the left margin. Do not justify the right margin.
- Do not date letters.
- Address. Type the address in block form at the top of the first page at the left margin. NOTE: Omit street address and "Washington, D.C." and the "Zip Code" from the inside address on letters to Congress and other Government agencies. Examples of addresses are found in Appendix G.
- Salutation examples are in Appendix G. Determine from the incoming letter whether a first-name salutation is appropriate; if so, see APPENDIX H. If in doubt, call the Secretariat.
- Complimentary close is normally "Sincerely."
- Signature. Type "the Director's name six lines below the complimentary close. Type the title "Director," or "Acting Director" on line below in block form. Leave at least three lines below the signature block or at least three lines below the last line of text on the first page.

CLEARANCES:

-- All clearances must be obtained and the letter forwarded to the Secretariat by the due date.

PACKAGING:

-- Substantive letters for signature by the Director must be accompanied by an Action Memo when the letter itself is not self-explanatory.

-- The Action Memo should be placed on the outside of a manila folder containing the proposed letter. Inside the folder on the left side, place the action sheet and incoming correspondence. On the right side, place correspondence in the following order:

Proposed Outgoing Correspondence (on top)  
Enclosures/Attachments  
File Copy with all the clearances indicated  
Copies of outgoing correspondence  
Edited drafts (if any)  
Envelopes for outside addresses

Use appropriate size clips to hold bulky items in place in the manila folder. (To be dated by the Secretariat)

Mr. John Smith  
110 Maple Street  
Anytown, USA 12345

Dear Mr. Smith:

This is a sample of an outgoing letter prepared for the Director's ( or Acting Director's) signature.

Use Broadcasting letterhead; use white bond for succeeding pages. Do not use xerox paper. Begin text two lines below the salutation. Single space text and double space between paragraphs. Minimum margin should be no less than one inch for the left and right margins. Enclosures must be clearly legible.

When letter extends beyond one page, end the first page at the end of a paragraph or after at least two lines of typing. Carry over at least two full lines of text to the second page and each succeeding page. The page number (on second and any succeeding pages) should be centered and typed four lines from the top of the page. Begin typing text three spaces below page number.

Paragraphs must be blocked with the left margin. Do not justify the right margin. The text should avoid long sentences and convoluted language, in favor of brevity. Correspondence should be clear, crisp and free of verbal padding.



Type the complimentary close two lines below the end of the letter and two spaces to right of the center of the page.

Type the name and title of the Director ( or Acting Director) six lines below the complimentary close, using block style. Do not use any punctuation after name or title.

Sincerely,

Name  
Director

#### INFORMATION ON SPECIALLY CONTROLLED CORRESPONDENCE ACTION SHEETS

##### USE:

- Assigns action, by the Secretariat Staff, on all specially controlled correspondence.
- Identifies the action office and other offices which must clear the proposed response.

##### SUSPENSE:

A control number is assigned, the Action Office is designated, and a deadline for submission of the response is established.

##### COPIES:

Each element receiving information copies of the incoming correspondence is indicated in this section. A copy of the response with drafting/clearance/cc information must be supplied for each office checked. It is not necessary for action offices to supply copies of the incoming letters or green sheets with the response copies, since each office checked is furnished both by the Secretariat at the time of an action sheet

##### CLEARANCES:

This line indicates the offices that are required to clear the proposed response. The clearance process must take place prior to submission to the Secretariat for clearance before it forwards to the Director for signature.

##### REMARKS:

Any special instructions will be placed in this section.

#### INFORMATION ON PREPARATION OF CONGRESSIONAL CORRESPONDENCE

##### PROCEDURES:

- Congressional correspondence must be given top priority.
- Drafting guidelines can be found in Appendix E.

-- Letters for signature of the Director must be prepared on Broadcasting letterhead.

-- Check the salutation list for letters prepared for the Director's signature.

#### RECEIPT:

-- Letters addressed to employees dealing with official business must be entered in the logging system as soon as possible.

#### TIME LIMIT FOR REPLIES:

-- Letters originated by Members of Congress must be answered within three working days.

-- Constituent or other letters referred by Members of Congress to Broadcasting must be answered within five working days.

-- Responses must be received in the Secretariat in sufficient time to meet deadlines.

#### FORMAT:

-- Type address in block form at the top of the first page at the left margin. NOTE: Omit the street address, "Washington, D.C." and the "Zip Code" from the inside address on letters to Congress. Examples of addresses are found in Appendices E and G.

-- Use short, concise sentences and paragraphs.

-- Do not date letters.

-- Check the salutation list (Appendix H) for appropriate salutation for the Director's correspondence.

-- Components of Congressional letters can be found in Appendix E.

-- Complimentary close is normally "Sincerely."

-- Type the name of the signing official six lines below the complimentary close. Type title on line below name in block form. Do not use punctuation after name or title.

#### CLEARANCES:

-- All clearances for the letter must be obtained prior to delivery to the Secretariat.

#### PACKAGING:

-- On Congressional correspondence, inside the folder on the left side, place the action sheet and incoming correspondence. On the right side, place correspondence in the following order:

Proposed Outgoing Correspondence (on top)  
Enclosures/Attachments  
File Copy with all the clearances indicated  
Copies of outgoing correspondence  
Edited drafts (if any)  
Envelopes for outside addresses

(To be dated by the Secretariat after letter has been signed)

The Honorable Sally Smith  
United States Senate

Dear Senator Smith:

Do not refer in detail to the subject of the Member's letter. If the incoming is dated within the last two weeks, refer to the request by date (leave out year--unless referring to previous year) and general subject.

Use short, concise sentences and paragraphs. Avoid the passive verb form and long, complicated sentences. Do not use groups of words when one will do. Make replies clear and readable. Avoid bureaucratic language.

Letters originating from Members of Congress must be answered within three days.

Constituent or other letters or referrals from a Member of Congress to Broadcasting must be answered within five working days.

Best regards.

Sincerely,

Name  
Director

## APPENDIX A

### NOTES FOR DRAFTING OFFICERS

-- Use short, concise sentences and paragraphs.

-- Use a straightforward, informal style. Avoid stilted, convoluted or bureaucratic language. Use the first person judiciously throughout. Use the active voice instead of the passive. Superlatives need careful handling but are acceptable when the circumstances warrant them. Keep the text as short as possible, while still being fully responsive. Do not use contractions.

-- Be sure to respond to each point/issue raised in the incoming correspondence.

-- When letters involve interests of other offices or elements, the drafting office is responsible for consulting such offices. In no case should disagreements between elements delay letters from arriving in the Secretariat Staff on or before the deadline date. If absolutely necessary, describe different viewpoints in a covering memorandum and attach alternative letters. In most cases a preferred solution should be developed for consideration by the Director.

-- Routine letters are assigned five working days for a reply. All clearances and the signature must be obtained and the letter returned to the Secretariat within this time frame. If, for good reason, the deadline cannot be met, call the Secretariat to determine if an extension can be granted or an interim response would be appropriate. Extensions are not granted on or after the due date.

-- Element heads are responsible for the substance, quality and classification of all material prepared in their elements.

-- When drafting a circular to heads of elements or to employees for the signature of the Director, the drafting officer should specify the distribution recommended.

-- Show clearly who drafted and cleared both memos and letters, and what offices are to receive cc's, on all copies except the original letter.

-- Actions requiring immediate attention should be handcarried for clearances and delivery to the Secretariat for processing.

-- Action that has been assigned by Secretariat cannot be transferred without Secretariat approval.

-- When the Director is not in Washington, a reply to a letter addressed to him/her should begin with language such as: "The Director has asked me to reply to (thank you for) your letter of (date) requesting (or commenting)..." or "In the absence of the Director, I am responding to ..."

-- Letters in response to White House referrals should reference the President or Mrs. \_\_\_\_\_. Use "Your recent letter to President \_\_\_\_\_ or the First Lady."

-- When responding to White House referrals, please provide a 9-1/2 X 12-inch manila envelope (the White House has requested that nothing be folded) addressed to Sue J. Smith, and a copy of the signed original without drafting information.

## APPENDIX B

### GUIDELINES FOR PREPARATION OF IN-HOUSE MEMOS

--ALL memorandums written within Broadcasting and addressed to the Director fall into one of four categories: ACTION MEMO, BRIEFING MEMO, INFO MEMO or MEMCON. Three of these memorandums (ACTION MEMO, BRIEFING MEMO, and INFO MEMO) MUST be prepared on the appropriate memo form. (For preparation of a Memorandum of Conversation (MEMCON) - see pages 8 and 9).

--If it is necessary to extend the memo to more than one page, type the second page (and any following pages) on plain white bond paper.

--When preparing memos to the Director, use titles, i.e.:

MEMORANDUM FOR: The Director

MEMORANDUM FOR: The BBG Chief of Staff

DO NOT use names, i.e., MEMORANDUM FOR: Marc Nathanson - or MEMORANDUM FOR: Joe Jones

--Memorandums being sent to the Director from element offices should be sent through their respective Director or office head. Example:

MEMORANDUM FOR: The Director

THROUGH: B/P - Jack Welch

FROM: B/P - James Hagan

--Lengthy details can be treated in attachments.

--Clearances should be shown on the original along with the office symbol, name, initials of typist, date, and telephone number of the drafting officer. See APPENDIX F for sample.

--Submit only an original (i.e., no copies) of Action Memos, Briefing Memos, Info Memos, and Memcons. (The letter an Action Memo covers will, of course, have copies.)

## APPENDIX C

### GUIDELINES FOR PREPARATION OF MEMOS TO OTHER GOVERNMENT AGENCIES

Memos prepared for the signature of the Director to other Government agencies should be typed on letterhead. Here are some specific guidelines to follow when preparing memos.

#### STATIONERY

- letterhead bond for the original
- White bond for page 2 and all following pages
- Copy for your office record copy (subject file)
- Copy for your office chronological (chron) file
- An information copy for each office listed
- In addition, prepare four copies for Secretariat files.

#### FORMAT FOR MEMOS

-- Date. Do not date memos -- either those for the Director or those for direct reply which must be cleared through the Secretariat.

-- All file copies of correspondence must show drafting indicia, and all clearances must be initialed on the official record copy before submission to the Secretariat. Do not type drafting information on the original memo.

-- Avoid the format used for the preparation of in-house memos (Action, Information, Briefing) prepared for the Director. The text should be straightforward. Do not use Summary, Background and Recommendation notations when preparing a memo to other Government agencies.

## APPENDIX D

### GUIDELINES FOR PREPARATION OF LETTERS

Letters prepared for the signature or approval of the Director require special handling. Here are some specific guidelines to follow when preparing letters for signature of the Office of the Director.

#### STATIONERY

- letterhead bond for the original
- White bond for page 2 and all following pages
- Copy for your office record copy (subject file)
- Copy for your office chronological (chron) file
- An information copy for each office listed
- In addition, prepare four copies for Secretariat's files.
- Copies must show the drafting, clearance, and cc information on all copies (at the bottom of the page).

#### FORMAT FOR LETTERS

- Date. Do not date letters--either those for signature of the Director or those for direct reply which must be cleared through the Secretariat.

- Official-Informal. Do not use this designation on letters prepared for signature in the Office of the Director.

- Address. Type the address at the top of the first page of all letters at the left margin in block style. Omit the street address and "Washington, D.C." and the "Zip Code" from the inside address on letters to Congress and other Government agencies. See APPENDIX E.

- Salutation. Determine from the incoming letter whether a first name is appropriate. If in doubt, call the Secretariat.

- Text. Always single space, if submitting a letter in final form; if in draft, use double space. Complex or sensitive subjects might better be presented in double-spaced draft form. Block paragraphs. Do not justify the right margin. Be careful to type and center correspondence so that the letter is well placed on the page. Avoid division of words at the end of the line, if possible. Never divide the last word in a paragraph or on a page which has continuing pages.

- All file copies of correspondence must show drafting, clearance and cc information, and all clearances must be initialed on the official file copy before submission to the Secretariat. See APPENDIX F.

- Complimentary Close. Use "Sincerely,"

- Signature. Type "Name" six lines below the complimentary close. Type "Director" on the line below in block style.



-- Enclosures. Type the word "Enclosure" (or "Attachment" - if a memo) on the copies only and give a brief description of material enclosed. DO NOT type "As stated" or "a/s."

-- Classification. Do not type "Unclassified" on correspondence for Front Office signature. Please provide envelopes and classified receipts correctly addressed for classified correspondence going outside Broadcasting. The head of the action element is responsible for classification and decontrol of all security material emanating from his/her office.

-- Drafting Indicia. Copies should show the symbol of the drafting element, the name of the drafter, the initials of the typist, the date the correspondence is typed and the telephone number of the drafting officer. For example:

E:AJones:mo:4/10/94:724-9099  
EDIT:D:JWhitfield:pj:5/6/94:619-4742

-- Clearance. Make sure that all clearing officers initial the official record copy. If telephone clearances are obtained to save time, the drafting officer must initial the record copy to indicate these clearances. If a letter has been cleared in draft and remains substantively unchanged, the drafting officer should initial for the clearing officers.

-- Envelope. Use appropriate size. Provide typed envelopes for all addressees outside Broadcasting. See APPENDIX G.

#### NOTES FOR SECRETARIES

-- Outgoing letters and memorandums prepared for the Director's signature should be prepared on letterhead.

-- DO NOT type drafting and clearing information on the bottom of the original of an outgoing letter or memorandum. Type this information on the file copies ONLY.

-- Action that has been assigned by the Secretariat Staff cannot be transferred without Secretariat approval.

-- If a reply must be delayed (for good reason) beyond the due date, call the Secretariat before the due date to determine if the deadline can be extended and, if so, whether or not an interim reply is necessary.

-- Routine correspondence requires action within five working days (this time frame includes obtaining any clearances required before submission of the reply to the Secretariat).

-- Correspondence MUST be received in the Secretariat on or before the due date.

#### ASSEMBLY OF SIGNATURE MATERIAL

-- On the outside of the manila letter folder, place the Action Memo or any special notations or explanations about the urgency of the letter or the fact that the drafting officer will deliver the letter after it is signed.

-- Inside the folder on the left side, place the green sheet and incoming correspondence. On the right side, place correspondence in the following order:

Proposed Outgoing Correspondence (on top)  
Enclosures/Attachments  
File Copy with all the clearances indicated  
Copies of outgoing correspondence  
Edited drafts (if any)  
Envelopes for outside addresses

Use appropriate size clips to hold bulky items in place in the manila folder.

#### FILE COPY OF LETTERS

The drafting/clearance/cc information must be typed at the bottom of the signature page of the letter. Do not submit separate sheets of white bond paper with drafting/clearance/cc information. All clearances and initials must appear on the file copy. The drafting office is responsible for obtaining all clearances of letters before the correspondence is submitted for approval.

## APPENDIX E

### NOTES FOR PREPARING CONGRESSIONAL CORRESPONDENCE

#### Incoming Congressional Correspondence

All incoming Congressional mail will be delivered to the Secretariat Staff regardless of where it is addressed.

#### Correspondence Handling Procedures

(a) Secretariat opens and assigns action on Congressional correspondence addressed to the Director.

(b) Congressional mail addressed to an employee of Broadcasting will be forwarded UNOPENED to the addressee. THE SECRETARIAT DOES NOT OPEN Congressional mail addressed outside the Director's office. The Secretariat will stamp the envelope with the following legend:

#### HANDLING OF CONGRESSIONAL MAIL

If this communication deals with official business, regulations provide that the addressee notify the Secretariat by phone and send a copy immediately to the secretariat. If the communication is personal the recipient is requested to notify the Secretariat of this fact by phone.

This procedure was established to assure that the Director's office and the Office of Congressional and External Affairs be kept fully informed of official business transpiring between employees of Broadcasting and Members of Congress and their staffs.

#### Routing and Control of Congressional Correspondence

The Secretariat Staff will decide who should sign official replies to Members of Congress and so indicate on the Action Request . Congressional mail will be referred to the action office by the Secretariat.

#### Coordination of Response within Broadcasting

Congressional or OMB correspondence requesting Broadcasting's views on legislation should be sent to the Secretariat for forwarding to the action office with the appropriate cover sheet. All Congressional correspondence must be cleared in draft by Congressional and External Affairs. Any procedural questions regarding Congressional correspondence should be directed to the Secretariat.

When Congressional correspondence involves more than one element, it is important that the action officer coordinate the response with the other elements. Clearances of the various elements involved in the response should be clearly indicated with initials on the official file copy. Please do not submit separate sheets of white bond paper with the drafting and clearance information noted. This information should be

typed at the end of the signature page or the end of the last page of the document. This information must be typed on all file copies.

## Deadlines

There are two distinct deadlines for responding to Congressional mail:

(a) Letters originating from Members of Congress must be answered within three working days.

(b) Constituent or other letters which are referred by a Member of Congress must be answered within five working days.

The action officer is the key to meeting these three-day and five-day deadlines. Congressional replies will meet the deadlines only if the drafting officer gives the incoming letter immediate attention the day it reaches his or her desk.

## EXTENSION OF DEADLINES

If a substantive response requires more than three or five working days to prepare, the action officer must contact the Secretariat upon receipt of the Action Request. Extensions requested on or after the due date will not be granted.

## Transfers of Action

Transfers of action within Broadcasting, or to another Federal agency, can seriously delay the response. As with other correspondence, the Secretariat must be consulted immediately if transfer of action seems appropriate.

When action must be transferred to another agency, an explanatory letter must be sent to the Member who wrote initially. Use the expression "I have referred" in this letter to show that we have already taken the necessary action. If the letter concerning more than one subject is assigned to an office for action, it should not be passed on to another office for drafting parts of the reply. The original drafting office is responsible for preparing a full reply after obtaining the necessary information from the other offices. The final text must be cleared with all those offices having input. All other clearances should be obtained before the letter is submitted to the Office of Congressional and External Affairs.

## I. Components of Congressional Letters

(A) Salutation - Formal salutations should be used. If in doubt, check with the Secretariat.

(B) Opening - Do not refer in detail to the subject of the Member's letter. Refer to the request by date (omit the year, unless referring to a previous year) and general subject only. If a reply is later than two weeks from the date of the incoming, do not refer to date of incoming

(use "your recent letter"). Refer to a Member's transmittal slip as an "inquiry" or "communication."

When more than one and up to three Members of Congress inquire on behalf of the same constituent, add in the opening paragraph of each reply:

"Senator(s) or Congressman/Congresswoman (Congressmen/Congresswomen) Smith (and Jones) has (have) also inquired on behalf of Mr. Doe and I am sending him/her (them) similar replies."

When more than three members inquire, add: "Several other Members of Congress have also ....."

1. When Constituent's letter is enclosed  
Refer to date of Congressional letter or transmittal slip in the first paragraph of the reply. If undated, use "recent inquiry." Do not refer to the date of the constituent's letter.

"Thank you for giving us the opportunity to comment on Mr. John Doe's views about ."

"I have received your inquiry dated            concerning Ms. Sally Smith's interest in            ."

"I am pleased to reply to your communication of            requesting on behalf of Mr.            information concerning            ."

2. Without Constituent's letter enclosed - "Thank you for your letter (communication) of            requesting (concerning (commenting on)            ."

"I am pleased to reply to your recent inquiry in which you express concern about            " or "and appreciate your bringing to my attention your concern over            ."

3. Criticisms and Commendations  
Do not open with "thank you" when the Member is complaining about or critical of any policy, program or employee.

In such cases it is more appropriate to use:

"I am pleased to reply to your letter dated            in which you express concern" or "and appreciate your bringing to my attention your concern over            ."

In the case of a letter of commendation, use:

"We appreciate receiving your letter of            concerning            ,"  
or "Thank you for            ."

4. Letters referred by the White House - When a Congressman or Congresswoman's letter to the White House is forwarded to Broadcasting

for a direct reply, use: "We have been asked to reply to your letter of (date) to the White House concerning ."

5. Letters from Staff Members - If a letter is received and signed by a staff member, the reply should be addressed to the Member of Congress. The envelope should be addressed to the attention of the staff member. If a transmittal slip from a Congressman/Congresswoman's office with an "attention" name is received for reply, prepare the response to the Congressman/Congresswoman and add to the envelope only "Attention: (name)." Where the incoming correspondence contains a specific reference number or other code, this should be used in the reply. When asked for in the incoming request, or when it is known that a particular person in the Congressman/Congresswoman's office is interested in the reply, has called about it, or has signed the request for the Congressman/Congresswoman, the envelope should be marked for that person's attention.

#### (C) Body

1. Clarity - The drafter should keep in mind that the reply often will be forwarded to the constituent, may appear in the press, or may be printed in the Congressional Record. Use language appropriate to the presumed age or intelligence level of a requesting constituent. For example, language intended for a university professor should differ from that directed to a grammar school pupil.

Bear in mind that the constituent may not have extensive knowledge of the subject matter, so our reply should be designed to add to his or her understanding of the problem. In every response, be as forthcoming as possible in explaining policy or programs, unless this has already been done in previous correspondence to or about the same constituent and repetition would be redundant.

2. Responsiveness - Be sure that your answer is fully responsive. Do not hedge or deliberately misinterpret or rephrase a question in a way which makes it easier to answer.

3. Tone - By its tone your letter should carry an implicit recognition of the position and role of a Senator or Representative in the U.S. Government. Be sure that it is courteous and properly respectful.

4. Style - Avoid the passive verb form and long, complicated sentences. Do not use a group of words when one will do. Make your replies clear and readable. Do not use stereotype phrases. Avoid bureaucratic language, especially "in-house" jargon, and over-technical terms. Do not assume that a constituent has knowledge of or access to copies of laws; when referring to sections of a law or act, include an explanation of the section mentioned.

Do not say: "As explained in the enclosed brochure ." Instead, use: "I am enclosing a brochure that explains .", etc.

5. Length - A short letter, if it is fully responsive, is preferable to a long one.

#### (D) Closing (suggested form)

It is important that all letters have a courteous closing consistent with the nature of the reply. Do not say we are glad to have been of help if we have not been.

If we only give information in our reply, use: "I hope this information will be helpful to you in replying to your constituent (or Mr./Ms.       )."

If we have been of help in assisting the Member or his/her constituent in a problem, use: "Please do not hesitate to call on us again whenever we can be of assistance."

Or, in replying to the Chairman (Chairwoman/Chairperson) of a Committee or Subcommittee, use: "I hope we have been of assistance to you and the members of the Committee (or Subcommittee)."

When action or a decision is negative, use a closing similar to: "I regret that our reply cannot be (more) favorable (encouraging)," or, "It is unfortunate that in this instance we could not be helpful."

NOTE: Specific wording is only suggested, and should be varied to suit the content of our reply. If some other closing is appropriate, do not hesitate to use it, but be sure it is friendly, graceful and conveys to both the Member and the constituent the impression that we took the request seriously and really made an effort. There may be occasions when no such language is appropriate--then be sure the closing is not curt.

#### II. Transfers of Action

Transfers of action within Broadcasting, or to another Federal agency, can seriously delay the response. As with other correspondence, the Secretariat must be consulted if transfer of action seems appropriate.

#### III. Forms of Address and Salutations for Congressional Correspondence

##### a. Addresses

The Honorable John Jones  
Chairman  
Subcommittee on  
Committee on  
United States Senate

The Honorable Jane Doe  
Chairwoman  
Committee on  
House of Representatives

##### b. Salutations

Dear Senator                               :  
(to male or female Member of the Senate)

Dear Congressman                   :  
(to male Member of the House)

Dear Congresswoman               :  
(to female Member of the House)

Dear Mr. Chairman:  
(to a male Member of House or Senate in his capacity as Chairman of a  
Committee or Subcommittee)

Dear Madam Chairwoman:  
(to a female Member of the House or Senate in her capacity as Chairwoman  
of a Committee or Subcommittee)

Dear Chairperson:



APPENDIX F

FILE COPIES (Sample)

(Clearance, drafting and cc information should be typed on the original of in-house memos [Briefing, Action, and Information Memos].)

DATE

MEMORANDUM FOR: The Director

THROUGH: B/A - Dennis Sokol

FROM: B/A - Sue Smeltz

SUMMARY

A new travel card will be used by Broadcasting effective Monday, April 11. The visa card will be used in the same manner as the American Express card but will have some new added features.

Attached is a brief list of the new features to our travel card program.

Attachment: New travel card features.

M/PDE:LLyons:ml 4/15/94:724-9836  
Edit:M/PDE:AAAdkins:ma 4/18/94:724-0025  
Rewrite:M/P:ASmith:td 4/19/94:724-8299

Clearances: B/A-DSimmons  
              B-JPeelen (by phone)  
              Secretariat

cc: D, Broadcasting elements

T-18,25,41,48,55,60;M-85(print on 12-pitch,M-15)

## APPENDIX G

### FORMS OF ADDRESS - PROPER SALUTATIONS AND ADDRESSES TO BE USED ON CORRESPONDENCE

#### ADDRESSEE ADDRESS ON LETTER AND ENVELOPE SALUTATION

The President The President Dear Mr. President:  
The White House  
Washington, D.C. 20500\* Sincerely,

The Vice President The Vice President Dear Mr. Vice President:  
The White House  
Washington, D.C. 20500\*

Vice Pres. as The Honorable (Full name) Dear Mr. President: President  
of the  
Senate  
Senate \*\* Washington, D.C. 20510\*

Wife of the Mrs. (Full name) Dear Mrs. (surname):  
President The White House  
Washington, D.C. 20500\*

Assistants and The Honorable (Full name) Dear Mr. (surname):  
Secretaries to the Secretary/Assistant to Dear Ms. (surname):  
President the President  
The White House  
Washington, D.C. 20500\*

\* Type this line on the envelope ONLY (i.e., not on the inside address).  
(Use the street address, "Washington, D.C.," and "Zip Code" on the  
inside address ONLY if the letter is addressed to an individual or firm  
in the private sector.)

\*\* When the Office of the Vice President is vacant, correspondence to the  
Senate should be addressed: "President pro Tempore of the Senate."

#### ADDRESSEE ADDRESS ON LETTER AND ENVELOPE SALUTATION

Members of the The Honorable (Full name) Dear Mr. (or Madam)  
Cabinet Secretary of (name of Secretary:  
Department) 1/  
Washington, D.C. (zip)\*

2/

Attorney General The Honorable (Full name) Dear Mr. Attorney  
(Head of Depart- Attorney General General:  
ment of Justice) Washington, D.C. 20530\* Dear Madam Attorney  
General:

1/ Titles of Cabinet Secretaries are:

Secretary of Agriculture Secretary of the Interior  
 Secretary of Commerce Secretary of Labor  
 Secretary of Defense Secretary of State  
 Secretary of Education Secretary of Transportation  
 Secretary of Energy Secretary of the Treasury  
 Secretary of Health and Human Services  
 Secretary of Housing and Urban Development

The same forms of address apply to the Secretaries of the Military  
 Departments of the Army, Navy, and Air Force.

2/ ZIP Codes are:

Agriculture	- Zip	20250	Interior	20240
Commerce		20230	Justice	20530
Defense		20301	Labor	20210
Education		20202	State	
		20520		
Energy		20585	Transportation	20590
HHS		20201	HUD	
		20410		
Treasury		20220		

For subordinate organizational elements having distinctive ZIP Codes,  
 consult the appropriate agency telephone directory or the ZIP Code  
 Directory.

ADDRESSEE ADDRESS ON LETTER AND ENVELOPE SALUTATION

Senator (Federal) The Honorable (Full name) Dear Senator (surname):  
 (male or female) United States Senate  
 Washington, D.C. 20510\*

(at home) The Honorable (Full name)\* Dear Senator (surname):  
 United States Senator\*  
 (city, state zip)\*

Representative The Honorable (Full name) Dear Congressman (surname):  
 (Federal) House of Representatives or  
 Washington, D.C. 20515\* Dear Congresswoman  
 (surname):

(at home) The Honorable (Full name)\* Dear Congressman (surname):  
 House of Representatives\* or  
 (city, state zip\*) Dear Congresswoman  
 (surname):

Vice Pres. as The Honorable (Full name) Dear Mr. President:  
 President of the President of the Senate  
 Senate \*\* Washington, D.C. 20510\*

Speaker of the The Honorable (Full name) Dear Mr. Speaker:

House of Speaker of the House of  
Representatives Representatives  
Washington, D.C. 20515\*

Committee Chairman The Honorable (Full name) Dear Mr. Chairman:  
(Chairwoman) Chairman (Chairwoman) or Dear Madam Chairwoman:  
(Chairperson) (Chairperson) or Dear Chairperson:  
Committee on (name)  
United States Senate  
(or House of Representatives)  
Washington, D.C. 20510\* (or 20515\*)

Subcommittee The Honorable (Full name) Dear Mr. Chairman:  
Chairman Chairman (Chairwoman) or Dear Madam Chairwoman:  
(Chairwoman) (Chairperson) or Dear Chairperson:  
(Chairperson) Subcommittee on (name)  
Committee on (name)  
United States Senate (or House of Representatives)  
Washington, D.C. 20510\* (or 20515\*)

Congressional Ms. Jane Doe Dear Ms. Doe:  
Staffer Staff Assistant (title)  
Office of the Honorable John Jones  
United States Senate (or House of Representatives)  
Washington, DC 20510\* (or 20515\*)

\*\* When the Office of the Vice President is vacant, correspondence to the  
Senate should be addressed: "President pro Tempore of the Senate."

ADDRESSEE ADDRESS ON LETTER AND ENVELOPE\* SALUTATION

The Comptroller The Honorable (Full name) Dear Mr./Ms. (Surname):  
General Comptroller General  
of the United States  
Washington, D.C. 20548\*

Under Secretaries The Honorable (Full name) Dear Mr./Ms. (surname):  
and Assistant Under (Assistant) Secretary for (title of bureau  
Secretaries of e.g., African Affairs)  
Departments (name of Department)  
Washington, D.C. (zip)\* 2/

\*\*\* Head of The Honorable (Full name) Dear Mr./Ms. (surname):  
Independent (Title)  
Agency (name of agency)  
Washington, D.C. (zip)\* 2/

\*\*\*President of a The Honorable (Full name) Dear Mr./Ms. (surname):  
Board or President  
Commission (name of board or  
commission)  
Washington, D.C. (zip)\* 2/

\*\*\*Head of agency The Honorable (Full name) Dear Mr./Ms. (surname):

subordinate to Director  
department or National Bureau of Standards  
independent Department of Commerce  
office Washington, D.C. 20234\*  
representative

\*\*\* Chairman The Honorable (Full name) Dear Mr. Chairman:  
(Chairwoman) Chairman (Chairwoman) Dear Madam Chairwoman:  
of a Board (name of board or  
or Commission commission)  
Washington, D.C. (zip)\* 2/

\*\*\*See the United States Government Manual or the Federal Yellow Book for  
a complete list of Federal agencies, with the correct names of their  
officials.

#### HELPFUL HINT

Please note that the Federal Yellow Book places a star by names that  
require "The Honorable" (i.e., Presidential appointees).

ADDRESSEE ADDRESS ON LETTER AND ENVELOPE\* SALUTATION

The Chief Justice The Chief Justice of the Dear Mr. Chief Justice:  
of the Supreme United States Dear Madam Chief Justice:  
Court The Supreme Court of the  
United States  
Washington, D.C. 20543\*

Associate Justice Justice (surname) Dear Mr./Madam Justice:  
of the Supreme The Supreme Court of the  
Court United States  
Washington, D.C. 20543\*

Foreign Ambassador His Excellency (Full Name) Dear Mr. Ambassador:  
in the U.S. Ambassador of (country)  
(local address)

American Ambassador The Honorable (Full name) Dear Mr. Ambassador:  
Abroad American Ambassador Dear Madam Ambassador:  
(city), (country)

American Deputy (Full name), Esquire Dear Mr. (surname):  
Chief of Mission Deputy Chief of Mission  
(male) American Embassy  
(city), (country)

American Deputy Ms. (Full name) Dear Ms. (surname):  
Chief of Mission Deputy Chief of Mission  
(female) American Embassy  
(city), (country)

American Charge (Full name), Esquire Dear Mr. (surname):  
d'Affaires ad American Charge d'Affaires

interim ad interim  
(male) (city), (country)

American Charge Ms. (Full name) Dear Ms. (surname):  
d'Affaires ad American Charge d'Affaires  
interim ad interim  
(female) (city), (country)

American Consul (Full name), Esquire Dear Mr. (surname):  
General or American Consul (General)  
American Consul (city), (country)  
Abroad  
(male)

ADDRESSEE ADDRESS ON LETTER AND ENVELOPE\* SALUTATION

American Consul Ms. (Full name) Dear Ms. (surname):  
General or American Consul (General)  
American Consul (city), (country)  
Abroad  
(female)

Governor of a State The Honorable (Full name) Dear Governor  
(surname):  
Governor of (State)  
(city, state zip)

Mayor The Honorable (Full name) Dear Mayor (surname):  
Mayor of (city)  
(city, state zip)

Judge The Honorable (Full name) Dear Judge (surname):  
Judge  
United States Court of  
(name of court)  
(city, state zip)

President of a Dr. (Full name) Dear Dr. (surname):  
College or President  
University (name of institution)  
(street address)  
(city, state zip)

Dean of a School Dean (Full name) Dear Dean (surname):  
Dean, School of (name)  
(name of institution)  
(street address)  
(city, state zip)

Professor Dr. or Professor (Full name)  
Dear  
Professor (or Dr.  
Department of (name) if pertinent)  
(name of institution) (surname):

(street address)  
(city, state zip)

Physician (Full name), M.D. Dear Doctor (surname):  
(street address)  
(city, state zip)

Military Services General (Full name), USAF Dear General  
(surname):  
(Substitute rank (or, USA or, USMC)  
as appropriate) Brigadier General  
Department of  
(Post Office address of  
organization and station)

ADDRESSEE ADDRESS ON LETTER AND ENVELOPE\* SALUTATION

U.S. Repre- The Honorable (Full name) Dear Mr./Ms. (surname):  
sentative on an United States Representative  
International on (to) the (name)  
Organization city, country (if in U.S.  
type state and zip)

Protestant The Reverend (Full name) Dear Mr./Ms. (surname):  
Minister (title), (name of church) (or Dr. (surname):)

(local address)

Priest The Reverend (Full name) Dear Father (surname):  
(add initials of order,  
if any) (local address)

Rabbi Rabbi (Full name) Dear Rabbi (surname):  
(local address) Dear Dr. (surname):

Company or Walter Smith and Company Sir or Madam:  
Corporation or Ladies and Gentlemen:  
Jay Block Company, Inc. To Whom It May Concern:  
(local address)

Private Citizens Mr. (Full name) Dear Mr. (surname):  
Ms. (Full name) Dear Ms. (surname):3/  
Messrs. (surnames) Gentlemen: or Sirs:  
Mesdames (surnames) Mesdames:  
Mr. and Mrs. (husband' Dear Mr. and Mrs  
full name) (surname):  
(street address) Ladies and Gentlemen:  
(city, state zip) To Whom It May Concern:  
Dear Madam or Sir:  
Dear Sir or Ms:

In cases where Manager Dear Manager:  
you know title, (name of business)  
but not name (local address)

Editor                      Dear Editor:  
(name of publication)  
(local address)

Executive Vice President                      Dear Executive Vice  
(name of business)  
President:  
(local address)

Chairperson                      Dear Chairperson:  
(name of organization)  
(local address)



## **TITLE 3**

### **PART 500 - COMMUNICATIONS AND RECORDS**

#### **INTRODUCTION**

#### **SECTIONS**

- 501 Scope
- 502 Authorities
  - 502.1 The Federal Records Act
  - 502.2 Government Paperwork Elimination Act (GPEA)
  - 502.3 Paperwork Reduction Act of 1980
  - 502.4 Freedom of Information Act (FOIA)
  - 502.5 The Privacy Act of 1974
- 503 Definition and Importance of Records
  - 503.1 Definition
  - 503.2 Non-record Material
  - 503.3 Importance
- 504 Responsibilities
  - 504.1 Records Management Officer
  - 504.2 Records Liaison Officers
  - 504.3 Employees
  - 504.4 Ownership of Records
  - 504.5 Reporting Requirements
- 505 Training and Guidance
  - 505.1 Records Management Handbook
  - 505.2 Training
  - 505.3 Technical Guidance
- 506 Filing Equipment and Supplies
  - 506.1 Definition
  - 506.2 Controls
  - 506.3 Non-Standard Equipment and Supplies
- 507 Inspections and Evaluations
  - 507.1 Purpose
  - 507.1a Annual Inspection

## **INTRODUCTION**

501 SCOPE - This Handbook describes basic objectives and responsibilities for administration of the Records Management Program. The regulations contained in Part 500 prescribe policies, standards, procedures, and techniques for the economical and efficient management of BBG records.

## **502 AUTHORITIES**

502.1 The Federal Records Act (44 U.S.C 3102) requires the head of each Federal agency (a) to make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities; and (b) to establish and maintain an active and continuing program for the economical and efficient management of records.

502.2 The Government Paperwork Elimination Act (GPEA, Pub. L. 105-277) requires that, when practicable, Federal agencies use electronic forms, electronic filing, and electronic signatures to conduct official business with the public.

502.3 Paperwork Reduction Act of 1980 (44 USC 3501 (et seq.)) requires agencies to minimize the paperwork burden for individuals, small businesses, educational and nonprofit institutions, Federal contractors, State, local and tribal governments, and other persons resulting from the collection of information by or for the Federal Government.

502.4 The Freedom of Information Act (FOIA) as amended (5 U.S.C. 552) requires Federal agencies to make the fullest possible disclosure of their records available to the public.

502.5 The Privacy Act of 1974 (5 U.S.C. 552a) requires protection of individuals from unwarranted invasion of privacy by: prohibiting the collection of unnecessary personal information and disclosure of information collected except in prescribed manner; requiring that Federal agencies publish lists of their systems of records containing information on individuals; providing for access by individuals to records pertaining to themselves and; providing means for individuals to request amendment of records pertaining to themselves.

## **503 DEFINITION AND IMPORTANCE OF RECORDS**

503.1 Definition - As defined in the Federal Records Act (44 U.S.C. 3301), the term "records" includes "all books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of

the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data contained in them."

503.2 Non-Record Material - Material not usually included within the definition of records, such as unofficial copies of documents that are kept only for convenience or reference, stocks of publications and processed documents, and library or museum material intended solely for reference or exhibition.

503.3 Importance - The proper individual maintenance and management of records is essential to the effective operation of Broadcasting's programs. Records not only have administrative value, they contain legal evidence that must be preserved to protect the Government; and they also embody information necessary to protect legal, property, or other rights of private citizens and government employees, as well as historical or research value for administrators, scholars, or specialists in various fields.

## **504 RESPONSIBILITIES**

504.1 The Records Management Officer is responsible for:

- a. formulating standards and procedures for the Records Management Program.
- b. providing technical assistance and establishing standards to improve existing methods of maintaining current files.
- c. developing record control schedules to govern the disposition of records.
- d. developing plans for retiring records and for prompt disposal of records of temporary value.
- e. establishing standards for the types and quantities of equipment and supplies to be used in records maintenance.
- f. establishing, developing, and conducting a training program to indoctrinate employees in the basic aspects of records management.
- g. providing advice and assistance in selecting and maintaining vital records and in transferring them to sites for use during an emergency.
- h. providing advice and assistance on records matters to employees.
- i. maintaining and updating the file classification system.
- j. maintaining liaison with the National Archives and Records Administration, General Accounting Office, and other Federal agencies

and private organizations concerned with records management matters.

504.2 Records Liaison Officers - Records Liaison Officers have been appointed to assist and coordinate with the Records Management Officer in carrying out its responsibilities.

504.3 Employees - Employees are responsible for the orderly maintenance of the contents of each file cabinet and safe assigned to them. Records must be reviewed periodically to keep non-record material from accumulating and to retire eligible inactive material. Employees are also responsible for maintaining the files in accordance with the files classification system.

504.4 Ownership of Records - No Government employees, regardless of rank or position, can acquire private proprietary interest in records that they create or that are in their custody, or to which they have access by virtue of their position. All records are the property of the Government. They must be safeguarded against unauthorized access, loss, fire, theft, or other damage.

18 U.S.C. 2071 provides for a fine of not more than \$2,000 or imprisonment for no more than three years, or both, for willful unauthorized concealing, removing, destroying, mutilating, and obliterating or carrying away Government records. Employees are responsible and must account for the records in their custody. Those files maintained by employees that pertain only to their personal affairs should be maintained apart from Agency records.

Information and working files accumulated by employees in connection with their assigned responsibilities are not considered personal files.

#### **504.5 REPORTING REQUIREMENTS**

a. Freedom of Information Act - Reports required by the Freedom of Information Act are submitted by the Office of General Counsel.

b. Privacy Act of 1974 - Reports required by the Privacy Act are also submitted by the Office of General Counsel.

#### **505 TRAINING AND GUIDANCE**

505.1 Records Management Handbook - The Records Management Handbook, helps Federal agencies comply with mandatory requirements for including recordkeeping functions with electronic information systems.

505.2 Training - The following types of training services are available:

- a. files maintenance and records disposition workshops are conducted by the Agency's Records Management Officer, and are open to all agency personnel, encompasses all areas of the records management process.

- b. files maintenance training is a continuing training and it is offered to new employees having records management responsibilities.

505.3 Technical Guidance is available in the following areas:

- a. the Records Management Officer will familiarize files custodians and program personnel in proper procedures for files maintenance and disposition, and to correct disposition problems at their source.
- b. the Records Management Officer will meet periodically with management-level officials, program officers and administrative personnel to inform them of records management regulations and to present briefings on records management activities.
- c. the Records Management Officer will periodically schedule meetings with records liaison officers to identify and discuss files maintenance and records disposition problems and solutions.

## **506 FILING EQUIPMENT AND SUPPLIES**

506.1 Definition - Filing equipment, in addition to file cabinets and safes, includes special purpose equipment, mechanized files and microfilm or microfiche filing equipment; shelf files and any other cabinets or equipment used to house records.

506.2 Controls - Controls over issuance of filing equipment and supplies, essential to assure maximum utilization of space and equipment are exercised by the Records Management Officer, who must approve requests for filing equipment and for non-standard equipment or supplies.

- a. Before a requisition for filing equipment is approved, the requesting office must:
  - (1) Dispose of records eligible for destruction.
  - (2) Retire inactive records (according to approved records disposition schedules).
  - (3) Ensure full utilization of current file equipment.
  - (4) Remove non-record material from file cabinets.
  - (5) Redistribute equipment within the unit to provide the additional space, if possible.
- b. Requisitions for filing cabinets must be accompanied by a justification statement which includes the following information:
  - (1) The intended use for the new equipment - i.e., the type and

anticipated volume of the records to be stored.

(2) The reason(s) why the existing equipment is insufficient.

- c. Requisitions for non-standard filing supplies are also evaluated to determine an actual need for such supplies before they are approved.

506.3 Non-Standard Equipment and Supplies - Requests for non-standard filing equipment or supplies must be approved by the Agency's Records Management Officer. Such equipment and supplies are expensive and their use is approved only when it can be shown that the additional cost is justified by significantly increased program efficiency, space saving, or reduction in personnel required.

## **507 INSPECTIONS AND EVALUATIONS**

507.1 Purpose - The purpose of records management inspections and evaluations is to ensure compliance with established policy, procedures and regulations. In addition, regular inspections and evaluations permit the early identification and correction of records related problems.

- a. The Agency Records Management Officer, with the assistance of the appointed records liaison officer, will conduct an annual office-wide inspection. They will provide the respective offices with a written report of the inspection, and recommendations for the correction of any deficiencies. After an appropriate length of time, follow up reviews will be conducted to ensure compliance with inspection recommendations.

**TITLE 3**  
**PART 500 - COMMUNICATIONS AND RECORDS**

**The laws, regulations and guidance cited Title 3, Communication and Records, applies to all BBG domestic and overseas installations unless otherwise indicated.**

SECTIONS

**510 Managing Agency Records**

511 Creating Records  
511.1 Controls  
511.2 Documentation  
511.3 Record Copies  
511.4 Non-Record Materials

512 Electronics Records  
512.1 Purpose  
512.2 Scope  
512.3 Authority  
512.4 Definitions  
512.5 Policy  
512.6 Responsibilities  
512.7 Electronic Records Format  
512.8 Requirement and Procedures for Creating Records  
in Electronic Form  
512.9 Ensuring Records Retention  
512.10 Electronic Indexing  
512.11 Storage  
512.12 Records Transfers and Disposals  
512.13 Judicial Use of Electronic Records

**513 Organizing Records**

513.1 Centralized vs. Decentralized Records  
513.2 Blocking  
513.3 Segregating Classified Files  
513.4 Types of File Series

**514 Records Classification and Maintenance**

514.1 Official File System  
514.2 Subject Classification of Documents  
514.3 Cross-Referencing  
514.4 Alphabetical Name Index  
514.5 Arranging Subject Files  
514.6 Crisis Files  
514.7 Filing Procedures  
514.8 Reference Service

**515 Access to Information and Records**

515.1 Personnel  
515.2 Personnel of Other Agencies  
515.3 Public Access to Information and Records  
515.4 Subpoenas for Records

- 516 Personal Files/Official Records
- 516.1 Purpose and Scope
- 516.2 Authority
- 516.3 Definitions
- 516.4 Policy
- 516.5 Notification Requirements
- 516.6 Technical Assistance

#### Managing Agency Records

511 CREATING RECORDS - The Federal Records Act of 1950 requires Federal agencies "to establish and maintain an active, continuing program for the economic and efficient management of its records."

511.1 Controls over the creation of records are essential to ensure that important policies, decisions, and operations are adequately recorded, routine paperwork is kept to a minimum, and the accumulation of unnecessary files prevented.

Each element will develop the standards and techniques for achieving economy and efficiency in creating records, in accordance with general criteria set forth in regulations and handbooks issued by the General Services Administration. Use the following methods to control the creation of records:

A. Survey Office Procedures - Subject all existing and proposed office procedures to continuing examination to prevent the creation of unnecessary records.

B. Eliminate Duplicate Files - Take positive action to eliminate duplicate files not required for current operating purposes. Use centralized files, where feasible, to control the growth of individual office working files.

C. Limit Number of Copies - Limit the number of documents reproduced and distributed to those required on a strict need-to-know basis. Exercise control over office copying equipment to limit the reproduction of copies. File information copies in temporary files to be retained for short periods of time only.

#### 511.2 Documentation:

A. Adequacy - Document the activities of officials to the extent necessary to:

1. Facilitate decision making and policies by them and their successors;
2. Fulfill the requirements of Federal statutes;
3. Allow a proper scrutiny of operations by Congress and other duly authorized agencies of the Government;



4. Protect the rights of the Government and of persons affected by the actions of agency; and

5. Provide material for research.

B. Types - Make all essential information a part of Broadcasting's documentation. In addition to communications forms, such as telegrams, letters, and memorandums, the following types of transactions and records may constitute official documentation.

1. Oral Transactions - Significant oral decisions, commitments, and discussions made in person, by telephone, in staff meetings, or in conferences are a matter of record. Record this information in the form of a memorandum of conversation, or memorandum to the file.

2. Committee and Conference Documentation - Document decisions and commitments reached through participation in, interdepartmental, and international committees and in U.S. Governmental, national, and international conferences and organizations. Include agenda and minutes of each meeting, documents considered or presented for consideration, reports and other documents resulting from the meetings, records created by or for the agency or U.S. Government participation before or during the meeting, and records resulting from the implementation of decisions and commitments.

3. Statements of Mission, Themes, Program Guidance, Briefing Books, and Background Data - These records are a part of Broadcasting's activities. Indicate clearly the meeting or purpose for which each item was prepared. Keep a master copy of each as a part of Broadcasting's records.

4. Regulations, Directives, Delegations, etc. - Document programs, policies and procedures, and organizational changes of Broadcasting in regulations, directives, circulars, delegations of authority, designations, legal opinions, and similar material. Maintain a master set so each is a part of Broadcasting's records.

5. Report and Studies - Reports and studies prepared by Broadcasting, including overseas establishments or at the request of either for its use are a part of the documentation of its activities. Maintain master sets of all such reports and studies as a part of Broadcasting's records.

6. Media Program Records produced or acquired materials for program use, such as films, radio and television scripts, pamphlets, magazines, photographs, exhibits, press stories, and other documentary, graphic, and audiovisual materials are a part of Broadcasting's activities documentation. Keep a master copy of each as a part of Broadcasting's records.

7. Administrative Records - Records concerning personnel management, budget and fiscal operations, space management, procurement and contracting, and administrative management programs documenting Broadcasting's activities in these fields.

8. Electronic Records - Electronic records are increasing every day and adequate documentation including electronic messages is essential.

9. Microfilm Records - There are various forms of miniaturization, such as the microfilm roll, microfiche, aperture cards, etc. Whenever created, all these types of microfilm are records.

10. Drafts and Working Papers - Rough drafts and working papers, such as preliminary notes, do not constitute required documentation unless they form an integral part of the finished document or show changes in policy.

511.3 Record Copies - The maintenance, use, and disposition of record copies are controlled by Federal law and any violation is a criminal act. The record copy is the official or record document so marked or recognized, complete with enclosures or related papers. When a document not generally identified as a record copy is used to support an action or decision, it becomes an integral part of the official record. If there is a question about the identification of the record copy, consult the Records Officer. A general guide to identifying the record copy of most commonly used materials follows:

A. Correspondence - Letters, memorandums, serially numbered and unnumbered communications, such as telegrams, and office memorandums, etc.

1. Created Within Broadcasting - This category includes correspondence between offices (domestic and overseas). Since not all records are merged into a central records system, each organizational element is responsible for maintaining records covering its operations. Each organizational element must maintain its own set of record copies.

The record copy may be the original communication, an official signed or initialed copy, or a reproduced copy designated as the record copy. Some specific examples are:

a. Original incoming, letters, memorandums, telegrams, e-mail, fax messages.

b. Copies of outgoing letters and memorandums.

c. original of outgoing telegrams.

2. Received from outside the agency - The record copy may be the original or a designated record copy.

a. Procedural Issuance, Reports, Studies, etc. - This category includes such items as master files of directives, circulars, staff memorandums, delegations of authority, reports. When created in printed form by Broadcasting, the office of origin is responsible for maintaining the record copy.

b. Media Program Records include many types of materials, such as films, pamphlets, magazines, scripts, etc. Some of these materials are created in Broadcasting, while others are acquired for program use.

The same type of record may be obtained from both of these sources.

(1) Created in Broadcasting - One master set of all materials created in domestic or overseas offices must be retained for record purposes.

The office of origin will designate and retain the record copy.

(2) Acquired From Outside Sources - These materials may be obtained either by direct purchase, contractual service, or donation. The program office will designate and retain the record copy of any material obtained directly by such office through purchase or contract.

511.4 Non Record Material - Non record materials are U.S. Government-owned documentary materials that do not meet the conditions of records status or that are specifically excluded from the statutory definition of records. There are three specific categories of materials excluded from the statutory definition of records. (For disposition of non-record materials, see Section 550.)

a. library and museum material (but only if such material is made or acquired and preserved solely for reference or exhibition purposes), including physical exhibits, artifacts.

b. extra copies of documents (but only if the sole reason such copies are preserved is for convenience of reference.

c. stocks of publications and of processed documents. Catalogs, trade journals, and other publications that are received from other Government agencies, commercial firms, or private institutions and that require no action and are part of a case on which action is taken. Stocks do not include serial or record sets of agency publications and processed documents, including annual reports, brochures, pamphlets, books, handbooks, posters and maps.)

a. Managing Non-record Materials - The following guidelines should be used in managing non-record materials:

a. if a clear determination cannot be made, the materials should be treated as records.

b. non-record materials must be physically segregated from record or, for electronic non-record materials, readily identified and segregable from records.

c. non-record materials should be purged when no longer needed for reference. NARA's approval is not required to destroy such materials.

514.2 Removal of Non-record material:

a. non-record materials, including extra copies of unclassified or formally declassified agency records kept only for convenience of reference, may be removed by departing employees from Government agency custody only with the approval of the head of the agency or the individual(s) authorized to act for the agency on records issues.

b. national security classified information may not be removed from Government custody, except for a removal of custody taken in accordance with the requirements of the National Industrial Security Program established under Executive Order 12829, as amended, or a successor Order.

c. information which is restricted from release under the Privacy Act of 1974 (5 U.S.C. 552a), as amended, or other statutes may not be removed from Government custody except as permitted under those statutes.

d. this section do not apply to use of records and non-record materials in the course of conducting official agency business, including telework and authorized dissemination of information.

## 512 Electronic Records

### ELECTRONIC RECORD KEEPING MANAGEMENT PROGRAM

512.1 PURPOSE - It is expected that an increasing proportion of Broadcasting's official records will be created and maintained with electronic equipment. Section 3102 of title 44, United States Code, requires the head of each Federal Agency to maintain a continuing program for the economical and efficient management of the records of an agency. In accordance with that authority, this chapter:

A. Establishes the Electronic Record keeping Management Program for the BBG.

B. Assigns responsibilities for the administration and implementation of the program.

C. Provides guidance for implementation of the Electronic Record keeping program.

512.2 SCOPE - The provisions in this Chapter are applicable to all organizational elements, both domestic and overseas.

### 512.3 AUTHORITY:

A. Title 44 U.S.C. 3102, Federal Records Act of 1950.

B. 36 CFR 1220, Records Management.

C. Title 18 U.S.C. 641 and 2071, Crimes and Criminal Procedure.

D. Federal Rules of Evidence (Rule 803 (8)).

E. Electronic Communications Privacy Act (1986), P.L. 99-508.

### 512.4 DEFINITIONS

A. Records - 44 U.S.C. 3301, "includes all books, papers, maps, photographs, machine-readable materials...(See Section 503, Definition of Records.)

B. Electronic records are records stored in a form that only a computer can process, also called machine-readable records or automated data processing (ADP) records. Examples of media used to store records include magnetic tapes, disks and drums, video files and optical disks.

C. Electronic form applies to all records created and/or stored on electronic or magnetic media.

D. Electronic mail also called email, is the transmission of memos and messages over a network. Electronic mail systems are implemented in mainframe, mini and personal computer LANs. Users can send mail to a single recipient or broadcast it to multiple users on the system. Sophisticated systems can prompt recipients for a reply if they haven't responded within a certain time frame.

With multitasking workstations, mail can be delivered and announced while the user is working in an application. Otherwise, mail is sent to a simulated postal box in the network server or host computer, which must be accessed by the recipient.

E. Electronic recordkeeping is the creation, maintenance and use, and disposition of records created and/or stored by using a computer.

F. File Transfer - Movement of data between devices, without any extraction, as complete files.

G. Information System - is the organized collection, processing, transmission, and dissemination of information in accordance with defined procedures, whether automated or manual. It is sometimes called a record system. Electronic records are generally scheduled by information system, whereas non-electronic records are generally scheduled by series.

H. Life Cycle is the management concept that records pass through three stages: creation, maintenance and use, and disposition.

I. Non-records - (See Section Title 3, Part 500, Section 511.4 Non-record Materials.)

#### 512.5 POLICY

44 U.S.C. 2904, 3101, 3102 and 3105, OMB Circular A-130, Management of Federal Information Resources, prescribes for the management of records and information systems containing records.

#### 512.6 RESPONSIBILITIES

A. The Director, Office of International Broadcasting, is responsible for establishing an agency-wide policy to manage the creation, use and disposition of BBG's records, including electronic records.

B. All primary officials at overseas establishments, the General Counsel, and all office heads are responsible for:

1. Ensuring compliance with the provisions of this Chapter and all other records management practices;
2. Ensuring electronic records and systems under their jurisdiction are covered by an approved records disposition schedule.
3. Ensuring that practices and procedures are implemented to protect records created or acquired in electronic form from loss, removal, theft, or unauthorized access;
4. Ensuring that adequate training is provided for the users of each electronic recordkeeping system in the operation and care of the equipment, software, and media used in the system; and,
5. Coordinating information needs during the design phase of a new system or a change to a current system with the User Services Division and the head of any office that could be affected by the new or modified system.

C. The User Services Division is responsible for:

1. Ensuring that electronic record keeping requirements are addressed during management reviews at critical junctures in the life cycle of major information systems;
2. Ensuring that electronic record keeping requirements are addressed during the review/approval phase of mid and small-sized information systems;
3. Ensuring the participation of a records management specialist in required milestone reviews of information systems, when the integrity and preservation of official records are discussed.

D. ADP Managers and Contractors are responsible for ensuring the adequacy of documentation, following authorized disposition schedules, and complying with established security procedures, to prevent unauthorized disclosure of data contained in existing or planned systems.

E. Program Managers (System Owners) will coordinate electronic records system activities with the Office of Administration in order to:

1. Identify the office of primary responsibility for the records being created;
2. Determine if the data being created is record or non-record material;
3. Determine in what form the record will be maintained for its life cycle; e.g., paper, microform, tape, disk, diskette, etc.;
4. Establish procedures for identifying, cataloging, and labeling records for the life cycle of the record;
5. Establish an appropriate retrieval system;

6. Identify appropriate record series and disposal instruction for the files being created within the system;

7. Ensure that adequate documentation is provided, authorized disposition schedules are followed, and that offices comply with established security procedures.

F. Records Liaison Officers have been appointed to represent their office and to assist the Records Officer in all matters of records management. The responsibilities of Records Liaison Officers include:

1. Ensuring the scheduling of electronic record series;
2. Ensuring the prompt disposal or transfer of electronic records; and,
3. Conducting inspections of electronic record keeping systems to ensure compliance with this Chapter.

G. Users are responsible for complying with operating procedures established by Computing Services and operating the system in such a manner as to protect the records from damage, destruction, or alteration.

512.7 ELECTRONIC RECORD FORMAT - The **Federal Information Processing Standards (FIPS) Publications** should be used in electronic records creation, storage, and transmission.

#### 512.8 REQUIREMENTS AND PROCEDURES FOR CREATING RECORDS IN ELECTRONIC FORM

A. Life cycle management prior to initiating any new system development, system owners must consider the full life cycle of the data maintained in the system and take the following steps:

1. Determine if the data is record or non-record material;
2. If the data is record material and can be updated, establish periodic time frames for the establishment of an entirely new file and storage of the old file (monthly, quarterly, or annually) to ensure complete files;
3. Include appropriate disposal authority, instructions, and date for each electronic record file. If no authority is available, a "Request for Records Disposition Authority", (SF 115) is to be submitted to the National Archives and Records Administration (NARA) through the Records Management Officer;
4. If the records to be maintained in the system contain proprietary information, information about individuals that is retrieved by the individual's name or other identifier such as social security number, include adequate safeguards in the system design to prevent unauthorized access, as spelled out in the Freedom of Information Act, records are subject to the provisions of the Privacy Act of 1974.

B. Creation and Use of Data Files

1. For electronic records systems that produce, use, or store data files, disposition instructions for the data shall be incorporated into the system's design.

2. Adequate and up-to-date technical documentation shall be maintained for each electronic records system that produce, uses or stores data files. Elements should follow FIPS PUB 38, "Guidelines for Documentation of Computer Programs and Automated Data Systems,"

- a. A narrative description of the system;
- b. Physical and technical characteristics of the records, including for each field its name, size, starting or relative position, and a description of the form of the data (such as alphabetic, zoned decimal, packed decimal, or numeric), or a data dictionary or the equivalent information associated with a data base management system which includes a description of the relationship between data elements in data bases;
- c. Element responsible for maintaining system, and principal users; and
- d. Any other technical information needed to read or process the records (for example, software and version, and hardware platform).

#### C. Creation and Use of Text Documents

1. Electronic records systems that maintain the official file copy of text documents on electronic media shall meet the following minimum requirements (NOTE: Most official copies are maintained in paper or microform, so the existence of an electronic copy does not in itself require that all of these requirements be met):

- a. Provide a method for all authorized users of the system to retrieve desired documents, such as an indexing or text search system;
- b. Provide a level of security that ensures the integrity of documents, that is, prevents unauthorized addition, modification, or deletion.
- c. Provide a standard interchange format when necessary to permit the exchange of documents on electronic media between Agency computers using different software/operating systems or the conversion or migration of documents on electronic media from one system to another; and
- d. Provide for the disposition of the documents including, when necessary, the requirements for transferring permanent records to NARA.

e. Before a document is created electronically on electronic records systems that will maintain the official file copy on electronic media, each document shall be identified sufficiently to enable authorized personnel to retrieve, protect, and carry out the disposition of documents in the system. Appropriate identifying information for each document maintained on electronic media may include: office of origin, file code (item number), key words for retrieval, addressee (if any), signatory, author, date, authorized disposition (coded or otherwise), and security classification (if applicable). System owners must ensure that



records maintained in such systems can be correlated with related records on paper, microform, or other media.

D. Labeling - To retrieve information created and stored electronically, the user is dependent upon labels, both external and internal. To the extent allowable by the software, the following information should be included:

1. Tape - External labels (or the equivalent automated tape management system) for magnetic tapes used to store permanent or unscheduled electronic records shall provide unique identification for each reel, including the name of the organizational unit responsible for the data, system title, and security classification, if applicable. Additionally, the following information shall be maintained for (but not necessarily attached to) each reel used to store permanent or unscheduled electronic records: file title(s); dates of creation; dates of coverage; the recording density; type of internal labels; volume serial number, if applicable; number of tracks; character code/software dependency; information about block size; and reel sequence number, if the file is part of a multi-reel set. For numeric data files, include record format and logical record length, if applicable; data set name(s) and sequence, if applicable; and number of records for each data set.

2. Diskette (Floppy) - Labels for diskettes should include title, date, software, equipment dependence, and disposition instructions.

3. Pack - Labels for disk packs will consist of the directory of file names; other labeling information (e.g., record series, date of creation, coverage, etc.) will be part of the records (ADP) layout.

E. System Documentation - System documentation is to be maintained for the life cycle of the records in the system. Included are systems specifications file specifications, code books record layouts, user guides, and output specifications. NOTE: records must continue to be retrievable and usable, regardless of any upgrades or replacements of an automated system, until the authorized disposition date of the records.

## 512.9 ENSURING RECORDS RETENTION

A. The ease of erasing or changing electronically stored records increases the risk of unauthorized disposal of official documentation. The record status of electronically stored drafts or updates should be re-evaluated as changes are made. Substantial updates (i.e., something which changes intent, policy, procedure, or conclusion) to electronic records constitute new records, while minor changes may not. When new records are created through substantial updating, the old record must be retained until authorized for disposition.

B. Some electronic mail systems automatically erase information after the recipient has read it, while others delete the information at specified time intervals. Therefore, personnel should take positive action at the time they receive electronic messages, to retain any records received in this manner in a medium which will satisfactorily store the record until

its disposition date. Many electronic mail messages will not contain enough substance to be considered official records.

512.10 ELECTRONIC INDEXING -The complexity of the indexing system is dependent upon the volume of records and the length of time they are to be retained. Electronic indexes must include, at a minimum, the subject, date, user, and identification number; e.g., Item Number (also known as file code).

512.11 STORAGE Tapes, disks, and diskettes should be stored in compliance with FIPS PUBS.

Electronically stored data containing vital records (see 1604, Definitions. MOA Part III, Chapter 500, Section 540) are to be copied and stored off site for the protection of the legal and financial rights of the Government, its employees, and the public.

512.12 Records Transfer and Disposal - When information is converted from paper to electronic form, the nature, usefulness, and accessibility of the information change. Therefore, the disposition of the information when maintained in electronic form may differ from the disposition when maintained in paper form. Electronic records derived from paper records should be separately scheduled. Although paper records may already be scheduled, the retention time should be reviewed for earlier disposition at the time the records are converted to electronic form. Electronic records authorized for disposal, i.e., shipped to the Washington National Records Center (WNRC) or NARA, or destroyed, must comply with the following requirements.

A. Records Authorized for Destruction - Electronic records may be destroyed only in accordance with a records disposition schedule approved by the Archivist of the United States, including General Records Schedule (GRS). See Title 3, Section for disposition of electronic records GRS 20 and GRS 23. GRS 20 and GRS 23 do not cover all electronic records. Electronic records not covered by items in GRS 20 or GRS 23 may not be destroyed unless authorized by a Standard Form 115 that has been approved by the National Archives and Records Administration (NARA). In carrying out the disposition instruction the following steps should be taken:

1. Electronic records scheduled for destruction are disposed of in a manner that ensures protection of any sensitive, proprietary, or national security information.

2. Magnetic recording media previously used for electronic records containing sensitive, proprietary, or national security information are not reused if the previously recorded information can be compromised by reuse in any way. NOTE: Approval from the General Accounting Office (GAO) must be obtained before any records eligible for destruction can be disposed of if Broadcasting is undergoing an audit. Likewise, if records eligible for destruction have not yet been destroyed and are the subject of a Freedom of Information Request, the records must be kept until such request is resolved.

B. Records to be transferred to WNRC or NARA - When NARA has determined that records stored on disks or diskettes are to be maintained for a long period of time, the information they contain must be converted to magnetic tape, 3480 class tape cartridges, paper or microfilm {36 CFR 1228.188}.

1. The following applies to tapes scheduled for transfer to NARA.

a. The tapes will be on one-half inch 7 or 9 track tape reels, written in ASCII or EBCDIC, with all extraneous control characters removed from the data (except records length indicators for variable length records, or marks designating a datum, word, field, block, or file) blocked no higher than 30,000 bytes per block, at 800, 1600, or 6250 bpi.

b. The tapes on which the data are recorded shall be new or recertified tapes (see 36 CFR 1234) which have been passed over a tape cleaner before writing and will be rewound under controlled tension.

c. Documentation adequate for servicing and interpreting records that have been designated for preservation by NARA will be transferred with them. This documentation shall include, but shall not necessarily be limited to:

(1) A completed Standard Form 277, Computer Magnetic Tape File Properties, or its equivalent.

(2) Where it has been necessary to strip data of extraneous control characters, the documentation specifications defining the data elements and their values must match the new format of the data.

2. The following applies to 3480 class tape cartridges scheduled for transfer to NARA.

a. 3480 class tape cartridges must meet the American National Standard based on the IBM format. The magnetic tape and cartridge for information interchange must be 18-track, parallel, 12.65 mm (1/2 inch), and 1491 cpm {37,871 cpi}.

b. All maintenance requirements of 36 CFR 1234.28(g) apply to 3480 class tape cartridges.

c. NARA will copy the contents of 3480 class tape cartridges at the time of accessioning and return them to the agency unless the agency indicates that it does not want the cartridges returned.

512.13 JUDICIAL USE OF ELECTRONIC RECORDS - Electronic records may be admitted in evidence to Federal courts for use in court proceedings (Federal Rules of Evidence 803(8)) if trustworthiness is established by thoroughly documenting the record keeping system's operation and the controls imposed upon it. If the only record is electronic, the following procedures are required to ensure the legal admissibility of that record:

- a. Document that similar kinds of records generated and stored electronically are created by the same processes each time and have a standardized retrieval approach.
- b. Substantiate that security procedures prevent unauthorized addition, modification, or deletion of a record and ensure system protection against such problems as power interruptions.
- c. Identify the electronic media on which records are stored throughout their life cycle, the maximum time span that records remain on each storage medium, and the NARA-approved disposition of all records.
- d. Establish trustworthiness of records by ensuring that:
  - (1) The date of the record can be determined;
  - (2) The date of alterations is automatically recorded by the system;
  - (3) It is evident that the document was authorized to be issued ("signed") by an appropriate official.
- e. Coordinate all of the above with the Office of the General Counsel (GC) and the Records Management Staff.

#### ELECTRONIC RECORDS STANDARDS

The National Institute of Standards and Technology (NIST) has issued the following Federal Information Processing Standards Publications (FIPS PUBS) that are particularly relevant to records creation, storage, and transmission using personal computers or other electronic office equipment. (Note: FIPS PUBS with an asterisk are mandatory standards that are implemented in the FIRMR and 41 CFR 201.13)

1. FIPS PUB 38 Guidelines for Documentation of Computer Programs and Automated Data Systems.
2. FIPS PUB 46-1 Data Encryption Standard.
3. FIPS PUB 48 Guidelines on Evaluation of Techniques for Automated Personal Identification.
4. FIPS PUB 54-1 Computer Output Microform (COM) Formats and Reduction Ratios, 16 mm and 105 mm.
5. FIPS PUB 65 Guidelines for ADP Risk Analysis.
6. FIPS PUB 73 Guidelines for Security of Computer Applications.
7. FIPS PUB 74 Guidelines for Implementing and Using the NBS Data Encryption Standard.
8. FIPS PUB 81 DES Modes of Operation.

9. FIPS PUB 82 Guideline for Inspection and Quality Control for Alphanumeric Computer-Output Microform.

10. FIPS PUB 83 Guideline on User Authentication Techniques for Computer Network Access Control.

GENERAL RECORDS SCHEDULE 20, Electronic Records and GENERAL RECORDS SCHEDULE 23, Records Common to Most Offices, provides for the disposal of certain records common to most offices. (See Title 3, Communication and Records, Section \_\_\_\_\_ for a complete list of records eligible for disposal.)

512 ORGANIZING RECORDS - Each element will organize and maintain the documents it creates and receives, according to the standards and procedures listed below.

#### 512.1 Centralized vs. Decentralized Records

##### a. Definitions

(1) Centralized Files consist of an organized body of records, maintained at a key point, serving all or most of an organizational element.

(2) Decentralized Files are dispersed to several locations serving smaller units or individual offices.

b. Location and Purpose - Centralization of files assures uniformity in procedures, continuity, and efficient management of records. It also avoids duplication, and makes it possible to utilize trained records personnel. However, frequently there are several factors, such as space arrangements, lack of personnel, and usage of records, which make centralization undesirable. If possible, centralize files within a Division, Branch, or Section.

512.2 Blocking - Arrange subject files by calendar or fiscal year blocks to facilitate retirement or destruction of inactive records. At the completion of that period, close out the existing files and start a new group. Bring forward into the current block any document(s) that constitutes an integral part of the current file.

512.3 Segregating Classified Files - As a rule, classified documents should be maintained separate from unclassified documents for the following reasons:

a. employees may not have the same level of security clearances.

b. because of the atmosphere at overseas locations, employees and non-Americans must separate classified and unclassified materials.

c. the Washington National Records Center (WNRC) does not accept classified and unclassified records retired under the same accession.

#### 512.4 Types of File Series -

a. Subject Files - consist of letters, memorandums, telegrams, enclosures, reports, and miscellaneous materials, arranged by subject.

b. Case Files:

(1) Definition - Case files, regardless of media, document a specific action, event, person, place, project or other matter. A case file may cover one or several subjects that relates to a specific case. Some examples of case files are contract files, official personnel files, research project files, etc.

(2) Creating Case Files - Methods of creating case files largely depends on the creating office. Any office that requires the creation of case files must ensure that they adequately document the function(s) or project(s) of that office. Regular review of case filing procedures is necessary to ensure that the above conditions are consistently met.

A standard system of case filing should be established for each case file series regardless of the level of creation or the office of origin. Each identifiable case file series should:

(a) specify what data the file should contain;

(b) use the same type of folders;

(c) use the same method of arrangement; and

(d) have the same ultimate disposition (i.e., case files that are created or maintained by different offices, but have the same or similar content and the same administrative or archival value, should have the same disposition).

(3) Arrangement and Maintenance - Case files are normally arranged by the names of individuals, projects, social security numbers, geographic locations, etc. Referencing case files will be easier if they are arranged by the feature most frequently requested. There are two arrangement systems; alphabetic or numeric. Alphabetic systems are arranged by names of persons or organizations, geographic locations, subject or project. Numeric systems are arranged by numbers assigned to names, projects, locations, etc. (NOTE: numeric filing schemes may require indexes which cross-reference numbers to names or subjects).

File papers loosely in folders. Fasten papers only to segregate certain documents for easy reference or disposition. Each case file folder should contain no more than 3/4 of an inch of paper. This allows all material to fit neatly in the folder and will not obstruct the folder labels. Additional papers relating to the same case file should be filed in a new folder. Each additional folder should be sequentially numbered so that is evident that they are part of the same case file.

Arrange folder labels in a straight line rather than staggered. This enables a user to quickly locate a file.

Charge-out cards are recommended when files are used by a large number of employees.

File all new case documents on a daily basis.

The case files should be centralized within offices and easily accessible to users.

(4) Planning Disposition - The ultimate disposition of case files, destruction after a specific period of time or permanent retention by the National Archives, is authorized only by instructions provided in MOA III, 555 or the General Records Schedules. Offices are required to maintain their case files in a manner that facilitates proper disposition. To do so, offices should employ the following techniques:

Chronological File - The originating office may maintain chronologically a copy of all outgoing communications as a temporary finding aid.

Media Program Records - Program records, such as films, videotape, photographic scripts, engineering drawings, etc., require special types of equipment and are arranged to suit the needs of the users.

Information and Working Files - Restrict the use of information and working files by individual offices and officers to those essential for current operating purposes. Do not retain record copies of communications in these files after action is completed.

f. Reference Files - Reference files generally serve two purposes.

(1) General Research and Reference - Certain documents required for an indefinite period for use by office personnel. Examples: Manual of Operations and Administration, Foreign Affairs Manual, Congressional Directory, etc.

(2) Program Source Data - Various types of Government and non Government publications and reference materials, newspaper clippings, and other raw data are used as source material in the preparation of periodicals, scripts, feature stories, etc.

Review this material periodically to prevent an unnecessary accumulation of obsolete material.

## 513 RECORDS CLASSIFICATION AND MAINTENANCE

### 513.1 Official File System -

a. Methods of Filing - The official file system prescribed in the Records Classification Handbook is comprised of subject categories.

b. Subject Categories - Use the official file system in the Records Classification Handbook for the organization and maintenance of all domestic and overseas subject files, including working files.

(1) Code Symbols - A symbol has been selected for each of the primary subjects. These have been chosen because of their meaning or obvious relationship to the subject matter. Simple serial numbers have been assigned to subject breakdown.

(2) Parallel Numbering - As an aid to the classifier, the same number has been assigned, whenever possible, to similar secondary subjects appearing in different file outlines.

(3) Qualifying Subjects - Offices may need to further subdivide a secondary subject by name, geographic location, or other appropriate breakdown. For example, documents relating to a film festival may be subdivided by location, e.g., MV 8 Festivals - Cannes; or documents relating to the operation of a particular component of a radio transmitter, e.g., RIO 18 Transmitter - Poro.

(4) New Subjects - The Records Classification Handbook contains comprehensive subject coverage reflecting the needs and requirements of Broadcasting. The system will be revised and updated periodically. Overseas establishments and domestic elements may send suggestions for new or revised subject headings to the Records Officer. In no case may revision or additions be made except by the Records Officer.

(5) International Organizations and Conference Files - A special instruction has been included in the Records Classification Handbook for arranging documents concerning international organizations and conferences.

(6) Abbreviations - A list of frequently used abbreviations is included in the Records Classification Handbook to aid in classifying.

(7) Index - A detailed index to the subject outlines is included in the Records Classification Handbook as an aid in determining the appropriate file designation, but it should not become a substitute for the file outlines.

### 513.3 Subject Classification of Documents:

a. Purpose - Classification is the process of determining the subject of a document and relating it to the corresponding subject in the Records Classification Handbook. When records are not properly classified it is difficult to locate either specific documents or all related documents on a particular subject.

(1) When to classify - Classify documents as soon as practical after receipt or before filing.

(2) How to classify - Classify documents, as follows:

(a) Determine the specific subject of the document, as follows:

(i) Note the subject line of communications as a guide to the general subject.



(ii) Determine the specific idea, directive, request, question, etc., from the text.

(iii) Check reference, if any, to obtain the file designation assigned to previous communications on the same subject.

(iv) Check drafting and distribution data to learn the functions performed by the originator or action office.

(b) Select from the Records Classification Handbook subject outlines the primary and secondary subject that corresponds to the specific subject of the document.

(i) Use the Records Classification Handbook Index to narrow the search for a single code symbol whose definition includes as many as possible of the elements of the subject matter appearing in the document. If all elements cannot be found in one primary subject outline, cross-reference to subordinate elements to complete documentation and to facilitate reference service.

(ii) If the Records Classification Handbook subject outlines do not provide a subject that corresponds with the specific subject, or, if the proper subject requires further breakdown, a qualifying subject may be added to the secondary code symbol.

(c) Write the file designation selected, i.e., the code symbol for the specific subject chosen, along with those for any cross-reference, in the upper right corner of the document.

(i) Qualifying subjects may be underlined on the document. Unless this is impossible or might be overlooked in filing, in which case it should be written either to the right or immediately below the file designation.

(ii) When chronological copies are maintained, mark the file designation(s) and use as a finding aid.

(d) If the file designation selected differs from any previous classification, change the designation to meet the user's file requirements. If necessary, prepare a continuity cross-reference to avoid reclassifying significant volumes of records.

#### 523.4 Cross-Referencing:

a. Purpose - Cross-referencing provides complete documentation and a finding aid when a document can logically be requested by more than one subject, or when documents or an entire folder are transferred from one file designation to another. Avoid making unnecessary cross-references.

b. Marking Document - Indicate a subject cross-referenced subject symbol below the file designation in the upper right corner of the document.

c. Preparing Cross-References - If copies of a document requiring cross-referencing are available, use the copies instead of cross-reference sheets.

d. Permanent Cross-Reference - To eliminate the need for cross-referencing many individual documents on the same subject, a permanent cross-reference may be made. Fasten this permanent cross-reference sheet to the left side of the folder for ease of reference.

e. Continuity Cross-Reference - If a change in file designation becomes necessary after a file has already been established, the file designation may be changed to a more appropriate one provided it conforms to one in the Records Classification Handbook. In this case, it may be desirable to prepare a continuity cross-reference for the file to avoid reclassifying significant volumes of records.

f. Cross-Reference to Security Classified Files - It is sometimes necessary to prepare a cross-reference to related documents that must be maintained in a separate file in accordance with security regulations (usually overseas). This procedure applies to Top Secret documents. Normally do not prepare cross-references to individual documents.

Instead, stamp the following statement on the left (inside) of the related folder in the unclassified or lower classified files: "See Classified (or Top Secret) File for Additional Information." When the cross-referencing of an individual document is necessary, write only the date and type of document on the cross-reference sheet.

523.5 Alphabetical Name Index - Where volume of files warrants, a name index composed of extra copies of communications or cross-reference sheets (no record copies) may be maintained as an index to the subject file. This index is arranged alphabetically by names of persons or organizations referred to in documents.

523.6 Arranging Subject Files - Arrange subject files according to the subject pattern in the Records Classification Handbook. However, an office primarily concerned with a single one of these categories may arrange this category at the front of the subject file. Where it is necessary to maintain "case" or "project" files separate from the subject file, arrange them in simple alphabetic or numeric order by name or number, e.g., contract, personnel, or voucher (see par. 522.4). One of the following methods of arranging case files within the subject file system may be selected:

a. Subject - When the volume of documents to be filed under any one subject is relatively small, it is not necessary to subdivide by specific name, organization, country, etc. Use the subjects in the file outlines of the primary, secondary, or tertiary level without qualifying subjects. When the volume of material is large or further subdivision is needed, subdivide secondary subjects by qualifying subjects such as: name of individual or organization, geographic location, subject, or title. Arrange folders for qualifying subjects in alphabetical sequence being the appropriate primary or secondary subject folder.

b. Geographic Location - Arrange the subjects in the file outlines by area, country, or other geographic location, and subdivide by primary or

secondary, subjects, as required. Relationships between countries may be shown at the primary or secondary level.

c. Organization - Arrange files by name of organization, particularly specific international organizations, and subdivide by primary, secondary, and tertiary subjects within appropriate file outlines when volume makes it impractical to file records under the "3 - Organizations and Conferences" subjects or where it is more convenient to file all records relating to an organization together.

d. Name - Arrange files by name of individual or firm when it best meets the operational requirements of an office. This arrangement is suitable for talent or vendor files, etc.

e. Category of Person, Product, etc. - Offices responsible for programs that relate to specific categories of persons, products, etc., may arrange files by nationality of person, type of worker, title of product (e.g., films, radio and TV shows), and further subdivide by appropriate secondary and tertiary subjects within a specific outline.

523.7 Crisis Files - If a prolonged crisis generates a large volume of related records, the normal arrangement of documents may not adequately serve the needs of an office. To meet these needs a case file, separate from the regular subject file, may be established. In classifying documents relating to the crisis, use the appropriate subjects within the Records Classification Handbook. Crisis folders or labels should be marked with the crisis title or some other identifying symbol to facilitate separate filing. Make permanent cross-reference to the crisis file in the regular subject file. When the crisis subsides or ends, establish a specific cutoff date and resume filing in the regular subject file.

#### 523.8 Filing Procedures:

a. Filing Authorization - To prevent action communications from being filed before action is indicated on certain record copies of documents before they are filed. The action officer will mark and initial documents for filing unless the file copy of the reply accompanies the incoming communication indicating completed action. When action is taken other than by a direct reply, the action officer will make proper notations on the documents to complete the record. Place these notations in the box provided in a mail distribution stamp on the document or near the incoming time stamp. Complete documentation by including attachments, appendices, and exhibits. Remove unnecessary transmittal slips, etc., and destroy.

b. Sorting Documents for Filing - Filing and reference service can be more efficiently accomplished when the filing material is sorted into filing sequence by records classification symbol or by subject, dates, names etc. For large scale sorting operations, commercial sorting devices or sorting aids may be authorized.

c. Filing:

(1) Arranging Documents in Folder - File documents by the specific file designation in chronological order, most recent date to the front.

Documents comprising one action e.g., an incoming letter and reply including attachments normally should be fastened together.

(2) Fastening Documents to the Folder - Do not fasten documents onto general subject folders since five or more pieces on one subject should be accumulated before setting up a new folder for secondary or tertiary subjects. However, case files, such as contracts, chronological files, etc., in which the filing arrangement will remain the same, may be fastened to the folder if so desired.

Also when any folder of loose documents is charged out and it is desired to retain the filing arrangement, the documents may be temporarily fastened to the folder. Press prong fastener outward without compressors to reduce filing time and to keep folders evenly expanded within the file drawers.

d. Labeling File Drawers - Label each file drawer to show its contents. Include on each label the broad subject category, the inclusive file subjects, and date. When it becomes necessary to shift the contents of file drawers, re-label the drawers accordingly.

#### 523.9 Reference Service:

a. Responsibilities - Persons in charge of records collections are responsible for providing reference service to authorized personnel on a need-to-know basis. Adopt charge-out and follow-up system to ensure the return of records within a given period of time.

b. Access to Transferred Records - Access to records that have been transferred to the National Archives is obtained through the Records Management Staff. Furnish sufficient information to facilitate locating and identifying the material desired. Include the type or nature of the document, date and subject matter, office which transferred the material, and the lot or accession number and box number. When large groups of records are to be researched the Records Management Staff will arrange with the National Archives for an employee to be granted access to these records. The Records Management Staff must be notified if any files are removed from these records. The Records Management Staff maintains a reference charge-out card for each transaction and all material must be returned through them.

#### 524 ACCESS TO INFORMATION AND RECORDS

524.1 Agency personnel may have access to active or retired records on a need-to-know basis according to the procedures established in this Manual and subject to the following restrictions:

a. Classified Records - Access to classified records as well as procedures for their handling, transmission, storage, etc., are covered in the Uniform Security Regulations (5 FAM 900) filed with MOA VIII.

b. Personnel Records - The Privacy Act of 1974 (pub. L. 93-579) restricts disclosure of information contained in the Official Personnel Folder and other personnel records (see par. 560). In addition to these restrictions, the Foreign Service Act (Section 612) prohibits disclosure of information regarding performance and character records of Foreign Service personnel except to specified officials.

c. Personnel Investigative Records - The disclosure of information contained in personnel investigative records and restricted by Executive Order 10450 and by the Privacy Act of 1974 (see par. 560)

d. Media Products - Pursuant to Section 501 of the U.S. Information and Educational Exchange Act (Pub. L. 80-402), information media material prepared for dissemination outside of the United States will not be disseminated to the public within the United States, its territories or possessions, but, on request, will be available (in the Office of Congressional and External Affairs or the FOIA office, at all reasonable times following its release as information abroad, for examination only by representatives of United States press associations, newspapers, magazines, radio systems, and stations, and by research students and scholars, and, on request, will be made available for examination only to Members of Congress, in compliance with provisions of Pub. L. 402 and the Freedom of Information Act (see par. 524.3 below). This does not limit access to records containing this material when required by agency personnel to conduct official business.

e. Records of Other Agencies (see also par. 524.3j.) - In addition to security considerations, Broadcasting observes administrative restrictions imposed by the originating agency on the use of its records. Designated control officers are responsible for receipt, distribution, storage and disposal of classified documents originating in agencies such as NSC, Nuclear Regulatory Commission, Department of Energy, NATO, etc. Classified records originating in another agency may not be transferred to another agency or destroyed, nor will information contained therein be made available to a third agency or person without written approval of the originating agency (see 5 FAM 900). Non-record material originating in other agencies may be disposed of as prescribed in par. 553.

524.2 Personnel of other agencies on assignment or detailed to the BBG may have access to records necessary for performing their duties according to the procedures and restrictions applicable to agency personnel. The element in contact with the other agency, in conjunction with the Records Officer, will handle requests for the BBG's records for temporary use by the other agency in conducting official business. See par. 3 for Transfer of Records to other agencies.

#### 524.3 Public Access to Information and Records:

##### a. Policy

(1) The BBG will make the fullest possible disclosure of its information and records consistent with provisions of the Freedom of Information Act (FOIA), as amended (5 U.S.C. 552).

(2) Regulations governing the availability of records are contained in Title 22, Code of Federal Regulations.

(3) Requests for access to records referring to the FOIA, or which can be reasonably interpreted as relying to FOIA provisions, will be processed as outlined in the following paragraphs. Complete adherence to the established procedure is essential because of the strict time constraints imposed by the FOIA.

#### b. Responsibilities

(1) The Director has assigned the responsibility for processing all FOIA requests to the Office of Administration.

(2) Each office, or service head is required to designate a FOIA action officer who will be responsible for supervising the processing of FOIA requests submitted by the Office of Administration. Granting or denying a request is the responsibility of the head of the Office, or Service, subject to review by the Office of Administration. If, for any reason, an Office, or Service head is unable to make a determination to grant or deny a request, the matter should be referred to GC for determination.

(3) A requester is entitled by law to appeal any determination denying access to records. In such instances, the Office, or Service head will be required to review the initial determination of denial. A decision to sustain the denial will require further review and final determination by the Committee for Public Information Policy (CPIP). This Committee is chaired by the Chief of Staff.

#### c. Initial Requests for Access to Records:

(1) Application for access to records should be submitted in writing to the Office of Administration.

Requests received by any other element, either by phone or in person, should be referred to the Office of Administration. Send written requests by the most expeditious means. (Requests received by overseas establishments are covered in par. 624.4). The Office of Administration will inform requesters, if necessary, of the procedures to be followed in order to request access to records.

(2) Requesting letters should contain all necessary data concerning desired records, including a description of the material, dates, titles, authors and other information which may help in identifying and retrieving the records.

#### d. Action on Initial Requests for Access to Records

(1) The Office of Administration will send to the requester by return mail a notice of receipt of each FOIA action, establishing the beginning of the ten-day response period. The notice will also indicate any anticipated delays in compliance with the request and/or cost of obtaining information. With the cooperation of Broadcasting elements, the Office of Administration will, to the extent practicable and permitted by

law, convey to the requester a determination whether to grant or deny a request for records within ten working days of receipt of the initial request. To assure compliance with the mandatory time limits, the Office of Administration will date and time-stamp, log, and assign a case number to each FOIA request. When it is determined which element will be responsible for the release or denial of the requested materials, the request will be sent to the concerned element under cover of a Routing and Transmittal Slip.

(2) Completed actions on all requests will be returned to the Office of Administration by the elements as soon as possible, but no later than c.o.b. of the ninth working day following the date of receipt as established by the Office of Administration. The response will be prepared by the Office of Administration, dated and time-stamped, and the notice of denial or the requested material forwarded to the requester.

(3) If, due to unusual circumstances, a determination cannot be made within ten working days whether to grant or deny a request for records, the Office of Administration will advise the requester immediately that an administrative extension has been instituted, giving the reasons for the extension and the projected date on which a final determination will be made. The term "unusual circumstances" is defined as follows:

(a) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(b) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request;

(c) The need for consultation, which will be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components having substantial subject matter interest therein.

(4) Any element seeking an administrative extension must send a request in writing to the Office of Administration, signed by the action officer or the Office, or Service head, stating the circumstances and fully justifying the need for a time extension. Such requests for administrative extension must be received by the Office of Administration no later than c.o.b. of the third day of the initial ten-day processing period, or by cob of the tenth day of the twenty-day appeals period (see e below). This extension can be applied in part or in whole during the initial and/or appeal period, but, in no case can such an extension exceed ten working days in the aggregate.

#### e. Denial of Access to Records and Rights of Appeal -

(1) When an initial request for records is denied, in whole or in part, the Office of Administration will immediately notify the requester in writing of such adverse determination the reasons therefore, the officials responsible for such determination, and the right of the requester to appeal, within thirty days.

(2) Appeals of initial determinations to deny records should be addressed as follows:

Freedom of Information Act  
Appeal for Access to Records  
Office of Administration

(3) All appeals will be returned to the element responsible for the initial denial for reconsideration. If the concerned element decides to sustain the denial, the appeal will then be submitted to the **Committee for Public Information Policy (CPIP)** for review and final determination. Judgments of the **CPIP** will supersede individual element determinations and will be communicated to the Director.

(4) A determination on an appeal of an initial denial of records must be made within twenty working days after receipt of such appeal except as noted under paragraphs d. (3) and (4) and f. (2). If the denial is upheld, the **Office of Administration** will notify the requester in writing giving reasons for the denial, the names and positions of the officials responsible for such determination, and informing the requester of the right to judicial review.

f. Judicial Review of Appeals -

(1) The legal consequence of not responding within the prescribed initial ten working days is that the requester may initiate court action without resort to further administrative remedies. If suit is filed while in an initial request or an appeal is pending, whether or not the suit is premature, **Broadcasting** will normally continue to process the request and/or appeal.

(2) A court may retain jurisdiction and allow **Broadcasting** additional time to complete its review of the records, if it can be determined that exceptional circumstances exist and that Broadcasting is exercising due diligence in responding to the request.

(3) In any instance of a denial of an appeal for access to records or disregard of prescribed time limits as stated above, a requester is entitled to seek redress through the courts. Examples of such instances include the following:

-- a determination whether or not to comply with an appeal of an initial denial is not made within twenty working days of receipt of an appeal.

-- a requester is advised that a ten-working-day extension has been applied during the initial determination period or appeal period, but a determination regarding access is not made by the end of the extension period.

-- in any instance of a final, administrative denial of access to records, following an appeal, the requester wishes to test the legality of the denial.



(4) Whenever a court orders the proof of any Broadcasting records improperly withheld from the complainant and assesses against **Broadcasting** reasonable attorney fees and other litigation costs, and the court additionally issues a written finding that the circumstances surrounding the withholding raise questions whether personnel acted arbitrarily or capriciously with respect to the withholding, the office of Personnel Management (OPM) will promptly initiate a proceeding to determine whether disciplinary action is warranted against the officer or employee who was primarily responsible for the withholding. Broadcasting must take the correct view action that OPM recommends.

g. Fees -

(1) **Broadcasting** is authorized by law to require payment of a fee to cover only the direct costs of search and duplication of records. The following schedule of fees has been established:

(a) Making copies (Xerox or comparable) per page, \$0.15. No fee will be charged for a particular request totaling 10 pages or less.

(b) Searching for records, per hour or fraction thereof, for clerical personnel - \$8.00, for supervisory personnel - \$15.00

No fees will be charged for searches of one hour or less.

(c) Duplication of architectural drawings and photographs - \$2.00

(d) For signed statement of non-availability of records No fee.

(2) When no specific fee has been established for a service, **the Director, Office of Administration** is authorized to determine the direct costs of the service and include such costs in the fees chargeable under the schedule of fees.

(3) When it is anticipated that the fees chargeable under this section will amount to more than \$25.00, and the requester has not indicated in advance his or her willingness to pay fees as high as are anticipated, the requester will be promptly notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In appropriate cases, an advance deposit may be required. The notice of request for an advance deposit will extend where practicable, an offer to the requester to confer with knowledgeable personnel in an attempt to reformulate the request in a manner which will reduce the fees and meet the needs of the requester. Dispatch of such notice or request for fees will suspend the running of the period for response by **Broadcasting** until a reply is received from the requester.

(4) Search costs are due and payable even if the record which was requested cannot be located after all reasonable efforts or if **Broadcasting** determines that a record which is exempt from disclosure under this part is to be withheld.

(5) Fees must be paid in full prior to the issuance of requested copies.

(6) Remittances shall be in the form either of a personal check or bank draft drawn from a bank in the United States, a postal money order, or cash. Remittances will be made payable to the order of the Treasurer of the United States and mailed to the Office of Administration. Broadcasting will assume no responsibility for cash that is lost in the mail.

(7) Receipt for fees paid will be given only upon request. Refund of fees paid for services actually rendered will not be made.

(8) The Director, Office of Administration is further authorized to waive all or part of any fee for records if it is determined that such waiver primarily benefits the general public.

#### h. Exemptions -

(1) The Act authorizes exemption from disclosure of the following classes of records and information concerning matters that are:

(a) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive order;

(b) related solely to the internal personnel rules and practices of Broadcasting;

(c) specifically exempted from disclosure by statute (such as section 501 of the United States Information and Educational Exchange Act of 1948, as amended, 22 U.S.C. 1461);

(d) trade secrets and commercial or financial information obtained from a person as privileged or confidential;

(e) inter-agency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with the Agency;

(f) personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(g) investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would:

(i) interfere with enforcement proceedings;

(ii) deprive a person of a right to a fair trial or an impartial adjudication;

(iii) constitute an unwarranted invasion of personal privacy;

(iv) disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement authority in the course of

a criminal investigation, confidential information furnished only by the confidential source;

(v) disclose investigation techniques and procedures;

(vi) endanger the life or physical safety of law enforcement personnel;

(h) contained in or related to examination, operating, or condition reports prepared by, on behalf of or for use of any agency responsible for the regulation or supervision of financial institutions; or

(i) geological and geophysical information and data, including maps, concerning wells.

(2) To the extent required to prevent a clearly unwarranted invasion of personal privacy, **Broadcasting** may delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction. Whenever **Broadcasting** finds any such deletion necessary, the responsible officer or employee must fully explain the justification therefore in writing. Any reasonable portion of a record will be provided to any person requesting such record after deletion of the portions that are exempt under this paragraph.

i. Limitation of Exemptions - The Act declares that it does not authorize withholding information or limit the availability of records to the public except as specifically stated in paragraph h. Nor is authority granted to withhold information from Congress.

j. Records of Other Agencies (**see also par. 524.1e**) - Requests for records originated in other agencies should be referred to the Office of Administration for forwarding to the originating agency. Records originated in inter-agency working groups or committees will be made available only when release is approved, in writing, by the agencies concerned.

k. Records of Other Non-U.S. Government Sources - Records described below may not be released by the head of a domestic element, but rather should be referred to the **Office of Administration** for appropriate action.

(1) Records originating with international organization or multipartite agencies.

(2) Papers originating with a foreign government and not yet released for publication by that government.

l. Deposit of Research Studies - Researchers making use of records will be encouraged to deposit copies of their completed manuscripts or published works with the **Office of Administration**.

m. Coordination between **Broadcasting** and the Department of State -

(1) In some instances, the assistance of the Historical Office of the Department of State will be necessary in determining the documents that may be made available to the public since some of the files of

Broadcasting are a part of or related to classified records of the Department of State.

(2) Under administrative support arrangements, many inactive records of Broadcasting are retired to the Department of State's Records Service Center, where reference rooms and retired record materials will be made available.

n. Reports - On or before March 1 of each calendar year, Broadcasting will submit a report covering the preceding calendar year to the Speaker of the House of Representatives and President of the Senate for referral to the appropriate committees of the Congress. The report will include:

(1) the number of determinations made by Broadcasting not to comply with requests for records and the reasons for such determination;

(2) the number of appeals made by requesters of records, the results of such appeals, and the reason for the action upon each appeal that results in a denial of information;

(3) the names and titles or positions of each person responsible for the denial of records requested, and the number of instances of participation for each;

(4) the results of each proceeding conducted pursuant to 5 U.S.C. 552(a)(4) (F), including a report of the disciplinary action taken against the officer or employee who was primarily responsible for improperly withholding records or an explanation of why disciplinary action was not taken;

(5) a copy of every rule made by Broadcasting regarding this paragraph (524.3);

(6) a copy of the fee schedule and the total amount of fees collected by Broadcasting or making records available under this paragraph; and

(7) such other information as indicates efforts to administer fully this paragraph.

524.4 Subpoenas for Records - A subpoena served on any officer or employee of Broadcasting by or on behalf of a court of law or other department or an agency acting in a quasi-judicial capacity, with a view to the production of any records of Broadcasting or records of another department or agency held in the custody of Broadcasting, or with a view to obtaining testimony regarding information actually contained or which might be contained in such records, will be brought immediately to the attention of the Director and referred to the Office of the General Counsel (GC) for review. Any such subpoena served by or on behalf of a Committee of Congress will be similarly processed. No response will be made to any subpoena except upon the specific authorization of the Director after consultation with GC and any other elements concerned. If the records contain classified or administratively controlled information, (5 FAM 900), and the restrictions on disclosure of information about

individuals contained in the Privacy Act of 1974 (see par. 560) will also apply.

## 515 PERSONAL FILES/OFFICIAL RECORDS

515.1 Purpose and Scope - This paragraph prescribes policies governing the removal of official records, copies of official records and publications, and personal papers, by current employees and those employees planning separation or transfer from Broadcasting.

525.2 Authority - This section implements the requirements of the Federal Records Act (44 U.S.C., Chapters 21, 29, 31, and 33) and NARA Bulletin 89-2, Disposition of Personal Papers and Official Records, dated November 14, 1988.

## 525.3 Definitions

a. Official Records - Official records, as used in this Section, are all books, papers, maps, photographs, machine readable materials which include films, broadcast tapes, disks, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of the data in them. Excluded are library and museum materials made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and processed documents.  
(44 U.S.C. 3301).

b. Personal Files - Personal files are those materials that belong to an individual, not the agency. Certain files are clearly personal, such as those that are not used in the transaction of agency business. Personal files may contain references to or comments on agency business, but they are considered personal if they are not used in the conduct of business.

Traditionally, personal files have included the following categories of material:

a. business or professional files created before entering Government service; files created during or relating to previously held positions, political materials, and reference files.

b. private files brought into, created, or received in the office; family and personal correspondence and materials documenting professional activities and outside business or political pursuits, including manuscripts and drafts for articles and books and volunteer and community service records that are considered personal, even if created or received while in office, because they do not relate to agency business.

c. work-related personal files including diaries, journals, notes, and personal calendars and appointment schedules; thought work-related, they

may be personal if they are used only as reminders and personal observations on work-related topics, not for the transaction of Government business.

#### 515.4 Removal of Official Records -

(1) Official records are the property of the Government, not of the employee who makes or receives them. Employees may not remove such records from **Broadcasting's** custody.

(2) Unauthorized removal of official records for personal use or for the use of others constitutes theft of Government property, punishable by fine and/or imprisonment under **18 U.S.C. 641**. Criminal penalties are also provided under **18 U.S.C. 2071** for the unlawful removal or destruction of official records.

#### 515.5 Removal of Personal Files and Extra Copies of Records -

(1) By definition, extra copies of documents (paper records and publications) accumulated only for convenience or reference are not "official records." Therefore, such copies are not subject to the general prohibition of removal outlined in paragraph **525.4a** above. Employees may remove at their discretion extra copies of documents that they have accumulated for reference purposes, provided that such removal does not:

(a) diminish or create a gap in the official files of the office;

(b) involve a cost to the Government; or

(c) violate confidentiality required by national security, personal privacy, or other interests protected by law.

(2) Because of considerations of confidentiality, the following types of documents may not be removed at the discretion of the employee:

(a) copies of documents classified for national security purposes as "top secret," "secret," or "confidential" under Executive Order 13526 of December 29, 2009, Classified National Security Information

(b) copies of documents marked "for official use only" or administratively restricted;"

(c) copies of documents expressly designated as confidential or exempt from public disclosure by statute;

(d) copies of documents containing personal information about an individual, such as personnel, medical or grants records, the removal and disclosure of which would constitute an invasion of privacy. NOTE: Employees may remove copies of documents in their possession that contain personal information only about themselves. Removal of such copies would not constitute an invasion of privacy;

(e) copies of documents compiled for investigatory, law enforcement or security purposes;

(f) copies of broadcast tapes, films, and other produced documentation;

(g) copies of documents containing trade secrets, or confidential commercial, financial or technical information about an organization or its products or services;

(h) copies of interagency or intra-agency communications which reflect the personal views of the writer or other individuals as opposed to the official position of the office or agency;

(i) copies of contingency plans, civil defense or disaster plans, and emergency operating procedures; or

(j) copies of automated data processing and telecommunications systems documentation, including systems specifications; computer programs; descriptions of administrative, technical, and physical programs; descriptions of administrative, technical, and physical safeguards; lists of access codes or passwords; and systems security information or documentation.

(3) The policy established in this section does not limit the right of employees to request and obtain copies of documents under the Freedom of Information Act or the Privacy Act of 1974.

#### c. Maintenance and Removal of Personal Papers -

(1) Papers which are truly personal and private belong to the employee who makes or receives them and may be removed at his or her discretion. Personal diaries, resumes, notes of personal telephone conversations and meetings, and private logs or journals are typical examples of removable personal papers.

(2) Employees will clearly designate personal papers as non-official at the time of origination or receipt. Such papers will at all times be maintained separately from the official files of the office. In cases where the transaction of official business is prompted by personal correspondence, the portion of the correspondence which pertains to official business will be extracted and made a part of the official files.

(3) Whenever possible, personal papers should be stored in desk drawers or credenzas. Office filing cabinets may be used for storage of personal papers provided that the volume of papers is small (one file drawer or less per cabinet) and the space is not needed for official records. When a file drawer is utilized for this purpose, however, personal papers and official records may not be commingled but must be kept separately and labeled distinctly.

(4) To prevent overburdening office equipment, employees should annually screen their personal papers and remove or destroy noncurrent materials.

525.5 Notification Requirement - Employees must promptly notify the Records Officer or the Office of Security of any actual or threatened

removal of material in violation of the policies set forth in this section.

515.6 Technical Assistance - The Records Officer will assist employees in appraising a body of materials and determining whether it comprises official records or personal papers. Employees desiring such assistance should contact the Records Management Office, Analysis and Administration Division.

## RECORDS CLASSIFICATION HANDBOOK

### ADMINISTRATION

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PRIMARY SUBJECT	CODE SYMBOL
ACCOUNTING & DISBURSING	ACC
BUILDINGS & GROUNDS	BG
BUDGET	BUD
COMMUNICATIONS & RECORDS	CR
EMERGENCY PLANNING	EP
EQUIPMENT, SUPPLIES & SERVICES	ES
FINANCIAL MANAGEMENT	FMGT
FACILITATIVE SERVICES	FSV
LEGISLATIVE & LEGAL AFFAIRS	LEG
ORGANIZATION & MANAGEMENT	ORG
PERSONNEL	PER
PUBLIC RELATIONS	PR
PROCUREMENT & CONTRACTING	PRC
SHIPPING & WAREHOUSING	SHW
SECURITY	SY
TRAVEL	TRV
VEHICLES	VEH



## ACCOUNTING & DISBURSING

### Instructions

Use for papers relating to accounting systems in general, procedures and operations involved in accounting for funds and special programs, accountability for funds, paying and collecting transactions and reports, and related subject matter.

SEE: BUDGET outline for budget policy, formulation and submission of estimates, and budget execution.

FINANCIAL MANAGEMENT outline for basic systems and techniques, financial designations, audit of funds, etc.

## ACC-ACCOUNTING & DISBURSING

### 1 GENERAL POLICY. PLANS. PRINCIPLES.

Use only for material of a general nature which cannot be filed under one of specific subjects in this outline. Includes projects to study and determine feasibility of modern accounting systems.

### 2 GENERAL REPORTS & STATISTICS

Use only for reports of a general nature which cannot be filed under one of the specific subjects in this outline.

### 3 TRANSACTIONS (OTHER AGENCY)

Includes purchase requests, procurement, payment, and transfer document.

### 4 GENERAL LEDGER

Includes journal vouchers, balance sheet and financial statements.

### 5 LAWS & REGULATIONS

Includes Broadcasting and other agency directives and procedural handbooks, Comptroller General decisions, etc. Subdivide by agency if volume warrants.

### 6 FUND ACCOUNTING

Subdivide by type of funds (e.g., appropriations, revolving, trust, foreign currency, tech.), if volume warrants.

### 7 ALLOTMENT ACCOUNTING

Includes allotments, obligations, unliquidated obligations, liquidations, refunds, etc. Subdivide by type if volume warrants.

#### 8 EXPENSE ACCOUNTING

Subdivide by type of expense (e.g., allowances, communications, medical, printing and reproduction, travel, etc.) if volume warrants.

#### 9 PERSONAL PROPERTY ACCOUNTING

Includes motor vehicles, expendable and nonexpendable equipment. Subdivide by type if volume warrants.

#### 10 REAL PROPERTY ACCOUNTING

Includes land, buildings and "built-in" equipment. Subdivide by type if volume warrants.

#### 11 ACCOUNTS RECEIVABLE

Includes debtor accounts; uncollected reimbursements, refunds and miscellaneous receipts; and recoverable advances. Subdivide by type if volume warrants.

#### 12 ACCOUNTS PAYABLE

Includes creditor accounts, withholding tax, employee insurance, retirement, etc. Subdivide by type if volume warrants.

#### 13 ADVANCES

Except travel, for which SEE: ACC 23-13. Includes progress payments and contracts advances.

#### 14 OTHER AGENCY ACCOUNTING

Subdivide by agency.

#### 15 SALES ACCOUNTING (INCOME)

Includes services, property, rentals, earned reimbursements, miscellaneous receipts, etc. Subdivide by type if volume warrants.

#### 16 PAYROLL

Includes domestic and overseas payroll; salaries for Civil Service and Foreign Service employees; deductions, contributions, etc. Subdivide by type if volume warrants.

#### 17 TRAVEL

Includes fare, per diem, transportation, etc.

## 18 COMMERCIAL VOUCHERING

Includes processing of voucher claims for payment of transportation, communications, utilities, rentals, printing and binding expenses, etc. Subdivide by type if volume warrants. For actual payments, SEE: ACC 23.

## 19 NON-OPERATING EXPENSE

Includes depletion, loss, taxes, duties, claims, grants, etc. Subdivide by type if volume warrants.

## 20 VOUCHER EXAMINATION

Use for examination of travel and commercial vouchers by accounting staff.

### 20-1 Suspensions & Disallowances

## 21 CLAIMS & EXCEPTIONS

## 22 ACCOUNTABILITY

Includes accountability for cash, checks, check stock, savings bonds, foreign currency and other negotiables. Subdivide by type if volume warrants.

## 23 PAYING AND COLLECTING TRANSACTIONS

### 23-1 Overages & Shortages

### 23-2 Reports & Statements

Use only for those that cannot be filed under one or more specific subject breakdowns. Subdivide by type (e.g., foreign currency reports, deposit and trust fund record, etc.) if volume warrants.

### 23-3 Receipts

### 23-4 Disbursements

### 23-5 Savings Bond Issuance & Redemption

### 23-6 Accommodation Exchange

### 23-7 Bank Accounts

### 23-8 Cash Payments

Includes petty cash, imprest fund, and payments in foreign currency.

### 23-9 Check Operations

Includes Treasury Checks and depository checks in local banks.

### 23-10 Notices of Exception

23-11 GAO Claims

23-12 Cash Verifications

23-13 Cash Advances

Includes travel advances.

23-14 Tax Levies

23-15 Travelers Checks

23-16 Sale of Postage Stamps

23-17 Interested Party Message Transactions

23-18 Passport & Visa Fee Accounting

23-19 Medical Deposits for Dependents

23-20 Consolidated Payment-Stateside Storage

#### BUILDINGS & GROUNDS

##### Instructions

Use for materials on the acquisition, construction, management, use and disposition of government-owned or government-leased buildings, residences and other structures and upkeep of grounds.

SEE: RADIO ENGINEERING & CONSTRUCTION outline for land acquisition, site preparation, engineering and construction of buildings and facilities for transmitting stations and other radio installations.

PROCUREMENT & CONTRACTING outline for purchase of equipment, supplies and materials.

EQUIPMENT, SUPPLIES & SERVICES outline for maintenance, use and disposition of furniture and furnishings household and office equipment, supplies, etc.

#### BG-BUILDINGS & GROUNDS

##### 1 GENERAL POLICY. PLANS.

Use for material too general in nature to be filed under more specific subjects in outline.

##### 2 GENERAL REPORTS & STATISTICS

Use for material too general in nature to be filed under more specific subjects in outline. Includes reports to GSA.

### 3 CLAIMS

Includes claims by lessees. For property damage claims, SEE:BG 20.

### 4 CONTRACTS

Use when office needs can best be met by keeping all contracts together in lieu of filing under more specific subject in this outline.

### 5 LAWS & REGULATIONS

Use for material too general in nature to be filed under more specific subjects outline.

### 6 ACQUISITION

Use for materials on the acquisition or proposed acquisition of sites, buildings, and other structures in the U.S. and abroad. Includes title deeds, easements and rights of way, permits, licenses, etc. Subdivide by type of property (e.g., office, residential, storage and utility, etc.) if volume warrants.

#### 6-1 Purchase

Includes condemnation.

#### 6-2 Lease

Subdivide by short-term and long-term if volume warrants.

#### 6-3 Site Surveys. Data.

### 7 DESIGN. CONSTRUCTION. ALTERATION.

Includes architectural plans, engineering, landscaping, etc. For interior decoration. SEE: BG 8.

### 8 FURNISHINGS

Use for design and selection. For procurement, SEE: PRC outline.

### 9 INSPECTION

Of buildings already constructed. For inspection of buildings under construction, SEE: BG 7; for security survey reports, SEE: SY 2-2.

### 10 MAINTENANCE & OPERATIONS

Of government-owned buildings and the fixtures and furniture therein, and upkeep of ground. Includes cost estimates and work orders. For guard service, SEE: BG 17 and 18.

#### 10-1 Utilities & Services

Subdivide by type (e.g., air conditioning, elevators, janitorial service, etc.) if volume warrants.

#### 11 SPACE ASSIGNMENT & USE MOVES

Subdivide by type (e.g., office, parking, storage, etc.) if volume warrants. For assignment of staff housing, SEE: PER 15-12.

#### 12 SPECIAL FACILITIES & CONCESSIONS

Such as eating facilities, commissaries, ramps, snack bars etc. Includes dining room passes. Subdivide by type of facility if volume warrants. For commissary services, SEE: PER 15-2.

#### 13 SAFETY PROGRAM

Use for protection of buildings and grounds and their occupants from damage or injury. Includes fire drills, civilian defense measures, such as designation of shelter area, etc. For physical security, SEE: BG 16; for employee accidents, SEE:PER 14-12; for property damage or loss inflicted by natural causes, mob violence, etc., SEE: BG 20.

#### 14 TAXATION

#### 15 DISPOSITION

Includes disposition of buildings and grounds, furnishings, fixtures, etc.

##### 15-1 Abandonment

##### 15-2 Demolition. Dismantling.

##### 15-3 Sale

##### 15-4 Transfer

#### 16 FACILITIES & EQUIPMENT SECURITY

Includes buildings, rooms, areas, vaults and other storage facilities, penetration, etc. Subdivide by type if volume warrants. For security survey reports, SEE:SY 2-2.

##### 16-1 Alarm Systems

##### 16-2 Electronic Equipment & Counter Measures

##### 16-3 File Equipment

Includes safes.

##### 16-4 Firearms & Ammunition

##### 16-5 Incinerators

16-6 Keys & Locks

16-7 Photographic Equipment

16-8 Restricted Areas

16-9 Sabotage

16-10 Technical Penetration

16-11 Vaults. Storage Facilities.

16-12 Entry & Departure

Includes building passes, issuance of keys, registers, etc.

17 BUILDING GUARDS. WATCHMEN.

18 and 19 Reserved for future use

20 REAL PROPERTY DAMAGE LOSS.

## BUDGET

### Instructions

Use for papers on administrative and program budget policy and procedure, including budget formulation, Budget Bureau and Congressional submissions and hearings, Committee reports and appropriation bills, budget execution, and related budget matters. Specific types of budget estimates covered are annual, supplemental and deficiency.

SEE: ACCOUNTING & DISBURSING outline for all aspects of accounting for appropriated and other funds, paying and collecting transactions relating thereto, etc.

FINANCIAL MANAGEMENT outline for basic systems and techniques, financial designations, audit of funds, etc.

## BUD-BUDGET

### 1 GENERAL POLICY PLANS

Includes studies and projects to improve budgeting procedures, long-range budget planning, and budget policy and principles. Subdivide by title of study or project if volume warrants. For financial plans, SEE: BUD 15.

#### 1-1 Position

Use for BBG stand to be reflected in budget estimates.

#### 1-2 Program Planning Budget System

Use for general materials only.

## 2 GENERAL REPORTS & STATISTICS

For fund status reports, SEE:BUD 13-1; for financial plan reports, SEE:BUD 15-2.

## 3 CALL FOR ESTIMATES

### 3-1 Bureau of the Budget

Includes budget ceiling on level of estimates imposed by OMB.

### 3-2 BBG Instructions

## 4 REIMBURSEMENTS ESTIMATES. AGREEMENTS

Use for agreements, including negotiations, with other agencies for reimbursement (e.g., for administrative support). Includes prepaid, billed, and no-cost agreements. Subdivide by agency and type if volume warrants.

### 4-1 Reimbursement Criteria

## 5 LAWS & REGULATIONS

Includes OMB Circulars, Comptroller General Decisions. Treasury and Office of Personnel Management Regulations, etc. Subdivide by source if volume warrants. For appropriation acts, SEE:BUD 12.

## 6 PROJECTIONS. PREVIEWS.

Use for preliminary estimates requested of offices prior to detailed submissions. Includes flash estimates.

## 7 OFFICE SUBMISSIONS

Use for estimates prepared and submitted by individual offices for review.

## 8 BROADCASTING REVIEW

Includes reviews held within Broadcasting on office submissions.

## 9 OFFICE OF MANAGEMENT & BUDGET SUBMISSION

Use for Broadcasting estimates as submitted to OMB for review.

### 9-1 OMB Hearings

Includes hearings schedule, witness statements, summaries of testimony, etc.

### 9-2 Supplemental Data



Requested by OMB during review.

#### 9-3 OMB Allowance

Amount of estimates allowed by OMB to be incorporated in President's Budget.

#### 10 PRESIDENT'S BUDGET

Use for estimates as included in Federal Budget.

#### 11 CONGRESSIONAL SUBMISSION

Use for estimates as submitted to Congress.

##### 11-1 House Hearings

Includes schedule, principal witness statements, supplementary data, House Report, etc.

##### 11-2 Restoration Appeal to Senate

appeal to Senate for restoration of funds reduced by House action.

##### 11-3 Senate Hearings

Includes schedule, principal witness statements, supplementary data, Senate Report, etc.

##### 11-4 Conference Action

House-Senate conference to resolve differences on appropriation bill.

#### 12 APPROPRIATION ACT

Includes analyses of final action on bill and copy of act.

#### 13 FUND AVAILABILITY

Includes appropriated funds, earned reimbursement, refunds, contributions, allocations received, transfer appropriations (in), earned income and sales income. Subdivide by type if volume warrants.

##### 13-1 Fund Status Reports

#### 14 BUDGET EXECUTION

##### 14-1 Apportionment

Includes requests to OMB for quarterly appropriated funds and approvals.

##### 14-2 Annual Authorizations

##### 14-3 Allocations (Transfers Out)

14-4 Transfer Appropriations (Out)

14-5 Allotment Authorities

14-6 Allotments

Includes adjustment of allotments.

## 15 FINANCIAL PLANS

Use for overall plan for expenditure of appropriated and other funds. Includes requests, submissions, consolidations, approvals and reviews.

15-1 Reprogramming

Use for revision of plan based on changes in availability of funds.

15-2 Financial Plan Reports

## 16 FTE AUTHORIZATION

Use for requests for, establishment of, and control over numerical authorization of staffing levels.

16-1 Request

16-2 Control Registers

16-3 Allocations

## 17 BUDGET BACK-UP

Use for back-up materials when it is desirable to maintain them separate from the particular estimates or submissions to which they may relate.

## COMMUNICATIONS & RECORDS

### Instructions

Use for papers on government-wide communications and records policy, systems and procedures, services and operations. Included are paper work management programs; regulations and procedures regarding classified records and information.

SEE: TELECOMMUNICATIONS AND POSTAL AFFAIRS outlines for matters pertaining to communications and mail matters other than those pertaining to operations and services.

BUILDING & GROUNDS outline for physical and technical security aspects of protecting communications and records facilities and classified material.

EMERGENCY PLANNING outline for E & E and vital records programs.

## CR-COMMUNICATIONS & RECORDS

### 1 GENERAL POLICY. PLANS. COORDINATION.

Use for overall program and coordination between agencies. For separate telecommunications and records management programs, SEE: CR 7 and 10, respectively.

### 2 GENERAL REPORTS & STATISTICS

Use for those which cannot be filed under more specific subjects in outline. Subdivide by title if volume warrants.

### 3 MAIL FACILITIES & SERVICES

#### 3-1 Courier Service

#### 3-2 Postal Services

Includes U.S. Postal Service, Military Postal Services, etc. Subdivide by type, as required.

#### 3-4 Messenger Service

#### 3-5 Message Centers

#### 3-6 Delivery Systems

#### 3-7 Addresses. Mailing Lists.

### 4 COMMUNICATIONS ANALYSIS & DISTRIBUTION

Includes determination of office to which communications should be routed, distribution guidelines, number of copies distributed, etc. Subdivide by type if volume warrants.

### 5 AUTHENTICATION

#### 5-1 Regulations & Procedures (Auth)

#### 5-2 Reports & Statistics (Auth)

#### 5-3 Schedule of Fees (Auth)

#### 6 (Reserved for future use)

### 7 TELECOMMUNICATIONS SERVICES

Except telephone, for which SEE: CR 8. Subdivide by type (e.g., telegraph, cable, radio) if volume warrants. Includes use of radio transmitters.

#### 7-1 Policy. Plans. Coordination. (Telecom)

#### 7-2 Reports & Statistics (Telecom)

Includes monthly telegraphic report and traffic reports.

7-3 Organizations & Conferences (Telecom)

7-4 Agreements (Telecom)

7-5 Regulations & Procedures (Telecom)

7-6 U.S. Government Facilities (Telcom)

7-7 Commercial Facilities (Telecom)

Includes rates. Subdivide by name of company if volume warrants.

7-8 Frequencies & Schedules

7-9 Reception

Includes reception reports and irregularity reports.

7-10 Propagation

Includes forecasts, charts, and conditions.

7-11 Engineering

Includes design, construction and changes.

## 8 TELEPHONE SERVICE

8-1 Policy. Plans. Coordination. (Tel)

8-2 Reports & Statistics (Tel)

8-3 Organizations & Conference (Tel)

8-4 Agreements (Tel)

8-5 Laws & Regulations (Tel)

Includes rates.

8-6 Telephone Lists. Directories.

9 (Reserved for future use)

## 10 RECORDS MANAGEMENT (GENERAL)

10-1 Policy. Plans. Coordination. (RM)

10-2 Reports & Statistics (RM)

Except surveys, for which SEE: CR 10-6

10-3 Organizations & Conferences (RM)

10-4 Agreements (RM)

Includes agreements with other governments re maintenance and disposition of multipartite records.

10-5 Laws & Regulations (RM)

10-6 Surveys. Studies (RM)

Subdivide by organizational element if volume warrants.

## 11 RECORDS MAINTENANCE & SERVICE

For development and updating of official file system, SEE: CR 12

11-1 Physical Location

11-2 File Installations. Operations.

11-3 Reference Service

For questions relating to access, SEE: CR 16-1

## 12 FILE SYSTEM

Use for development and updating of system.

12-1 Records Classification Handbook

Includes TL's and distribution data.

## 13 RECORDS EQUIPMENT & SUPPLIES

Use for development of standards and review for proper utilization. SEE: PRC for procurement; BG 16 for equipment security; and ES outline for supply items.

## 14 MICROFILMING

Except in connection with file operations, for which SEE: CR 11-2

## 15 RECORDS DISPOSITION

15-1 Records Retirement

15-2 Records Transfers

Between agencies.

15-3 Records Destruction

#### 15-4 Records Control Schedules

#### 16 DOCUMENT & INFORMATION SECURITY

Use for systems and procedures for handling and control of information and documents. For security survey reports, SEE: SY 2-2.

##### 16-1 Access & Use

For executive privilege, SEE:LEG 9.

##### 16-2 Accounting & Control

Includes logs and receipts covering classified documents, TS inventory control procedures, serialization, etc.

##### 16-3 Classification. Designation.

Includes downgrading, declassification, decontrol, upgrading, etc.

#### 17 REPORTS MANAGEMENT

Use for program to prevent creation of or to eliminate unnecessary reports, reduce number of copies, etc.

#### 18 CORRESPONDENCE MANAGEMENT

Includes correspondence procedures, instructions for use of various types of communication forms, form and guide letters, plain letters workshops, etc. Subdivide by subject if volume warrants.

#### 19 DIRECTIVES MANAGEMENT

Use for systems for issuing policy and procedural information for guidance of personnel. File published series of issuances separately.

#### 20 FORMS MANAGEMENT

Use for forms design, control, improvement or standardization, etc.

#### EMERGENCY PLANNING

Instructions

SEE: DEFENSE AFFAIRS outline for civilian defense.

PROTECTIVE SERVICES outline form consular services in protecting both government and private persons and property.

COMMUNICATIONS & RECORDS outline for emergency destruction of records and material. destruction of records and material.

#### 1 GENERAL POLICY. PLANS. COORDINATION

Use for overall policy and planning, and coordination between agencies.

## 2 REPORTS

## 3 ORGANIZATIONS & CONFERENCES

## 4 AGREEMENTS

## 5 LAWS & REGULATIONS

## 6 E & E PROGRAM

Use for emergency and evacuation program.

### 6-1 E & E Policy Plans.

### 6-2 Reports & Statistics

Includes population statistics, evacuation lists, etc.

### 6-3 Liaison Groups

Subdivide by name.

### 6-4 Emergency Requirements

Such as for communications equipment, ordinance, etc.

### 6-5 E & E Procedures

Includes Handbook.

### 6-6 Safehaven

## 7 EMERGENCY RELOCATION PROGRAM

### 7-1 Policy. Plans. Guidelines.

Includes directives and handbooks.

### 7-2 Reports

### 7-3 Other Procedures

### 7-4 Continuity of Essential Functions

### 7-5 Emergency Action Documents (EAD)

### 7-6 Emergency Assignments (Cadre)

### 7-7 Executive Reserve Program

### 7-8 Emergency Communications

Includes Emergency Notification System (Cascade).

7-9 Relocation Tests. Exercises.

Subdivide by code name and year.

## 8 VITAL RECORDS PROGRAM

8-1 Selection Guidelines

8-2 Status Reports

8-3 Records Protection

## 9 ROUND-UP PROGRAM

## EQUIPMENT, SUPPLIES & SERVICES

### Instructions

Use for papers on the utilization, maintenance, and disposition of expendable and nonexpendable equipment and supplies and for services related thereto, except as follows:

SEE: BUILDINGS & GROUNDS outline for design and selection of furnishings and buildings services.

COMMUNICATIONS & RECORDS outline for standards for proper utilization of file equipment and supplies, telecommunications facilities and services.

SHIPPING & WAREHOUSING outline for packing, shipping and storage of household effects, equipment, and supplies.

VEHICLES outline for acquisition, use, maintenance and disposition of government-owned automotive vehicles.

PROCUREMENT & CONTRACTING outline for matters pertaining to these subjects.

## ES--EQUIPMENT, SUPPLIES & SERVICES

### 1 GENERAL POLICY. PLANS. GUIDELINES.

Use only for material which cannot be filed under one of the more specific subjects in outline.

1-2 Replacement Program

### 2 GENERAL REPORTS & STATISTICS



Use only for material which cannot be filed under one of the more specific subjects in outline. Includes reports to GSA. For inventory reports, SEE: ES 7-2.

## 5 LAWS & REGULATIONS

Includes directives and procedures. Use only for those too general to be filed under more specific subjects in outline. Subdivide by source if volume warrants.

6 (Reserved for future use)

## 7 PROPERTY ACCOUNTABILITY

Subdivide as expendable or nonexpendable if desired. For inventory of and accountability for blank passports, SEE: PPT 10-1.

On expendable supplies and equipment.

### 7-2 Inventories

Of non-expendable property. Includes procedures for preparing and maintaining property record cards, basic inventory reports of furniture, equipment, and office machinery.

### 7-3 Loans & Exchanges

### 7-4 Thefts. Losses. Destruction.

Includes property survey reports of lost and damaged items.

8 (Reserved for future use)

## 9 STANDARDS

## 10 MAINTENANCE & REPAIR

Subdivide by type of service (e.g., typewriter repair, furniture refinishing, etc.) if volume warrants.

## 12 SURPLUS/EXCESS PROPERTY

### 12-1 Acquisition

### 12-2 Disposition

Includes disposal, scrap, transfer, or donation to non-profit organizations.

### 12-3 Utilization

### 12-4 Excess Listings

### 12-5 Proceeds of Sales

## FINANCIAL MANAGEMENT

### Instructions

Use for papers on financial management program in general, studies and applications of basic financial management systems and techniques, authorization or certification of personnel and facilities involved in paying and collecting transactions, accountability records and related subject matter.

SEE: BUDGET outline for budget policy, formulation and submission of estimates, and budget execution.

ACCOUNTING & DISBURSING outline for all aspects of accounting for appropriated and other funds, paying and collecting transactions, and accountability therefor.

### FMGT--FINANCIAL MANAGEMENT

#### 1 GENERAL POLICY. PLANS. PRINCIPLES.

#### 2 GENERAL REPORTS & STATISTICS

Use for general studies, surveys and reports on financial management systems and procedure and evaluation thereof.

#### 5 LAWS & REGULATIONS

Use for regulations and procedures. Also includes Comptroller General Decisions, GAO Treasury and other directives, etc.

#### 6 FINANCIAL DESIGNATIONS

Use for designation of personnel perform paying and collecting functions. Subdivide by organizational element if volume warrants.

##### 6-1 Disbursing Offices

##### 6-2 Cashiers

##### 6-3 Certifying Officers

#### 8 BANKING FACILITIES

#### 10 SAFEGUARDING OF FUNDS

Use for requirements and standards for physical protection of funds and negotiable instruments. SEE: BG 16 for construction and installation aspects.

#### 11 INTERNAL AUDIT

Use for inspections and reports by agency audit staff.

11-1 Domestic

11-2 Overseas

11-3 Contracts

12 GAO AUDIT

Use for site audit by General Accounting Office

13 EXTERNAL AUDIT (CPA)

Use for audit by certified public accountants.

#### FACILITATIVE SERVICES

##### Instructions

Use for papers on facilitative services of the types indicated, provide to staff and operating offices by administrative units and to other agencies and organizations. Do not use for papers on reimbursement estimates or administrative support agreements with other agencies for papers pertaining to information and media see media outlines.

SEE: BUILDINGS & GROUNDS, COMMUNICATIONS & RECORDS, EQUIPMENT, SUPPLIES & SERVICES, TRAVEL, SHIPPING & WAREHOUSING, and VEHICLES outlines for matters pertaining to those particular services.

BUDGET outline for reimbursement estimates and agreements.

#### FSV--FACILITATIVE SERVICE

##### AUDIO-VISUAL SERVICES

1-1 General Policy. Plans. Guidelines.

1-2 General Reports & Statistics

1-3 Organizations & Meetings

1-4 Technology

1-5 Laws. Regulations. Procedures.

##### 2 REPORTING SERVICES.

Includes conference reporting

### 3 AUTOMATED DATA PROCESSING

For maintenance and disposition of ADP equipment and supplies, SEE: ES outline; for procurement, SEE: PRC outline; for systems and studies, SEE: ORG outline.

#### 3-1 General Policy. Plans. Coordination.

Includes cooperative arrangements with other agencies.

#### 3-2 General Reports & Statistics

Includes machine utilization reports. For statistical services, SEE: FSV 3-7; for reports and statistics on specific projects, use appropriate subject outline.

#### 3-3 Organizations & Conferences

#### 3-4 Technology

Use for technical operating data, such as processing and programming techniques, input and output methods, machine language, etc. Subdivide by appropriate subject of volume warrants.

#### 3-5 Laws & Regulations

Use only when material cannot be filed under a more specific subject in this outline.

#### 3-6 Systems Development. Feasibility Studies.

Use only for general material. File specific projects under appropriate subjects in other outlines.

#### 3-7 Statistical & Other Services

### 4 LANGUAGE SERVICES

#### 4-1 Interpreting

For interpreter-escort services for grantees, SEE: EDX 28-6

#### 4-2 Translating

### 6 REPRODUCTION & DISTRIBUTION

#### 6-1 General Policy. Plans. Guidelines.

#### 6-2 General Reports & Statistics

#### 6-3 Organizations & Meetings

#### 6-4 Technology

6-5 Laws. Regulations. Procedures.

## 7 EDITORIAL SERVICES & PUBLICATIONS CONTROL

Includes control over internal and external publications, regulations of Joint Committee on Printing, etc. For preparation (other than editing), clearance and distribution of official and unofficial publications, SEE: PR 10.

## 8 PUBLICATIONS PROCUREMENT

Use only for administrative aspects procuring publications from or for any source. Subdivide by name of requesting agency or source from which procured.

## LEGISLATIVE & LEGAL AFFAIRS

### Instructions

Use only for papers pertaining to the legislative program with Congress which are so general in nature that they cannot be filed under the more specific subject outlines in this handbook. Also included are papers on such subjects as constitutional and comparative law, legal opinions and interpretations, judicial and claims procedures, etc.

SEE: POLITICAL AFFAIRS & RELATIONS outline for matters pertaining to U.S. Congress unrelated to Broadcasting's functions and operations, legislative bodies of foreign governments, for domestic law, and international law.

PROTECTIVE SERVICES outline for judicial and legal services provided by consular officers.

## LEG-LEGISLATIVE & LEGAL AFFAIRS

### 1 LEGISLATIVE PROGRAM

Use only for overall legislative program, including bills introduced on behalf of and those affecting Broadcasting programs and operations.

#### 1-1 Congressional Summaries

Use for daily and other summaries of Congressional action on bills of interest to Broadcasting

### 2 REPORTS TO CONGRESS

Use only for overall reports on Broadcasting operations. Reports on specific programs should be filed subjectively under appropriate subject outlines.

### 3 ORGANIZATIONS & CONFERENCES

Subdivide by name of organization and name, date, and location of conference if volume warrants.

#### 4 CONGRESSIONAL COMMITTEES

Use only for general papers on committee membership, procedures, schedules of appearances before and relations of agency officials with committees. Papers relating to hearings before committees on specific programs should be filed subjectively under appropriate subject outlines.

#### 5 LAW

Use only for general material on constitutional law, comparative law, etc. For domestic law of a country, international law, Rule of Law, etc., SEE POL 5.

#### 6 MEMBERS OF CONGRESS

Use only for general material on attitudes, biographic sketches, liaison with, etc. For visits, SEE: LEG 7. Arrange alphabetically by name.

#### 7 VISITS

Use for trips by individual members of Congress and Congressional delegations (CODELS). Arrange alphabetically by name.

7-1 Country Briefing Papers.

For Congressional travelers.

#### 8 CONGRESSIONAL INVESTIGATIONS

Use only for material relating to investigation in general. Papers on investigations of specific programs should be filed subjectively under appropriate outlines.

#### 9 EXECUTIVE PRIVILEGE

Use for material relating to Broadcasting's privilege of withholding information from Congress.

#### 10 LEGAL OPINIONS. INTERPRETATIONS.

Use only for general material which cannot be filed subjectively under other outlines.

#### 11 SUBPOENAS

Use for procedures relating to handling of subpoenas served on Broadcasting

#### 12 COPYRIGHTS. CLEARANCES.

Use only for general material which cannot be filed subjectively under other outlines.

### 13 CLAIMS. LITIGATION.

Use only for general material on claims by or against U.S. Government, claims procedures, etc. File specific types of claims subjectively (e.g., for war damage claims and other claims against host government, SEE: PS 8-4; for tort claims, SEE: PER 15-16, etc.)

### 14 JUDICIAL ASSISTANCE. PROCEDURE

Includes Committee on Judicial Procedure.

## ORGANIZATION & MANAGEMENT

### Instructions

Use for materials on the establishment, organization, reorganization, and termination of offices and overseas establishments; the assignment of realignment functions; and policy and instructional systems and statements which define organizational and functional matters. Also included are general administrative and organizational matters relating to other agencies, interagency relationships, coordination, etc., not involving specific substantive programs which should be filed under the appropriate subject matters outlines.

Use also for material which deals with the subject of administration in its entirety, and for material which covers several administrative subjects, i.e., materials which cannot be filed under one of the specific administrative subject outlines.

## ORG--ORGANIZATION & MANAGEMENT

### 1 GENERAL POLICY PLAN. COORDINATION

Includes material on Broadcasting and post organizations and management in general, administrative supervision of constituent posts, centralization vs. decentralization of administrative functions, and coordination between and within agencies on administrative matters. Subdivide by name of agency if volume warrants.

### 2 GENERAL REPORTS & STATISTICS

Use only for material which is so broad in content that it cannot be filed under one of the more specific subjects elsewhere in this outline. Includes periodic administrative reports (e.g., weekly, monthly, etc.).

#### 2-1 Reporting Requirements

Overall reporting schedules, workloads, and related management aspects of reporting requirements.

## 2-2 Critiques

## 3 MEETINGS & CONFERENCES

### 3-1 Administrative Officers

### 3-2 Staff

## 4 ADMINISTRATIVE SUPPORT

Use for general material on administrative support principle or policy as it affects organization and functions of Broadcasting. For levels of support and reimbursement agreements, SEE: BUD 4; for accounting aspects, SEE: ACC outline.

## 5 DELEGATIONS OF AUTHORITY

Includes designations.

## 6 DUTY OFFICERS. ROSTERS.

Includes holiday list.

## 7 VISITS

Use for papers of a substantive nature relating to field trips by personnel on official business. Or routine travel arrangements, use TRV outline.

## 8 ESTABLISHMENT. FUNCTIONS. REORGANIZATION.

Includes history and background of Broadcasting, office or overseas establishment, statement of functions and organizations charts, and reorganization plans, opening, change in status, and closing of overseas establishments.

## 9 MANAGEMENT SURVEYS

Subdivide by organization or function being surveyed. If desired, file by subject using outlines provided in this handbook.

## 10 MANAGEMENT PROGRAMS

Includes all types of management programs such as Management Improvement, Cost Reduction, Information Management, etc. Also includes management methods and techniques. Subdivide by name of program or system, if volume warrants. (Except financial management for which SEE: FMGT outline and for records management, forms management, reports management, and directives management, for which SEE: CR outline.)

### 10-1 Policy. Plans. Coordination.

### 10-2 Reports



10-3 Meetings

10-4 Agreements. Contracts.

10-5 Regulations. Procedures.

10-6 Research & Development

## 11 INSPECTIONS

Includes administrative audits, and operational surveys of a general nature. For inspections and audits of a specific functions (e.g., security, financial management, etc.), see appropriate subject outlines.

## 12 CONDUCT OF OFFICE

Use for issuance on office procedures, routine administrative matters, transfer of office to successor, calendar of events, etc.

## PERSONNEL

### Instructions

Use for papers on all aspects of personnel administrative in the Federal Government and in Broadcasting, including its organizational components. Also includes personnel security. Papers relating to individual employees shall be filed by name of employee.

SEE: EMERGENCY PLANNING outline for assignment of personnel in emergency situations.

PROTECTIVE SERVICES outline for protection of government employees overseas in emergency situations.

TRAVEL outline for travel of employees and dependents.

SHIPPING & WAREHOUSING outline for shipment of effects, and other items.

### PER--PERSONNEL

#### 1 GENERAL POLICY. PLANS. COORDINATION.

Use only for material which cannot be filed under one of the more specific subjects in this outline.

#### 2 GENERAL REPORTS & STATISTICS

#### 3 ORGANIZATIONS & CONFERENCES

Use only for papers which cannot be filed under one of the more specific subjects in this outline.

#### 4 STAFFING. COMPLEMENT.

Use for proposed and/or authorized personnel strength of organizational element. SEE:BUD 16 for budgetary aspect of position ceilings and authorizations.

#### 4-1 Reduction-in-Force

Includes procedures for establishing, maintaining and applying retention registers.

### 5 LAWS & REGULATIONS

Includes Foreign Service Act of 1946 and amendments, OPM directives of a general nature. Subdivide by source and/or title of act if volume warrants.

### 6 AWARDS & COMMENDATIONS

#### 6-1 Awards Committees

Subdivide by name if volume warrants.

#### 6-2 Cash Awards

Subdivide by type if volume warrants.

#### 6-3 Commendations.

#### 6-4 Honor Awards.

Subdivide by type if volume warrants.

#### 6-5 Non-Federal Awards & Decorations

### 7 APPEALS

Use for general material on appeals system. For specific types of appeal, see under appropriate subject in outline.

### 8 ATTENDANCE & LEAVE

Includes annual, sick, family friendly, home, military, and court leave, leave without pay, absence for jury duty, hours of work, etc. Subdivide by type of leave if volume warrants.

### 9 TRAINING & DEVELOPMENT

Subdivide by type if volume warrants.

#### 9-1 General Policy. Plans

#### 9-2 General Reports & Statistics

#### 9-3 Organizations & Conferences

9-4 Agreements. Contracts

9-5 Laws. Regulations. Procedures.

9-6 Sponsors.

9-7 Visits. Trips.

9-8 Schedules & Rosters

9-9 Requests. Applications. Registration

9-10 Teaching Materials.

9-11 Examination and Testing

9-12 Graduation Exercises. Certificates. Diplomas

9-13 Consultations. Briefing.

Includes debriefing returned employees.

## 10 PERFORMANCE EVALUATION

10-1 Performance Rating Committees. Evaluation Panels.

For Selection Boards and Promotion Panel, SEE: PER 13-6.

10-2 Ratings. Appraisals.

Includes appeals.

## 11 COMPENSATION

Use for determination of salary and wage scales and allowances. Subdivide by type of pay or allowance if volume warrants.

11-1 Cost of Living & Quarters Allowances.

Includes temporary lodging allowance. For retail price schedules, SEE: PER 11-9.

11-2 Deductions

11-3 Education Allowances

For educational travel of dependents, SEE: TRV outline.

11-4 Final Salary Clearance

Upon separation of employee.

11-5 Wage Rates & Schedules

Includes surveys to determine appropriate wage rates and schedules for local employees, and wage board determinations.

#### 11-6 Premium Pay

Subdivide as overtime, night, or holiday pay.

#### 11-7 Post Differential Allowance

#### 11-8 Representation Allowances

#### 11-9 Retail Price Schedules

#### 11-10 Separation Allowances

#### 11-11 Transfer Pay

#### 11-12 Increases

Subdivide by type such as within-grade, periodic, quality, etc. For increases or decreases in specific types of pay, allowances, etc., SEE: PER 11-1 thru 11-8, 11-10, 11-11.

### 12 CONDUCT & DISCIPLINE

Includes regulations and procedures governing conflict of interest insubordination, prohibited political activity, intoxication, sale or barter of personal property abroad, local currency transactions of employees, acceptance of gifts, tech. Case file disciplinary actions on individual employees in personnel folders.

### 13 EMPLOYMENT

Case file personnel actions on individual employees by name in personnel folders. For reduction-in-force, SEE PER 4-1.

#### 13-1 Application for Employment.

Case file individual applications by name if volume warrants.

#### 13-2 Appointment

Includes initial appointment, oath of office, reinstatement, re-employment after break in service, lateral entry from Civil Service to Foreign Service, etc. Subdivide by type of appointment (e.g., competitive service, excepted service, FS, etc.) if volume warrants.

#### 13-3 Assignment. Detail.

Includes assignment system procedures and actions, transfer to new assignment in field or in Washington after home leave, length of tours of duty at post, reimbursable details, etc.

#### 13-4 Examinations. Tests.

Use for Board of Examiners for the Foreign Service. OPM, language and other qualifying tests, etc. Subdivide by type if volume warrants.

#### 13-5 Equal Employment Opportunity

#### 13-6 Promotion. Demotion. Selection Out.

Includes Selection Boards, Promotion Panels etc.

#### 13-7 Recruitment

#### 13-8 Retirement

Includes OPM, Foreign Service and Social Security retirement systems, benefits, etc.

#### 13-9 Termination

Use for resignation, separation for cause, and termination of services through death.

#### 13-10 Transfer Out

To other agencies or international organizations. For transfer to new assignment in field or in Washington with same agency, SEE: PER 13-3.

### 14 HEALTH & MEDICAL CARE

#### 14-1 Policy. Plans.

Use only for papers which cannot be filed under more specific subjects listed under PER 14.

#### 14-2 Reports & Statistics

#### 14-3 Organizations & Conferences

Includes services provided to or by other Federal agencies. For specific medical facilities, SEE: PER 14-6.

#### 14-4 Medical Examinations

Includes medical clearances, waivers, fitness for duty.

#### 14-5 Laws & Regulations

#### 14-6 Facilities

Includes regional medical centers, hospitals, clinics, health rooms, laboratories, physical fitness rooms, etc.

#### 14-7 Insurance

Includes Federal Employees Health Benefits Program. For employee life insurance, SEE: PER 15-7.

#### 14-8 Diseases & Conditions

Includes treatment, control, prevention, diagnosis, eradication. Subdivide by type if volume warrants.

#### 14-9 Immunizations. Inoculations.

#### 14-10 Medical Supplies

#### 14-11 Evacuation

For medical reasons, or for rest and recuperation. For travel aspects, SEE: TRV outline.

#### 14-12 Safety Accidents.

Includes safety programs and claims under Federal Employee's Compensation Act. For building safety program, SEE: BG 13.

### 15 EMPLOYEE RELATIONS & SERVICES

Includes benefits derived by employees.

#### 15-1 Campaigns. Drives.

Such as CFC and health fundraising drives, blood donor campaigns, etc. Subdivide by type if volume warrants.

#### 15-3 Employee Unions

#### 15-4 Employee Vehicles

Other than shipment, for which SEE: SHW outline. Includes assistance in obtaining drivers' licenses, regulations relating to sale, etc.

#### 15-5 Credit Union

#### 15-6 Employee Welfare Fund

#### 15-7 Life Insurance

#### 15-8 Grievances

Other than appeals.

#### 15-9 Dependent Education

For assistance to community schools abroad for education of dependents of employees, SEE: EDU 9-5; for educational allowances, SEE: PER 11-3; for educational travel of dependents, SEE: TRV outline.

#### 15-10 House Organs

Published by or for employees.

#### 15-11 Income Tax

For assistance to employees in preparing tax forms.

#### 15-13 Locator Services

Includes home leave and next-of-kin addresses.

#### 15-14 Political Activities

Use for information provided employees on voting rights and authorized political activities. For illegal activities, SEE: PER 12.

#### 15-15 Recreation

Includes social activities, clubs, hobbies, FARA, and other recreation and welfare association activities.

#### 15-16 Tort Claims

Use for administrative settlement of such claims resulting from negligence, wrongful acts, or omissions on the part of employees.

#### 15-17 Credit. Bills

Includes credit inquiries and bill collecting.

### 16 SECURITY

Use for general material on security investigations of employees, fingerprinting , ID cards, etc. Case file investigations on individual employees by name. For name check procedures, SEE: SY 10; for security survey reports, SEE: 2-2.

#### 16-1 Investigations

Use for attempts to compromise personnel, including locals, by any means to obtain security information.

#### 16-2 Adjudications

Subdivide by type, such as "Q", etc.

### 18 POSITION DESCRIPTIONS. CLASSIFICATION

Includes job standards.

### 19 PERSONAL STATUS

Of employees, such as marriage, divorce, or other name change, dependency status, etc. Excludes security investigation and clearance of intended spouse, for which SEE: PER 16.

## 20 EMPLOYEE MORALE

Other than that affected by disciplinary actions and specific employee grievances, for which SEE: PER 12 and PER 15-8, respectively.

## 21 MILITARY SERVICE STATUS

For military leave, SEE: PER 8.

## PUBLIC RELATIONS

### Instructions

Use for papers on relations with the general public, including individual citizens and private groups. Included are routine requests for information, praise or criticism of policies and programs, and efforts to keep the public informed through various mass communications media.

SEE: INFORMATION outline for program in general, including public information activities conducted for other Federal agencies overseas.

RADIO and TELEVISION outlines for efforts to promote interest in and understanding of American culture, policies and objectives through specific programs and services.

### PR--PUBLIC RELATIONS

#### 1 GENERAL POLICY. GUIDELINES. COORDINATION.

Use only for material which cannot be filed under more specific subjects in this outline.

#### 2 GENERAL REPORTS & STATISTICS

Use only for material which cannot be filed under more specific subjects in this outline.

#### 3 (Reserved for future use)

#### 4 (Reserved for future use)

#### 5 INVITATIONS

Other than to speak before non-governmental groups, for which SEE: PR 6.

#### 6 NON-GOVERNMENTAL LIAISON

Subdivide by type of public or private group and/or name of organization if volume warrants.



#### 6-1 Speaker Services

#### 6-2 Community Relations

#### 6-3 Meetings & Conferences.

#### 7 APPOINTMENTS. INTERVIEWS.

With private individuals. Includes letters of introduction. Arrange alphabetically by name of visitor. For press interviews, SEE: PR 11-3.

#### 8 RADIO & TV RELATIONS

Includes clearances. Subdivide by name of network and program if volume warrants.

#### 9 AUDIO-VISUALS

#### 9-1 Films. Filmstrips. Slides. Recordings.

#### 10 PUBLICATIONS

Prepared for public consumption. Includes preparation (other than editorial services), clearance and distribution. Subdivide by title of publication, such as "How Foreign Policy is Made," "Department of State Bulletin," "Foreign Policy Briefs," etc. For requests for publications, SEE: PR 13; for editorial services and publications control, SEE: FSV 7.

#### 11 PRESS RELATIONS

Subdivide by name of newspaper, magazine or press service if volume warrants.

#### 11-1 Accreditation

Subdivide by name of correspondent if volume warrants.

#### 11-2 Press Releases

Subdivide by source and arrange chronologically or numerically if volume warrants.

#### 11-3 Press Conferences. Interviews.

Includes guidance prepared for use at conferences or in interviews. Subdivide by type (e.g., Presidential, Secretary's, etc.) or name of person if volume warrants.

#### 11-4 Special Events Coverage

Includes arrangements for coverage. Subdivide by name of event if volume warrants.

## 12 SPEECHES

Includes material for use in speeches, clearances and copies of speeches, arrangements for speeches, and requests from governmental sources for speeches. Subdivide by name of speaker and arrange by date. An extra copy may be filed subjectively if desired.

### 12-1 Speech Clearance

## 13 PUBLIC OPINION & INQUIRIES

Includes requests for information, publications, photos, etc. criticisms, complaints, and commendations; anonymous, crank and begging letters; polls and surveys, etc. Arrange by name of individual or organization if volume warrants.

### 13-1 Petitions & Resolutions

### 13-2 Polls & Surveys

## 14 TOURS

tours for the general public, including Broadcasting Lectures.

## PROCUREMENT & CONTRACTING

### Instructions

Use for papers on (A) policy and procedures about the procurement of property, supplies, equipment and services, and (B) actual contract documents, when reference services require that such documents be maintained together as a master contract file. In offices where operating needs make it desirable that a copy of contract documents be made a part of the file on the property or service procured (e.g., a specific building, talent vendor.

SEE: EQUIPMENT, SUPPLIES & SERVICES outline for utilization, maintenance, disposition, etc., of equipment and supplies.

Contract files. Certificates of award, negotiations, contract, amendments, bidders mailing list, and other contracting transactions which relate to a specific contract may be filed and maintained as a unit (case filed) by the name of the contractor, number of the contract, name of a post, or other method as appropriate to the office involved. The file folder label(s) for such files show the name, number, or other identification following the primary subject file symbol PRC.

### PRC--PROCUREMENT & CONTRACTING

#### 1 GENERAL POLICY. PLANS. GUIDELINES.

Use for material too general in nature to be filed under more specific subjects in this outline.

## 1-1 Authorizations

Includes delegations and redelegations of authority.

## 1-2 Approvals & Clearances

## 2 GENERAL REPORTS & STATISTICS

Use for material too general in nature to be filed under more specific subjects in this outline. Includes reports to other agencies.

## 2-1 Status Reports

## 3 ORGANIZATIONS & CONFERENCES

Use for material too general in nature to be filed under more specific subjects in this outline. Subdivide by name of organization, and name, date, and location of conference, if volume warrants.

## 4 CONTRACTS & AGREEMENTS

Subdivide by type, such as license agreements, rights agreements, loan agreements, open-end, rental, lease, other agency, etc. Do not use for contract case files.

## 4-1 Clauses. Formats. Forms

## 5 LAWS. REGULATIONS. PROCEDURES.

Use for materials too general in nature to be filed under a more specific subject in this outline. Subdivide by agency or public law title if volume warrants. Includes Federal procurement regulations, procurement memoranda, and instructional memoranda.

## 6 SUPPLIERS & CONTRACTORS

## 6-1 Bidders Mailing Lists

## 6-2 Ineligible

## 6-3 Contractor Data

## 6-4 Catalogs

## 7 INVITATIONS, BIDS & AWARDS

## 7-1 Request for Proposals

## 7-2 Negotiations

## 7-3 Renegotiations

## 7-4 Specifications & Bids

7-5 Reports & Data

8 BONDS

Includes bid bonds, performance bonds, deposits, sureties list, etc.

PRC--PROCUREMENT & CONTRACTING

9 PURCHASE ORDERS

10 JOB ORDERS

11 REQUISITIONS

12 TERMINATION

Includes defaults.

12-1 Procedures

12-2 Completion

12-3 Cancellation

13 CLAIMS, PROTESTS & SETTLEMENTS

13-1 Comptroller General

13-2 Board of Contract Appeals

13-3 Other

14 EXTENSIONS

15 DISCOUNTS

16 TAXES

17 FINDING & DETERMINATIONS

17-1 Standardization

18 INSPECTION & ACCEPTANCE

19 GOVERNMENT FURNISHED EQUIPMENT

20 CONTRACT REVIEWS & AUDITS

20-2 General Accounting Office

SHIPPING & WAREHOUSING

## Instructions

Use for papers pertaining to the shipping and storage of equipment, supplies, program materials and personnel household effects.

Shipping Transactions. Shipping notices, receipts, packing orders, etc. which relate to a specific shipment may be filed and maintained as a unit (case file) by the name of a post, type of material shipped, number of shipment, or other method as appropriate to the forwarding office involved.

## SHW--SHIPPING & WAREHOUSING

### 1 GENERAL POLICY. PLANS. COORDINATION

Use for material too general in nature to be filed under more specific subjects in this outline. Includes inter-agency relations and coordination.

### 2 GENERAL REPORTS & STATISTICS

Use for material too general in nature to be filed under more specific subjects in this outline. Subdivide by report title if volume warrants.

### 3 CONFERENCES

### 4 DISPATCH AGENCIES (U.S.)

Subdivide by location if volume warrants.

### 5 LAWS & REGULATIONS

Include local laws and regulations.

### 6 CARRIERS

Subdivide by type, air, truck and by carrier name thereunder, if volume warrants.

#### 6-1 Rates & Charges

Subdivide by type and/or name of carrier.

#### 6-2 Routes & Schedules

Subdivide by type and/or name of carrier.

### 7 INSTRUCTIONS & PROCEDURES

#### 7-1 Shipping Instructions & Procedures

Includes methods of shipment, such as residence-to-residence, etc.

### 8 INSURANCE

Subdivide by type or name of company.

9 DRAYAGE

Subdivide by name of carrier.

10 SHIPPING NOTICE TO FIELD

11 PACKING. LABELING. MARKING.

Includes methods, rates and instructions.

11-1 Packing Lists.

12 LOADING & UNLOADING

Includes pier charges, demurrage, etc.

13 RECEIPTS & INVOICES

Subdivide by type of carrier or vendor.

14 BILLS OF LADING

Includes airway, ocean freight and Government Bills of Lading. Use for general material only, not individual bills of lading.

15 SHIPPING ORDERS

Subdivide by area or number.

16 LOSSES, DAMAGES & SHORTAGES

16-1 Claims

16-2 Tracing

17 CUSTOMS

Includes export-import declarations.

17-1 Custom Duties & Fees

18 DELAYS

18-1 Labor Matters

Their effect on Government shipping.

19 PORTS OF ENTRY

Includes port charges. Subdivide by location if volume warrants.

## 20 FREIGHT FORWARDERS

Subdivide by name and thereunder by fiscal year if volume warrants.

### 20-1 General Policy

### 20-2 Reports & Statistics

### 20-3 Complaints

### 20-4 Contracts

## SECURITY

### Instructions

Use only for papers of a general nature on the development, coordination and administration of security policies and programs. These will be concerned primarily with other Federal agencies, but may also include liaison with security and law-enforcement agencies of other nations.

SEE: BUILDINGS & GROUNDS outline for material relating to physical and technical security.

COMMUNICATIONS & RECORDS outline for procedural security (e.g., handling, control, and downgrading of classified records and information.

EMERGENCY PLANNING outline for security aspects of emergency an evacuation (E & E), emergency relocation, and vital records programs.

PASSPORTS & CITIZENSHIP outline for passport security.

PERSONNEL outline for personnel security.

### SY--SECURITY

#### 1 GENERAL POLICY. PLANS. COORDINATION.

Includes coordination of program with other agencies.

##### 1-1 SY Instructions

##### 1-2 RSS Instructions

##### 1-3 Overseas Instructions

#### 2 GENERAL REPORTS & STATISTICS

##### 2-1 Monthly Status Reports

##### 2-2 Security Survey Reports

Arrange by facility if volume warrants.

### 3 ORGANIZATIONS & CONFERENCES

Includes security requirements of international organizations, such as NATO, SEATO, UN, etc. Subdivide by name if volume warrants. For Attorney General's list of organizations, SEE: SY 14-4; for lists of local organizations, SEE: SY 14-5

### 4 AGREEMENTS

### 5 LAWS & REGULATIONS

Use for material which cannot be filed under one of the more specific subjects in this outline. Subdivide by source if volume warrants. For investigative procedures, SEE: SY 14.

### 6 SECURITY OFFICERS

Use for designations, relations with, lists of, etc. For TS control officers, SEE: CR 16-2.

#### 6-1 Regional

#### 6-2 Overseas

#### 6-3 Unit

### 7 VISITS

Use for general material on visits of security officials and other individuals relating to security matters. For reports on security surveys, SEE: SY 2-2.

### 8 VIOLATIONS

Use only for regulations and procedures governing violations, overall reports, etc.

### 9 (Reserved for future use)

### 10 NAME CHECKS

Use for general materials including regulations and procedures governing checks on name of individuals for security purposes and statistical reports thereon.

### 11 CRANK LETTERS/PHONE CALLS

Use for material not warranting individual case filing. For crank letters not requiring investigation, SEE: PR 13.

### 12 THEFTS

Use for material not warranting individual case filing.



### 13 RIOTS & DEMONSTRATIONS

Use only for role of security officers. SEE: POL 23-8 for political aspects.

### 14 INVESTIGATIVE PROCEDURES

Use only for material of a general procedural nature that cannot be filed under specific security programs (e.g., personnel security, for which SEE; PER 16; passport security, for which SEE: PPT 10 etc.

#### 14-1 Local Procedures

#### 14-2 Sources of Information

#### 14-3 General Certification Standards

#### 14-4 Attorney General's List

#### 14-5 List of Local Organizations

### 15 INDUSTRIAL SECURITY

Use for program to obtain security clearances of industrial, educational and other facilities and personnel. In some cases these facilities and services are contractual in nature; in others educational institutions have been granted custody of classified records for research purposes. Includes the procedures for the release and use of classified information by these facilities. Case file papers on individual companies or institutions by name.

#### 16-1 Investigations

#### 16-2 Adjudications

### TRAVEL

#### Instructions

Use for papers pertaining to policies, regulations, and procedures regarding the travel of personnel on official business and the travel of their dependents.

SEE: SHIPPING AND WAREHOUSING outline for the shipping of supplies and equipment, household effects, and other items including government owned vehicles.

VEHICLES outline for acquisition, maintenance, use, etc., of government-owned vehicles.

Use also for papers on the travel of specific individuals and groups. This includes not only employees and their dependents, but also the

visits, tours, and trips of other individuals and group in public or private life, except Members of Congress, where the main emphasis is on travel arrangements.

#### TRV-TRAVEL

##### 1 GENERAL POLICY. PLANS. COORDINATION

Use only for material too general to be filed under more specific subject in outline. Includes inter-agency relations and coordination.

##### 2 GENERAL REPORTS & STATISTICS

Use only for material too general to be filed under more specific subject in outline. Includes statistical reports.

##### 3 CONFERENCES

##### 4 (Reserved for Future Use)

##### 5 LAWS & REGULATIONS

Includes local laws, regulations, and procedural handbooks.

##### 6 CARRIERS

Subdivide by type and/or name if volume warrants.

###### 6-1 Rates. Fares.

Use for general information only. For freight rates and tariffs on household and personal effects, SEE: SHW outline.

###### 6-2 Routes & Schedules

###### 6-3 Use of American and Foreign Carriers

Use for general policy and regulations.

##### 7 TRAVELER INSURANCE

##### 8 TRAVEL ALLOWANCES

Includes per diem and mileage rates, travel advances, etc.

##### 9 TRAVEL AUTHORIZATIONS

Includes requests for. Use only for general material of a regulatory or procedural nature. Those for specific travelers should be filed in their travel folders.

##### 10 TRAVEL PRIORITIES

##### 11 TRAVEL VOUCHERS

Use for procedures re preparation and submission. For accounting aspect, SEE: ACC 17 and 20.

## 12 LOCAL TRANSPORTATION

Includes use of taxis, tokens, etc. For motor pool, SEE: VEH 12.

### 12-1 Use of Private Vehicle

## 13 PASSPORT. IMMUNIZATIONS.

Required by official travelers. Includes visas.

### 14 (Reserved for future use)

## 15 ASSISTANCE TO TRAVELERS

Use for general material only. File papers relating to specific individuals under TRV by name.

### 15-1 Acknowledgments. Commendations.

### 15-2 Customs, Health & Immigration

### 15-3 Government Transportation Requests

### 15-4 Itineraries & Reservations

### 15-5 Limousine Service

### 15-6 Meetings Travelers

## VEHICLES

### Instructions

Use for papers on the acquisition, use, maintenance, inventory, and disposition of Government-owned automobiles, trucks, aircraft, boats, and other vehicles. Case files on individual vehicles may be established as required.

## VEH--VEHICLES

### 1 GENERAL POLICY

### 2 GENERAL REPORTS & STATISTICS

### 3 ACCIDENTS

For claims of injured employee, SEE: PER 14-12.

### 4 LOSS & THEFT

5 LAWS & REGULATIONS

6 ACQUISITION. REPLACEMENT.

Includes purchase, titles rental, etc.

7 INSURANCE

8 (Reserved for future use)

9 MARKING & IDENTIFICATION

10 MAINTENANCE & REPAIR

Includes parts (e.g., tires, tubes, etc.) and monthly gasoline usage.

11 ASSIGNMENT & USE

11-1 Credit Cards

11-2 Inspection

11-3 Dispatching & Scheduling

11-4 Drivers' Licenses

11-5 License Plates

11-6 Operator's Permits

13 SAFE DRIVING AWARDS

14 (Reserved for future use)

15 DISPOSITION

Includes sale, transfer, etc.

BROADCASTING

RADIO (GENERAL) R

RADIO ENGINEERING & CONSTRUCTION REC

RADIO FREQUENCIES & PROPAGATION RF

RADIO INSTALLATION OPERATIONS RIO

RADIO PROGRAMMING RP

SPACE COMMUNICATIONS SPC

## TELEVISION (GENERAL)

### 1 GENERAL POLICY. PLANS. BACKGROUND.

Use for material too general in nature to be filed under more specific subjects in this outline.

### 2 GENERAL REPORTS & STATISTICS

Use for material too general in nature to be filed under more specific subjects in this outline.

### 3 ORGANIZATIONS & CONFERENCES

Use for material too general in nature to be filed under more specific subjects in this outline.

### 4 AGREEMENTS

Use for material too general in nature to be filed under more specific subjects in this outline.

### 5 LAWS. REGULATIONS.

Use for material too general in nature to be filed under more specific subjects in this outline.

### 6 AWARDS & TESTIMONIALS

Use for material on motion picture and television awards or testimonials, except those in connection with festivals, for which SEE: MV 8-1.

### 8 FESTIVALS

Use for papers on motion picture and television festivals and United States participation therein. Subdivide by place and date if volume warrants.

#### 8-1 Prizes

#### 8-2 Schedules

### 9 TRAINING

### 10 CENSORSHIP

Use for general materials only.

### 11 Technical Research

#### 13-1 Producers

Subdivide by name of producers.

## TELEVISION FACILITIES & SERVICES

### 1 GENERAL POLICY. PLANS. GUIDELINES.

### 2 GENERAL REPORTS & STATISTICS

### 3 MEETINGS & CONFERENCES

Use for general materials only.

### 4 AGREEMENTS. CONTRACTS.

### 6 OUTSIDE RESOURCES & TALENT

Use for materials on commercial sources and talent for editing, and other services. Subdivide by name if volume warrants.

### 7 FACILITIES SCHEDULES

Use for general material on the scheduling of all facilities.

### 8 REQUESTS FOR FACILITIES

Includes related services.

#### 9-1 Licensing

### 10 TELEVISION STATIONS. NETWORKS.

#### 10-1 Cooperative & Facilitative Networks

#### 10-2 Facilitative Assistance

### 11 TELEVISION SETS

### 12 SCREENING FACILITIES

Includes screening room.

### 13 STUDIO

Includes construction, maintenance, use, and schedules.

### 14 SCENERY

Includes design and construction.

### 15 LABORATORY SERVICES

Includes recording, processing and printing, lip-sync, dubbing, mixing, and quality control.

### 16 PROJECTION SERVICES

17 STORAGE

18 REMOTE COVERAGE SERVICES

19 PRINT CONTROL & DISPOSITION

Includes procedures.

19-1 Inventory

19-2 Destruction

19-3 Sale

Includes licenses for foreign print sales, etc.

19-4 Retirement. Withdrawal.

19-5 Transfers

20 VIDEOTAPE CONTROL & DISPOSITION

20-1 Degaussing. Reusing.

21 MUSIC SERVICES

TELEVISION PROGRAMMING

1 GENERAL POLICY, PLANS, GUIDELINES COORDINATION

1-1 Proposals, Suggestions, Ideas

2 GENERAL REPORTS 7 STATISTICS

3 OUTSIDE RESOURCES 7 TALENT

3-1 Accreditations

4 AGREEMENTS

6 PRODUCTION

6-1 Suggestions. Proposals.

6-2 Status Reports

6-3 Coproduction

6-6 Projects

6-7 Schedules

6-8 Coverages

6-9 Production Materials

8 EFFECTIVENESS, EVALUATIONS, ASSESSMENT

8-1 Evaluation Techniques

8-2 Effectiveness Reports

8-3 Public Opinion

9 PROMOTION & PUBLICITY

9-1 Press Releases

0-2 Promotional Kits

10 PROGRAMMING RESTRICTIONS

11 RESEARCH

12 RIGHTS & ACQUISITION

13 USAGE, SHOWINGS, PLACEMENT

13-4 Schedules & Guides

15 ATTRIBUTION & credit tiles

16 SCRIPTS

17 VIDEOTAPES

R-RADIO (GEN)

1 GENERAL POLICY. PLANS.

Use for material too general in nature to be filed under more specific subjects in this outline.

2 GENERAL REPORTS & STATISTICS

Use for material too general in nature to be filed under more specific subjects in this outline.

3 ORGANIZATIONS & CONFERENCES

Other than radio systems, networks and stations, for which see elsewhere in this outline.

4 AGREEMENTS



Use for material too general in nature to be filed under more specific subjects in this outline.

## 5 LAWS. REGULATIONS. PROCEDURES.

Use for material too general in nature to be filed under more specific subjects in this outline.

## 6 RADIO SYSTEMS. NETWORKS. STATIONS.

### 6-1 Commercial Broadcasting

Subdivide by name or symbol of system, network or station, if volume warrants or as reference needs dictate.

### 6-2 Private International Broadcasting

Subdivide by name or symbol (e.g., RFE, Radio Liberty), if volume warrants or as reference needs dictate.

### 6-3 Foreign Country Broadcasting

Subdivide by name or area and/or country and name of system or station (e.g., Radio Luxembourg, Swiss Broadcasting Corporation, Deutschlandfunk), if volume warrants or as reference needs dictate.

### 6-4 Regional/Multinational Broadcasting

E.g., international organizations for collective defense purposes, such as SEATO, NATO, etc., and Inter-American Network.

### 6-5 Other U.S. Broadcasting

Subdivide by name or symbol (e.g., Armed Forces Network, AFRTS), if volume warrants or reference needs dictate.

## 7 VISITS

Use only for general material on visits of radio personalities or staff or officials.

## 8 EFFECTIVENESS. ASSESSMENT. EVALUATION.

Includes effectiveness reports, assessment reports, evaluations, and reviews on the total radio activity. For radio programming SEE: RP 8.

## 9 TRAINING

Of foreign government personnel

## 10 (Reserved For Future Use)

## 11 RESEARCH STUDIES.

## RADIO ENGINEERING & CONSTRUCTION

### Instructions

Use for papers which pertain to the engineering, design, and construction of radio stations and the technical apparatus, component systems, and related equipment at transmitting stations (fixed or transportable) and other radio installation. Includes land acquisition and site preparation.

SEE: RADIO INSTALLATION OPERATIONS outline for background, agreements, activation, operations and maintenance and similar subjects of a broad overall nature pertaining to transmitting stations and other radio installations.

RADIO FREQUENCIES & PROPAGATION outline for assignment of frequencies, reception, technical monitoring, and similar subjects about radio frequencies and propagation.

Specific transmitting station or other radio installation. Material concerning a particular installation should be filed and maintained as a unit (case filed).

The first section of the outline provides subjects for use in establishing files which pertain to radio engineering and construction collectively. The remaining subjects are for use in establishing files on a type of activity or equipment or component system or or their related parts.

### REC--RADIO ENGINEERING & CONSTRUCTION

#### 1 GENERAL POLICY. PLANS.

Use for material too general in nature to be filed under more specific subjects in this outline.

##### 1-1 Project Proposals

Use when certain reference needs can be met by keeping a copy of all project proposals on radio engineering and construction together.

#### 2 GENERAL REPORTS & STATISTICS

Use for material too general in nature to be filed under more specific subjects in this outline. Subdivide by type, if volume warrants.

#### 3 CLAIMS

#### 4 CONTRACTS

Use when certain reference needs can be met by keeping a copy of contracts on radio engineering and construction together.

#### 5 LAWS REGULATIONS. PROCEDURES.

Use for material too general in nature to be filed under more specific subjects in this outline.

## 6 TECHNICAL SPECIFICATIONS & STANDARDS

## 7 TECHNICAL INSPECTION

## 8 MEASUREMENT DATA

## 9 TESTING & ADJUSTMENT

## 10 SAFETY

## 11 RESEARCH. STUDIES. TECHNICAL DATA.

Does not include measurements, such as wear measurement of equipment, for which SEE: REC 8.

## 12 SECURITY

## 13 PHOTOGRAPHS. PHOTOGRAPHY.

## 14 PROPERTY ACQUISITION

Use for materials on the acquisition or proposed acquisition of sites, buildings, and other structures in the U.S. and abroad. Includes titledeeds, permits, licenses, etc. Subdivide by type of property (e.g., office, residential, storage, transmitter plant, etc.) if volume warrants.

### 14-1 Purchase

Includes condemnation.

### 14-2 Lease

Subdivide by short-term and long-term if volume warrants.

### 14-3 Site Surveys Data

### 14-4 Rights & Privileges

Includes farming, grazing, mineral, easements, etc.

## 15 DESIGN. CONSTRUCTION.

Includes architectural plans, engineering, installation, modernization, etc.

### 15-1 Engineering Surveys

Includes reconnaissance surveys.

### 15-2 Drawings

Use for general materials regarding drawings Actual drawings, because of their size and bulk, must be arranged and filed in special containers.

15-3 Specifications

15-4 Progress Photos

15-5 Design Data

Subdivide by type.

15-6 Construction Progress Reports & Charts

15-7 General Engineering Data

15-8 Contracts

15-9 Advance Construction

Includes advance construction controls.

16 SITE PREPARATION & CONSERVATION

16-1 Clearing & Grubbing

16-2 Fencing & Posting

16-3 Roads

Includes paving and grading

16-4 Sewerage

Includes drainage.

16-5 Site Photos

16-6 Soil Borings & Tests

16-7 Water

Includes supply, purification, reclamation, irrigation, etc.

16-8 Soil Conservation

16-9 Landscaping

17 ANTENNAS & TRANSMISSION LINES

Subdivide by type and/or location, manufacturer, project, etc., if volume warrants or as reference needs dictate. Subdivide by specific items (e.g., anchors and foundation, capacitors, multi-couplers, switching systems, etc.) alphabetically, as necessary.

## 18 TRANSMITTERS

Subdivide by type and/or location, manufacturer, project, etc. if volume warrants or as reference needs dictate. Subdivide by specific items (e.g., amplifiers, master oscillator, modulation monitor, RF exciter synthesizer, etc.), alphabetically, as necessary.

## 19 RECEIVERS & RECEIVING SYSTEMS

Subdivide by type and/or location, manufacturer, project, etc. if volume warrants or as reference needs dictate. Subdivide by specific items (e.g., adapters, filters, frequency counter output rack, etc.), alphabetically, as necessary.

## 20 POWER GENERATION & DISTRIBUTION SYSTEMS

Subdivide by type and/or location, manufacturer, project, etc., if volume warrants or as reference needs dictate. Subdivide by specific items (e.g., cooling system, feeder cable, fuel and lubricants, transformers, etc.), alphabetically as necessary.

## 21 POWER (GENERAL)

Use only for material which does not pertain to the apparatus, engines, and auxiliary devices used in power generation and distribution.

### 21-1 Power Requirements

### 21-2 Commercial Power

### 21-3 Federal (U.S.) Power

### 21-4 Free Power

### 21-5 Military Use of Power

## 22 STUDIOS. MASTER CONTROL.

Subdivide by type and/or location, studio number, project, etc., if volume warrants or as reference needs dictate. Subdivide by specific items (e.g., console, microphones, oscilloscope, etc.), alphabetically, as necessary.

## 23 AUDIO FACILITIES

Use only for material which cannot be filed under one of the more specific subjects provided elsewhere in this outline. Subdivide by type/or location, project, etc., if volume warrants or as reference needs dictate. Subdivide by specific items (e.g., amplifiers, speech inventors, tape recorders, speakers, etc.), alphabetically, as necessary.

## 24 TUBES & TRANSISTORS

Subdivide by type and/or location, make, project, etc., if volume warrants or as reference needs dictate.

## 25 VHF & MICROWAVE SYSTEMS

Subdivide by type and/or location, project, etc., if volume warrants or as reference needs dictate. Subdivide by specific items (e.g., mobile facilities, VHF carrier equipment, etc.), alphabetically, as necessary.

## 26 TERMINAL FACILITIES

Subdivide by type and/or location, project, etc., if volume warrants or as reference needs dictate.

## 27 COMMUNICATIONS SYSTEMS & FACILITIES

Subdivide by type of system or facility (e.g., RTT, Telephone, Clock, Intersite Radio Link, Teletype, TWX, Telex, etc.), if volume warrants.

## RADIO FREQUENCIES & PROPAGATION

### Instructions

Use for papers about radio propagation and research and analysis, frequencies assignment, technical monitoring, reception, and related radio frequencies and propagation subjects.

### RF--RADIO FREQUENCIES & PROPAGATION

#### 1 GENERAL POLICY. PLANS.

Use for material too general in nature to be filed under more specific subjects in this outline.

##### 1-1 New & Proposed Facilities

##### 1-2 Coverage Estimates & Maps

Subdivide as existing or proposed.

#### 2 GENERAL REPORTS & STATISTICS

Use for material too general in nature to be filed under more specific subjects in this outline.

#### 3 ORGANIZATIONS & CONFERENCES

Use for material too general in nature to be filed under more specific subjects in this outline. Subdivide by name of organization, and name, date, and location of conference, if volume warrants.

#### 4 AGREEMENTS

Use for material too general in nature to be filed under more specific subjects in this outline.

#### 5 LAWS. REGULATIONS. PROCEDURES.

Use for material too general in nature to be filed under more specific subjects in this outline.

#### 6 FREQUENCY SCHEDULES

Includes changes.

#### 7 FREQUENCY AUTHORIZATION.

Subdivide by location, facility, frequency, etc., if volume warrants.

#### 8 FREQUENCY USAGE

Subdivide by location, facility, frequency, etc., if volume warrants.

#### 9 FACILITY ASSIGNMENTS

File seasonally by area.

##### 9-1 Facility Changes

##### 9-2 Operational Data

File by special programs.

##### 9-3 Circuit Analysis Data

MUF, signal strengths

##### 9-4 Program Coordination

#### 10 RECEPTION. TECHNICAL MONITORING.

Subdivide by name of country, location of station, etc., if volume warrants.

##### 10-1 Reception Reports

Arrange by area, content, etc., if volume warrants.

##### 10-2 Jamming. Counter-Jamming.

##### 10-3 Interference (Non-Jamming)

E.g., due to natural phenomenon, or interference to or from transmissions of other stations.

##### 10-4 Computer Data

## 10-5 Monitoring

Includes contracts.

## 11 RESEARCH. STUDIES. TECHNICAL DATA.

Subdivide by name or number of research project, agency, study group, etc., if volume warrants.

## 12 FIXED COMMUNICATIONS

Subdivide by geographic designation, agency, system, etc. if volume warrants.

### 12-1 Fixed Communications Network

## 13 PROPAGATION FORECASTS. PREDICTIONS.

Subdivide by type, organizations, etc., if volume warrants.

## 14 BACK SCATTER

Subdivide geographically, if volume warrants.

## 15 FORWARD SCATTER

Subdivide geographically, if volume warrants.

## 16 AURORA ZONE PROPAGATION

## 17 EQUATORIAL PATH PROPAGATION

## 18 IONOSPHERIC PROPAGATION

## 19 NON-LINEAR PROPAGATION

Subdivide geographically, if volume warrants.

## RADIO INSTALLATION OPERATIONS

### Instructions

Use for papers on the general background of transmitting stations and other radio installations; their activation and status; operation and maintenance; and similar subjects of a general nature about such installations.

SEE: RADIO ENGINEERING & CONSTRUCTION outline for the design and construction of radio stations and of technical apparatus, component systems and related equipment at radio installations.



Specific transmitting station or other radio installation. Material concerning a particular installation should be filed and maintained as a unit (case files).

The first section of the outline provides subjects for use in establishing files which pertain to radio installation, operation and maintenance collectively. The remaining subjects are for use in establishing files on specific types of components and their related parts at radio and transmitting stations.

## RIO--RADIO INSTALLATION OPERATIONS

### 1 GENERAL POLICY. PLANS. BACKGROUND

Use for material too general in nature to be filed under more specific subjects in this outline.

#### 1-1 Authorizations

E.g., operational authority, delegation of authority and management authority, etc.

#### 1-2 Preliminary Proposals

#### 1-3 Projected Facilities

#### 1-4 History. General Background.

### 2 GENERAL REPORTS & STATISTICS

Use for material too general in nature to be filed under more specific subjects in this outline.

#### 2-1 Monthly Operations Report

#### 2-2 Quarterly/Annual Statistical Report

#### 2-3 Status Report

#### 2-4 Irregularity Report

### 3 ORGANIZATIONS & CONFERENCES

Use for material too general in nature to be filed under more specific subjects in this outline. Subdivide by name of organization, and name, date, and location of conference, if volume warrants.

### 4 AGREEMENTS

Includes memos of understanding and clearance with other agencies. Subdivide by countries or other political entities involved (e.g., US-Greece, Tangier-French), by organizations involved (e.g., Broadcasting-DOD), by type of agreement or subject negotiated, etc.

#### 4-1 Negotiations

### 5 LAWS. REGULATIONS. PROCEDURES.

Use for material too general in nature to be filed under more specific subjects in this outline.

#### 5-1 Emergency Operating Procedures

SEE: RADIO PROGRAMMING outline for emergency programming procedures and EMERGENCY PLANNING outline for emergency evacuation and destruction of facilities.

#### 5-2 Transmitting Station Instructions TSI's

### 6 COMMUNITY RELATIONS & CONDITIONS

#### 6-1 Schools. Schooling Facilities

#### 6-2 Incidents

Of local, relatively minor nature. Do not use for incidents of international significance, for which SEE: POL outline. Subdivide by specific incident, if volume warrants or as reference needs dictate.

#### 6-3 Cost of Living

#### 6-4 Local Labor Matters

#### 6-5 Local Laws. Regulations. Ordinances

### 7 TECHNICAL INSPECTION

### 8 PERFORMANCE. RELIABILITY

### 9 FAILURES. LOSS. DAMAGE PHOTOGRAPHS. PHOTOGRAPHY

### 10 HOURS OF OPERATION

### 11 RESEARCH. STUDIES. TECHNICAL DATA

### 12 ACTIVATION. STANDBY. TERMINATION

For papers on planning and procedures for meeting conditions which may arise from disasters, warfare, riots, or emergencies other than civil defense planning, SEE: EMERGENCY PLANNING outline.

### 13 USE OF RADIO FACILITIES

#### 13-1 VOA Use

#### 13-2 Use

#### 13-3 Other U.S. Government Agency Use

13-4 Foreign Government Use

14 MAINTENANCE & OPERATIONS

15 SAFETY

16 SECURITY

17 ANTENNAS & TRANSMISSION LINES

Subdivide by type and/or location, manufacturer, project, etc. if volume warrants or as reference needs dictate. Subdivide by specific items (e.g., anchors, and foundation, capacitors, multi-couplers, switching systems, etc.), alphabetically, as necessary.

18 TRANSMITTERS

Subdivide by type and/or location, manufacturer, if volume warrants or as reference needs dictate. Subdivide by specific items (e.g., amplifiers, master oscillator, modulation monitor, RF exciter synthesizer, etc.), alphabetically, as necessary.

19 RECEIVERS & RECEIVING SYSTEMS

Subdivide by type and/or location, manufacturer, project, etc., if volume warrants or as reference needs dictate. Subdivide by specific items (e.g., adapters, filters, frequency counter, output rack, etc.), alphabetically, as necessary.

20 POWER GENERATION & DISTRIBUTION SYSTEMS

Subdivide by type and/or location, manufacturer, project, etc., if volume warrants or as reference needs dictate. Subdivide by specific items (e.g.), cooling system, feeder cable, fuel and lubricants, transformers, etc.), alphabetically, as necessary.

21 POWER (GENERAL)

Use only for material which does not pertain to the apparatus, engines, and auxiliary devices used in power generation and distribution.

21-1 Power Requirements

21-2 Commercial Power

21-3 Federal (U.S.) Power

21-4 Free Power

21-5 Military Use of Power

22 STUDIOS. MASTER CONTROL.

Subdivide by type and/or location, studio number, project, etc., if volume warrants or as reference needs dictate. Subdivide by specific items (e.g., console, microphone, oscilloscope, etc.), alphabetically, as necessary.

## 23 AUDIO FACILITIES

Use only for material which cannot be filed under one of the more specific subjects provided elsewhere in this outline. Subdivide by type and/or location, project, etc., if volume warrants or as reference needs dictate. Subdivide by specific items (e.g., amplifiers, speech inverters, tape recorders, speakers, etc.), alphabetically, as necessary.

## 24 TUBES & TRANSISTORS

Subdivide by type and/or location, make project, etc., if volume warrants or as reference needs dictate.

## 25 VHF & MICROWAVE SYSTEMS

Subdivide by type and/or location, project, etc., of volume warrants or as reference needs dictate. Subdivide by specific items (e.g., mobile facilities, VHF carrier equipment, etc.), alphabetically, as necessary.

## 26 TERMINAL FACILITIES

Subdivide by type and/or location, if volume warrants or as reference needs dictate.

## 27 COMMUNICATIONS SYSTEMS & FACILITIES

Subdivide by type of system or facility (e.g. RTT, Telephone, Clock, Intersite Radio Link, Teletype, TWX, Telex, etc.), if volume warrants.

## NOTE

The following breakdowns may be used to subdivide any of the above apparatus, component systems, facilities, equipment, etc., should this be desirable:

-1 Reports & Statistics

-2 Procedures

-3 Technical Specs. & Standards

-4 Technical Inspection

-5 Maintenance & Operation

-6 Measurement Data

-7 Testing & Adjustment

-8 Disposition

-9 Security

-10 Safety

-11 Research. Studies. Tech. Data.

-12 Performance. Reliability.

-13 Failures. Damage. Loss.

## RADIO PROGRAMMING

### Instructions

Use for papers pertaining to the development, scheduling, use, and evaluation of radio programs as an international information media. The outline may be used also by agencies and offices whose interest in radio programs and programming lies primarily in their use as a cultural and entertainment media.

### SEE:

RADIO (GEN.), RADIO INSTALLATION OPERATIONS, RADIO ENGINEERING & CONSTRUCTION, and RADIO FREQUENCIES & PROPAGATION outlines for matters pertaining to those subjects. & PROPAGATION outlines for matters pertaining to those subjects.

Title files. Material about a particular program should be filed and maintained as a unit (case filed). and maintained as a unit (case filed).

## RP--RADIO PROGRAMMING

### 1 GENERAL POLICY. PLANS.

Use for material too general in nature to be filed under more specific subjects in this outline.

#### 1-1 Program Review

#### 1-2 Guidance

### 2 GENERAL REPORTS & STATISTICS

Use for material too general in nature to be filed under more specific subjects in this outline.

### 3 ORGANIZATIONS & CONFERENCES

Use for material too general in nature to be filed under more specific subjects in this outline. Subdivide by name of organization, and name, date, and location of conference, if volume warrants.

#### 4 AGREEMENTS

Use for material too general in nature to be filed under more specific subjects in this outline.

#### 5 LAWS. REGULATIONS. PROCEDURES.

Use for material too general in nature to be filed under more specific subjects in this outline.

##### 5-1 Emergency Programming Procedures

For emergency operating procedures SEE: RADIO INSTALLATION OPERATIONS outline.

#### 6 OUTSIDE RESOURCES & TALENT

Script writers, narrators, stringers, hoopies, etc. Arrange by type of service and thereunder alphabetically by name of individual, firm, etc. whose services are employed or who are candidates. Includes instructions on use of talent vendors, and lists of them.

#### 7 PROGRAM SCHEDULES

Subdivide by type (e.g., off-line, AFRTS, United Nations, foreign, etc.), if volume warrants or reference needs dictate.

##### 7-1 Schedule Changes

##### 7-2 Time Changes

##### 7-3 VOA Program Schedules Pamphlet

Arrange by geographic area.

#### 8 EFFECTIVENESS & EVALUATION

Subdivide geographically, if volume warrants.

##### 8-1 Evidence of Effectiveness

##### 8-2 Effectiveness Reports

##### 8-3 Contests. Clubs.

To stimulate listeners correspondence. Subdivide by type, if volume warrants.

##### 8-4 Audience Mail

Includes analysis, mail panel surveys, audience mail reports, questionnaires, translations, tabulation of responses, etc. Subdivide by area, country, program, etc. as volume warrants or reference needs dictate.

#### 8-5 Field Evaluation

Evaluation by posts and media extensions.

#### 8-6 Staff Evaluation

Evaluation by central office personnel.

#### 8-7 VOA Listening

Studies of listening of VOA programs in given areas, countries, cities. Subdivide geographically, as needed.

#### 8-8 Reactions. Attitudes. Opinions.

Toward VOA radio programs on the part of the public, government, and media of other countries. Subdivide by area and/or country, as reference needs dictate.

### 9 PUBLICITY & PROMOTION

### 10 CENSORSHIP

### 11 RESEARCH. SURVEYS. (GENERAL)

Does not include effectiveness and evaluation of VOA programs or monitoring of radio program content, for which see elsewhere in this outline.

#### 11-1 Audience Research Reports

Use for reports which are not limited solely to listening habits or to audience estimates or to other specific type of radio program research data.

#### 11-2 Audience Estimates

Estimates of potential or actual radio audiences. Subdivide by area and/or country, type, etc. as reference needs dictate.

#### 11-3 Listening Habits

Subdivide by area and/or country, type of listener (e.g., university students, urban radio owners), etc., as reference needs dictate.

#### 11-4 Radio Receiver Set Distribution

i. e., number of sets, distribution pattern, etc. Subdivide by area and/or country, as reference needs dictate.

### 12 RIGHTS. CLEARANCES

#### 12-1 Copyrights

Subdivide by source (e.g., network), title, etc., as reference needs dictate.

12-2 Performance Rights

12-3 Clearances for Recording or Rebroadcasting

12-4 Property Protection

13 PLACEMENT. USAGE.

Of VOA programs and program materials.

13-1 Usage Reports

14 USAGE OF COMMERCIAL RADIO LINES

For VOA program transmissions.

14-1 Program Hour Reports

14-2 Outages

15 STANDBY PROGRAMS

16 BROADCASTING ROUTINES

16-1 Openings & Closings

16-2 Station Identification

Includes correspondence and instructions on use of and changes in commercial radio stations identification.

16-3 Bridges

16-4 Spot Announcements

16-5 Apology Announcements

17 PRODUCTION

For professional procedures whose services are employed or who are candidates, SEE: OUTSIDE RESOURCES & TALENT elsewhere in this outline.

17-1 Procedures Daily Assignment Schedules

Arrange by date.

17-2 Production Reports

Arrange by date and language.



### 17-3 Program Suggestions

Includes proposed programs, projects, or ideas.

### 17-4 Production (Airshow)

Formats

### 19-1 VOA Programs

### 19-2 Foreign Programs

## 20 CONTENT REPORTS

Summary listing of day's broadcast in a given language. Includes policy, procedures, and instructions on format, distribution, etc. Arrange actual report by date.

## 21 SCRIPTS

Policy procedures, instructions, etc. Arrange actual scripts by language, date, show. Maintain producer's copy separate from desk copy because of different retention periods.

### 21-1 Script Writing. Adaptation

For professional script writers whose services are employed or who are candidates, SEE: OUTSIDE RESOURCES & TALENT else- where in this outline.

### 21-2 Script Distribution

### 21-4 Script Translating

## 22 TAPES

Policy, procedures, instructions, services, etc.

### 22-1 Original Taping

### 22-2 Tapes Received

Includes Daily Log of Tapes Received

### 22-3 Tape Charge Out

### 22-4 Tape Distribution

Includes Daily Distribution Listings.

### 22-5 Field Requests for Tapes

### 22-6 Tape Language Services

E. g., filling in of leader tapes or translating or portions of tapes considered guidance instructions for listeners.

22-7 Tape Replacement

22-8 Tape Quality

Includes quality control.

22-9 Dub to Disc

23 DISCS

Policy, procedures, instructions, etc.

23-1 Original Recording

23-2 Discs Received

23-3 Disc Charge Outs

23-4 Disc Distribution

23-5 Field Requests for Discs

23-6 Disc Language Services

23-7 Disc Replacement

23-8 Disc Quality

23-9 Dub to Tape

25 OFF-LINE PROGRAM FEEDS

Use for such material as correspondence with commercial radio stations regarding programs wanted, arrangements for their pick-up and taping, requests, etc. Arrange by radio station, call number, subject, etc. as needed.

25-1 Recordings Reports

27 VOA CORRESPONDENTS

Subdivide by geographic location and/or name, if volume warrants or as reference needs dictate.

29 (Reserved for future use)

30 (Reserved for future use)

31 (Reserved for future use)

32 (Reserved for future use)

33 (Reserved for future use)

#### PROGRAM CATEGORIES

The following breakdowns are to be used only for papers of a very broad nature dealing with a general category of programs. An example would be a policy paper on newscasting as such or a single document which covers several categories of newscasts such as news summaries, commentaries, roundups, editorials, headlines, etc. Do not use the following breakdowns for papers which concern a program identified by title, such as "Music--USA," "Burl Ives Sings," "Times Remembered," "Population and Economic Growth," etc., for which see instructions regarding title files at the beginning of this outline. Also do not use for papers on any of the subjects provided in the outline above, such as "Audience Mail, " "Content Monitoring," "Outside Resources & Talent," etc.

34 FEATURES

35 SPECIAL EVENTS

37 FEEDS

38 NEWS

38-1 VOA Wires

39 MUSIC

#### SPACE COMMUNICATIONS

##### Instructions

Use for papers having to do with the transmission, relaying, and reception of information through the use of satellites or other man-made space devices; the use and role of celestial bodies and atmospheric phenomenon in space information activities; legal matters concerning the use of space for information purposes; and other subjects pertaining to space communications.

SEE: SPACE & ASTRONAUTICS outline for space matters other than space communications.

#### SPC--SPACE COMMUNICATIONS

1 GENERAL POLICY. PLANS.

Use for material too general in nature to be file under more specific subjects in this outline.

2 GENERAL REPORTS & STATISTICS

Use for material too general in nature to be filed under more specific subjects in the outline.

### 3 ORGANIZATIONS & CONFERENCES

Use for material too general in nature to be filed under more specific subjects in this outline. Subdivide by name of organization, and name, date, and location of conference, if volume warrants.

### 4 AGREEMENTS

Use for material too general in nature to be file under more specific subjects in this outline.

### 5 LAWS. REGULATIONS. PROCEDURES

Use for material too general in nature to be filed under more specific subjects in this outline.

### 6 (Reserved for future use)

### 7 SPACE FREQUENCIES. WAVELENGTHS

### 8 (Reserved for future use)

### 9 GROUND-LINK STATIONS

### 10 BROADCASTING CAPABILITIES

### 11 RESEARCH. STUDIES. TESTS.

Use for material which cannot be filed under the more specific subjects elsewhere in this outline.

### 12 MOON RELAY

### 13 (Reserved for future use)

### 14 ARTIFICIAL IONOSPHERE COMMUNICATIONS

### **TITLE 3**

#### **PART 500 - COMMUNICATIONS AND RECORDS**

##### SECTIONS

520

521 Definition

522 Purpose

523 Requirements and Responsibilities

523.1 Requirements

523.2 Responsibilities

534 Retiring Records

534.1 To Records Service Center, Department of State

534.2 To Federal Records Center

534.3 To National Personnel Records Center

535 Transferring Records

535.1 Approval

535.2 Transfers Within Broadcasting

535.3 Transfers to Other Federal Agencies

535.4 Transfers to Non-Government Organizations

535.5 Transfers From Other Agencies

535.6 Transfers to National Archives

535.7 Transfer of Personnel Files

535.8 Transfer of Security Files

536 Disposal of Records

536.1 Coverage

536.2 Authority

536.3 Records Schedule

536.4 Unscheduled Records

536.5 Emergency Disposal Authority

536.6 Microfilming

Section 530

##### DISPOSITION OF RECORDS

531 DEFINITION - When used in this Hand-book, disposition of records includes transferring records within Broadcasting or to other Federal agencies; donating records to non-Government institutions, organizations, or individuals; retiring to records centers; transferring to the National Archives; and destruction or sale as scrap paper.

532 PURPOSE - An active records disposition program is essential to prevent accumulation of large quantities of inactive records in valuable

office space beyond the time they are needed for conducting official business.

### 533 REQUIREMENTS AND RESPONSIBILITIES

533.1 Requirements - The head of each Government organization, in accordance with 44 U.S.C., 2904, 3101 and 3301, is required to establish and maintain a records disposition program to ensure efficient, prompt, and orderly reduction in the quantity of records and to provide for the proper maintenance of records deemed appropriate for permanent preservation.

#### 533.2 Responsibilities -

a. The Records Management Officer is responsible for assuring that records of enduring value are identified and preserved; identifying records that can be destroyed after they have lost their value; developing retention plans; determining the useful life of records and securing authorization by the Archivist of the United States to dispose of records after the lapse of specified retention periods; and otherwise developing and implementing the records disposal program of Broadcasting.

b. All personnel are responsible for implementing the program by regularly destroying material eligible for destruction and retiring inactive records.

534 RETIRING RECORDS - Inactive records not eligible for destruction are retired to one of several records depositories. The Records Management Officer will approve all requests for retirement of records and determine the appropriate depository. Offices having records to retire must first screen the records and remove those eligible for destruction as well as all extra copies and other non-record material. Contact the Records Management Staff for a determination of appropriate records depository. Obtain transmittal forms and boxes through normal supply channels.

Records Center boxes are stored and issued flat. To prepare for use, unfold and stand box with bottom up. Fold the short flaps in, then the long flaps over the short ones. Secure the seam with two-inch wide filament tape, carry the tape two or three inches up the ends of the box.

After the records are placed in the box, close the top by folding down one long flap, fold either short flap over this followed by the other long flap, then the last short flap and tuck the end under the first long flap.

#### 534.1 To Records Service Center, Department of State

a. Packing - After the records to be retired have been screened, pack them in Records Center boxes. List the contents on each box, number the boxes consecutively, and mark one end of each box with the box number, and office symbol,

If the records consist of maps, charts, or other bulky or odd-shaped material that will not fit the standard Records Center box, consult the Records Management Staff for instructions.

NOTE: To avoid violation of Security Regulations do not pack classified documents until notified of date of pickup.

Package Top Secret material separately, according to Security Regulations, and transmit, under appropriate classified document receipt, by security messenger. Note on the Form DS-693 (see b below) that the Top Secret material is being transmitted under separate cover, and in the package containing the Top Secret material include the information that this was a part of a larger shipment.

b. Transmittal Forms - Prepare original and four copies of Form DS-693, Transfer of Records, and forward ALL FIVE COPIES to the Records Management Staff, for approval. The Office of Administration will arrange for the records to be picked up. One copy of the Form DS-693 will be returned to the originating office after the records have been picked up.

534.2 To Federal Records Center - Offices in the Washington area make arrangements for retiring records to the Washington National Records Center through the Records Management Staff. After the records have been screened, obtain accession numbers from the Records Management Staff. Obtain boxes and transmittal forms, Records Transmittal and Receipt, (SF-135) through normal supply channels.

a. Packing - Pack the records to be transferred in Federal Records Center boxes. List the contents of each box, number the boxes consecutively, and mark one end of each box with accession number, box number, office symbol, and brief description of contents.

NOTE: If the records contain classified information, special arrangements must be made to provide proper security until they are picked up.

b. Transmittal Forms - Prepare an original and three copies of SF-135, Records Transmittal and Receipt. Forward the original and three copies to the Records Management Staff.

534.3 To National Personnel Records Center- Records documenting pay and service of employees as well as personnel folders of separated employees are retired to the National Personnel Records Center in St. Louis, Missouri.

a. Screening - Screen personnel folders before retiring them to remove temporary material eligible for destruction and to remove performance rating and related material from the Foreign Service Administrative folder.

b. Notifying Records Management Staff - After screening, the office retiring the records notifies the Records Management Staff of the pending retirement and the approximate volume of records. Obtain the necessary

transmittal forms (SF-135) and boxes through normal supply channels at this time.

c. Packing - Pack the records in standard Federal Records Center boxes and list the contents of each. Number the boxes consecutively (No. 1 of 5; 2 of 5; etc.). Prepare the SF-135 and list the records by individual name, date of birth, and Social Security Account number. Pack one copy in box No. 1, and forward the original and four copies to the Records Management Officer for processing and approval. Arrange with the Office of Administration to pick up the boxes.

d. Transmitting - The Records Management Officer checks the transmittal forms for compliance with standards and approves the retirement. The transmittal forms (original and one copy) with a covering letter are forwarded to:

National Personnel Records Center, GSA Civilian Personnel Records Branch  
111 Winnebago Street, St. Louis, Mo. 63118.

#### 535 TRANSFERRING RECORDS

535.1 Approval - The Records Management Officer must approve all transfers of records to other Federal agencies, and to non-government organizations or individuals, and coordinates transfers of records of other agencies to Broadcasting. The Records Management Officer also must approve transfers of records to the National Archives.

536.3 Transfers to Other Federal Agencies - A transfer request by another Federal agency for official records of Broadcasting must be made in writing by a responsible official of the requesting agency. The Records Management Staff processes these requests according to the NARA Regulations. The request should indicate:

- a. Organizational location of the records.
- b. Description of the subject matter of the records.
- c. Volume of the records, such as number of cabinets, file drawers, folders, or volume in cubic feet.
- d. Reason for requesting the transfer and use to be made of the records.
- e. Certification that the acquiring agency will adhere to any conditions restricting use of the records.
- f. Proposed date of transfer.

535.4 Transfers to Non-Government Organizations - Submit requests for the transfer of Government records to non-government organizations to the Records Management Officer. The Records Management Officer will determine whether the proposed records transfer is consistent with law or regulations and whether injury would be done to the public interest or to private individuals by their transfer. If the request is approved, he or she will make the necessary arrangements for the transfer.



535.5 Transfers From Other Agencies -Broadcasting may request the transfer of records from another Federal agency when the records are needed for current operations and are not required by the other agency. Make such request by memorandum to the Agency's Records Management Officer, who will then prepare a written request for National Archives approval of the transfer. After receipt of written approval from National Archives, the Records Management Officer will prepare a request to the agency having custody of the records and will make arrangements for the transfer. Requests for transfer of records should include:

- a. Organizational location of the records.
- b. Description of the subject matter of the records.
- c. Volume of the records, such as number of cabinets, file drawers, folders, or volume in cubic feet.
- d. Reason for requesting the transfer and use to be made of the records.
- e. Proposed date of transfer.

535.6 Transfers to National Archives - Records having historical value may be transferred to the Archivist of the United States when no longer required for conducting business. These transfers are arranged by the Records Management Staff on an individual basis for each group of records transferred. Elements having accumulations of records that document the organization, policy, program, or other aspects of Broadcasting's history should consult the Records Management Officer regarding their transfer to the National Archives.

535.7 Transfer of Personnel Files - Contact Administrative Officer, Office of Personnel.

535.8 Transfer of Security Files - Contact Administrative Officer, Office of Security.

## 536 DISPOSAL OF RECORDS

536.1 Coverage - When used in this Handbook, disposal includes actual destruction by burning, shredding, etc., sale as waste paper; discarding in waste baskets; or by any other means.

### 536.2 Authority -

a. The Federal Records Act and the Records Disposal Act as well as the Federal Property Management Regulations prohibit destruction of any Federal records without authorization by the Archivist of the United States and the U.S. Criminal Code imposes penalties, including fine and imprisonment, for unauthorized destruction.

b. Destruction or sale of classified records is governed by Executive Order 10501.

c. Authority for disposal of specific records that do not continue to accumulate is obtained by submitting Disposal Lists to the Archivist of the U.S. for approval. Authority for disposal of records that continue to accumulate is contained in General Records Schedules prepared and published by the National Archives and Records Administration and in Records Schedules (par. 555). These schedules have been approved by the Archivist of the U.S., and the Comptroller General of the U.S., when appropriate. In addition to identifying permanent records that must not be destroyed, they identify temporary records that are destroyed after the lapse of specified retention periods.

d. Material falling within the scope of the Privacy Act should be burned or shredded.

#### 536.3 Records Schedules -

a. Location - Records Schedules are contained in par. 555. Par. 553 lists non-record material accumulated in offices that may be disposed of without further authorization.

b. Developing Records Schedules - The Records Management Staff is responsible for developing and revising schedules for records and for securing the necessary internal clearances, Archivist and Comptroller General approvals. When an element finds that retention periods are too long or too short, that new records are being created, or that existing schedules do not adequately serve the needs of an office, the problem is referred to the Records Management Staff. All personnel are responsible for preventing accumulation of temporary records eligible for disposal and non-record material that have no further value.

536.4 Unscheduled Records - Records that are neither identified in the General Records Schedule nor included in the Records Schedules or lists of non-record material must be retained pending approval of their disposition by the Archivist of the United States.

536.5 Emergency Disposal Authority - The Records Disposal Act authorizes the heads of Federal agencies to order destruction of records without regard for disposal authorities under certain conditions, such as existence of a state of war when retention of some records might not be in the best interest of the United States, or if records constitute a menace to health or property.

a. State of War - The head of an agency may order immediate destruction of records when a state of war exists or threat of hostile action by a foreign power is imminent, and he or she determines that retention of records would be prejudicial to the best interest of the United States, or that the space occupied by the records is urgently needed for military purposes, and the records have insufficient value to warrant further preservation. Within six months after such destruction he/she must submit a written report to the Archivist of the United States showing the character of the records destroyed, the volume, and the time and place of the destruction.

b. Records Constituting Menace to Health or Property -

(1) Determination - When the head of an agency determines that records in his or her custody constitute a continuing menace to human life or health, or to property, he or she will notify the National Archives and Records Administration and specify the nature of the records, their location and volume, and the nature of the menace. If NARA concurs in the determination, immediate destruction or disposal of records will be ordered.

(2) Films - When still or motion picture film of nitrocellulose base has deteriorated to the condition that it is soft, emits noxious gasses, contains air bubbles, or has degraded to an acrid powder, the head of an agency may order immediate removal of the menace by destruction in a manner that will salvage its silver content, when practical. Films of this type are very dangerous and proper precautions must be exercised to protect personnel and property when they are moved or destroyed. The official authorizing such destruction must submit a written report to NARA that describes the film and shows the time, place, and method of disposal within thirty days after such destruction.

536.6 Microfilming - The Record Management Staff, furnishes advice and technical assistance on microfilm and its applications and should be consulted whenever a microfilming project is considered. The Records Management Staff must approve all proposed microfilming projects. Space saving alone is not sufficient reason for microfilming records nor does the fact that the records have been microfilmed constitute authority to dispose of the original records. Microfilming is expensive - records can be stored for fifty years for about the same cost as filming an equal volume of records. In addition to high initial cost of processing, other factors must be examined when considering a microfilming project. These include: reducing the retention period; storing in a records center; developing adequate indices' storage, viewing and reproduction equipment, etc.

It should be noted that microfilming of a record does not mean the paper record can automatically be destroyed without the approval of the Archivist of the United States.

International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

Material within this Manual of Operations and Administration may no longer be current. To ensure having the most current policy or procedure, please contact the Agency office responsible for the subject matter, e.g., information about performance appraisal, staffing, or compensation should be directed to the Office of Human Resources. For assistance in determining which office to contact, please contact Cathy Brown or Renee Tyrance-Gauff of the Analysis and Administration Division on (202) 203-4664 or feel free to email this staff at cabrown@bbg.gov or crgauff@bbg.gov.

MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART III COMMUNICATIONS AND RECORDS , 500 RECORDS MANAGEMENT HANDBOOK  
Section 540

VITAL RECORDS PROGRAM

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Section 540

VITAL RECORDS PROGRAM

541 PURPOSE - In accordance with the provisions of Executive Order 11490 October 28, 1969 (34 F.R. 17667; 3 CFR 1966-1970; Comp. p. 820) the Vital Records Program has been developed to provide for the safe and secure storage of those records that would be essential for the organization and administration of Broadcasting under emergency conditions or in the event of a disaster.

542 POLICY GUIDELINES - In developing the Vital Records Program the general guidelines and assumptions to be considered are that:

- a. Each organizational element is responsible for determining and selecting the records essential to its operation during an emergency.
- b. A calculated risk must be taken with regard to records that are not absolutely essential to emergency operations, or that can be reconstructed from other records in the post-emergency period.
- c. Evacuation to other than assumed prime target areas is a practical means of providing protection.

543 CATEGORIES OF RECORDS - The program is concerned with three principle categories of records.

- a. Records vital to the functioning of Broadcasting and each individual element for the duration of an emergency or for replacement purposes in the event of a destructive disaster.
- b. Records essential to the preservation of legal rights of the Government and of individual citizens.
- c. Records essential to the preservation of legal rights of Government employees.

544 RESPONSIBILITIES

- a. Records Management Staff - The Records Management Staff is responsible for overall supervision, guidance, and coordination of the Vital Records Program.
- b. Records Liaison Officers - The Records Liaison Officer designated by the head of each element is responsible for maintaining the Vital Records Program within his or her element and for ensuring proper supervision, continuity, coordination, and periodic review of the program.
- c. Individual Office - Each individual office where records are kept has the responsibility for maintaining this program on a current basis by periodically reviewing materials submitted for the relocation area, submitting current records, and withdrawing obsolete material.

545 SELECTING RECORDS - Each element is responsible for determining and selecting the records that will be essential to organize and administer the operations of the element and its subdivision in an emergency. The following guidelines may be used in determining and selecting these records.

545.1 Administrative Records relate to the internal management and operation of elements and their subdivisions. They include such items as administrative instructions and regulations, office manuals, handbooks,

organizational material, functional outlines, budget and fiscal materials, delegations of authority, personnel lists, pay and retirement information, laws and legal matters, etc.

545.2 Substantive Records - relate to the policy and program activities of elements and their subdivisions and would serve in an emergency as the records nucleus for the continuance of functions. They include such items as:

(1) Reports, documents, and summaries that would be required to reestablish a continuing current program.

(2) Important accumulated record material that is available in original or single copy in unique or special office files. Examples of specific items are: Site agreements, executive agreements, program plans, etc.

545.3 Sample Relocation Material - Listed below are various types of material that elements may want to forward to the relocation area. This list is not complete and is intended to serve only as a guide. Each element should determine the materials it would need to continue operations during an emergency.

- a. Office of the General Counsel (GC) - Public Laws pertaining to Broadcasting.
- b. Office of Administration - Circulars and Announcements, Manual of Operations and Administration, Charts, etc.
- c. Office of Personnel - Staffing Patterns, Personnel Lists.
- d. Office of Budget and Finance- Estimates for Office of Management and Budget and Congressional Submissions, Management Accounts Structure, Monthly Financial Reports, Current Year financial Plan and Accounts, and payroll and retirement documents.

#### 546 TRANSMITTING VITAL RECORDS

546.1 Packaging - Transmit material to the relocation site in envelopes or packages or on disks for use on laptops. The disks can be updated periodically and held by a responsible officer of the element or office who would be part of a relocation team.

- a. Rotation - Do not include records that rotate monthly or quarterly in packages with records of a longer rotation period. Only an entire package may be replaced or rotated, since facilities are not available for screening packages at the site.
- b. Segregation - Segregate and package records so that they may be easily identified and readily available.
- c. Security - Packages that contain classified records must be prepared in compliance with security regulations in MOA VIII.
- d. Package Labels - Label material to be transmitted as follows:

Office or Div. & Branch  
Pkg. #1, List #1

546.2 Preparing Form - Prepare Form Request for Action on Vital Records, in triplicate. Send all three copies of the form, with the material, to the Records Management Staff. After the deposit has been completed, one copy of the processed form will be returned to the originating unit.

**TITLE 3**  
**PART 500 - COMMUNICATIONS AND RECORDS**  
**APPROVED RECORDS DISPOSITION SCHEDULES**

SECTION 550

- 551 Broadcasting Board of Governors
  - 551.1 Office of Chief Financial Officer
  - 551.2 Office of the General Counsel
  - 551.3 Office of Strategic Planning and Performance Measures
- 552 International Broadcasting Bureau
  - 552.1 Office of Performance Review
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- 553 Voice of America
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- 554 Engineering & Technical Services
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  - 554.4 Operations Directorate
- 555 Office of Cuba Broadcasting
  - 555.1 Broadcast Operations
  - 555.2 Technical Operations
  - 555.3 Administration
- 556 Disposition of Non-Record Material
- 557 General Records Schedule

551.2 Office of the General Counsel Records Disposition Schedule  
1. General Legal Files - All non-litigation files containing material relating to GC's rendering of advice to the Agency.

a. Arranged by subject, correspondence, reports, memorandum, memorandum of conversation, international agreements, settlement agreements and other materials relating to policy and precedent setting matters.



DISPOSITION AUTHORITY: PERMANENT. Transfer to WNRC when two years old except contract-related legal advice files that should be transferred to WNRC when six years old. Transfer to NARA in five year blocks when 15 years old.

b. All other matters (non-precedent setting).

DISPOSITION AUTHORITY: Destroy 5 years following case closure.

2. LITIGATION FILES - All records relating to litigation, including tort claims, contract disputes, employment and labor cases, copyright cases, and Freedom of Information Act and Privacy Act complaints.

a. Precedent and policy setting cases as selected by the Office of the General Counsel.

DISPOSITION: PERMANENT. Transfer to WNRC 5 years following case closure. Transfer to NARA in 5-year blocks when 20 years old.

b. All Other cases.

DISPOSITION: Destroy 5 years following case closure.

3. International Agreement Background Files - Arranged by subject - text and background information on treaties and other international agreements of the United States (1978 - Present). Copies of treaties, translations and transmittals, copies of texts of agreements, telegrams, airgrams and dispatches; and memoranda and other official correspondence of background interests (final signed agreement is maintained by the Contracting Office).

DISPOSITION AUTHORITY: PERMANENT. Retire to WNRC five years after termination of agreement. Transfer to the National Archives 15 years after termination of agreement.

4. FINANCIAL DISCLOSURE FILES - Financial disclosure reports submitted by individuals as required or authorized under the Ethics in Government Act of 1978 Pub. L. 95-521), as amended, and related records, including records of late filing fee payments or requests for public reporting waivers of late filing fees and responses; comment sheets by report reviewers and filer responses; filing extension requests and determinations; and copies of applications for public release of financial disclosure report.

a. Executive Branch Personnel Public Financial Disclosure Reports (SF 278) and related records.

(1) SF 278 reports for individuals filing in accordance with Section 101(b) or (c) of the Act, and not subsequently confirmed by the U.S. Senate or elected.

DISPOSITION Authority: Destroy 1 year after nominee or candidate ceases to be under consideration for the position; EXCEPT that documents needed in an ongoing investigation will be retained until no longer needed in the investigation. (GRS 25, item 2a(1))

b. Executive Branch Confidential Financial Disclosure Reports (OGE Form 450) and related records.

(1) OGE Form 450s for individuals not subsequently confirmed by the U.S. Senate.

DISPOSITION Authority: Destroy 1 year after nominee ceases to be under consideration for the position; EXCEPT that documents needed in an ongoing investigation will be retained until no longer needed in the investigation. (GRS 25, item 2b(1)).

(2) All other OGE Form 450s and OGE Optional Form 450-As.

DISPOSITION AUTHORITY: Destroy when 6 years old; EXCEPT that documents needed in an ongoing investigation will be retained until no longer needed in the investigation. (GRS 25, item 2b(2)).

c. Alternative or additional financial disclosure reports and related records.

(1) Reports for individuals not subsequently confirmed by the U.S. Senate.

DISPOSITION AUTHORITY: Destroy 1 year after nominee ceases to be under consideration for the position; EXCEPT that documents needed in an ongoing investigation will be retained until no longer needed in the investigation. (GRS 25, item 2c(1)).

(2) All other alternative or additional financial disclosure reports.

DISPOSITION AUTHORITY: Destroy when 6 years old; EXCEPT that documents needed in an ongoing investigation will be retained until no longer needed in the investigation. (GRS 25, item 2c(2)).

5. FOIA REQUEST FILES - Files created in response to requests for information under the FOIA, consisting of the original request, a copy of the reply thereto, and all related supporting files which may include the official file copy of requested record or copy thereof.

a. Correspondence and supporting documents (EXCLUDING the official file copy of the records requested if filed herein).

(1) Granting access to all the requested records.

DISPOSITION AUTHORITY: Destroy 2 years after date of reply. (GRS 14, item 11a(1)).

(2) Responding to requests for nonexistent records; to requesters who provide inadequate descriptions; and to those who fail to pay agency reproduction fees.

(a) Request not appealed.

DISPOSITION Authority: Destroy 2 years after date of reply. (GRS 14, item 11a(2)(a)).

(b) Request appealed.

DISPOSITION Authority: Destroy as authorized under Item 12. (GRS 14, item, 11a(2)(b)).

(3) Denying access to all or part of the records requested.

(a) Request not appealed.

DISPOSITION Authority: Destroy 6 years after date of reply. (GRS 14, item, 11a(3)(a)).

(b) Request appealed.

DISPOSITION Authority: Destroy as authorized under Item 12. (GRS 14, item, 11a(3)(b)).

b. Official file copy of requested records.

DISPOSITION: Dispose of in accordance with approved agency disposition instructions for the related records or with the related FOIA request, whichever is later. (GRS 14, item 11b).

6. FOIA APPEALS FILES - Files created in responding to administrative appeals under the FOIA for release of information denied by the agency, consisting of the appellant's letter, a copy of the reply thereto, and related supporting documents, which may include the official file copy of records under appeal or copy thereof.

a. Correspondence and supporting documents (EXCLUDING the file copy of the records under appeal if filed herein).

DISPOSITION: Destroy 6 years after final determination by agency, 6 years after the time at which a requester could file suit, or 3 years after final adjudication by the courts, whichever is later. (GRS 14, item 12a).

b. Official file copy of records under appeal.

DISPOSITION: Dispose of in accordance with approved agency disposition instructions for the related record or with the related FOIA request, whichever is later. (GRS 14, ITEM 12b)

7. FOIA CONTROL FILES - Files maintained for control purposes in responding to requests, including registers and similar records listing date, nature, and purpose of request and name and address of requester.

a. Registers or listing.

DISPOSITION: Destroy 6 years after date of last entry. (GRS 14, ITEM 13a).

b. Other files.

DISPOSITION: Destroy 6 years after final action by the agency or after final adjudication by courts, whichever is later. (GRS 14, ITEM 13b.)

8. FOIA REPORT FILES - Recurring reports and one-time information requirements relating to the agency's implementation of the Freedom of Information Act, EXCLUDING annual reports to the Congress at the departmental or agency level.

DISPOSITION: Destroy when 2 years old. (GRS 14, item 14).

9. FOIA ADMINISTRATIVE FILES - Records relating to the general agency implementation of the FOIA, including notices, memoranda, routine correspondence, and related records.

DISPOSITION: Destroy when 2 years old. (GRS 14, item 15).

10. PRIVACY ACT REQUEST FILES - Files created in response to requests from individuals to gain access to their records or to any information in the records pertaining to them, as provided for under 5 U.S.C. 552a(d)(1). Files contain original request, copy of reply thereto, and all related supporting documents, which may include the official file copy of records requested or copy thereof.

a. Correspondence and supporting documents (EXCLUDING the official file copy of the records requested if filed herein).

(1) Granting access to all the requested records.

DISPOSITION: Destroy 2 years after date of reply. (GRS 14, item 21a(1)).

(2) Responding to requests for nonexistent records; to requests that do not provide inadequate descriptions; and to those who fail to pay agency reproduction fees.

(a) Requests not appealed.

DISPOSITION: Destroy 2 years after date of reply. (GRS 14, item 21a(2)(a)).

(b) Requests appealed.

DISPOSITION: Destroy as authorized under Item 22. GRS 14, item, 21a(2)(b)).

(3) Denying access to all or part of the records requested.

(a) Requests not appealed.

DISPOSITION: Destroy 5 years after date of reply. (GRS 14, item, 21a(3)(a)).

(b) Requests appealed.

DISPOSITION: Destroy as authorized under Item 22. (GRS 14, item, 21a(2)(b)).

a. Official file copy of requested records

DISPOSITION: Dispose of in accordance with approved agency disposition instructions for the related records or with the related Privacy Act request, whichever is later. (GRS 14, item 21b).

11. PRIVACY ACT AMENDMENT CASE FILES - Files relating to an individual's request to amend a record pertaining to that individual as provided for under 5 U.S.C. 552a(d)(2); to the individual's request for a review of an agency's refusal of the individual's request to amend a record as provided for under 5 U.S.C. 552a(d)(3); and to any civil action brought by the individual against the refusing agency as provided under 5 U.S.C. 552a(g).

a. Requests to amend agreed to by agency. Includes individual's requests to amend and/or review refusal to amend, copies of agency's replies thereto, and related materials.

DISPOSITION: Dispose of in accordance with the approved disposition instructions for the related subject individual's record or 4 years after agency's agreement to amend, whichever is later. (GRS 14 item 22a).

b. Requests to amend refused by agency. Includes individual's requests to amend and to review refusal to amend, copies of agency's replies thereto, statement of disagreement, agency justification for refusal to amend a record, and related materials.

DISPOSITION: Dispose of in accordance with the approved disposition instructions for the related subject individual's record, 4 years after final determination by agency, or 3 years after final adjudication by courts, whichever is later. (GRS 14 item 22b).

c. Appealed requests to amend. Includes all files created in responding to appeals under the Privacy Act for refusal by any agency to amend a record.

DISPOSITION: Dispose of in accordance with the approved disposition instructions for related subject individual's record or 3 years after final adjudication by courts, whichever is later. (GRS 14 item 22c).

12. PRIVACY ACT ACCOUNTING OF DISCLOSURE FILES - Files maintained under the provisions of 5 U.S.C. 552a(c) for an accurate accounting of the date, nature, and purpose of each disclosure of a record to any person or to another agency, including forms for showing the subject individual's name, requester's name and address, purpose and date of disclosure, and proof of subject individual's consent when applicable.

DISPOSITION: Dispose of in accordance with the approved disposition instructions for the related subject individual's records or 5 years after the disclosure for which the accountability was made, whichever is later. (GRS 14 item 23).

13. PRIVACY ACT CONTROL FILES - Files maintained for control purposes in responding to requests, including registers and similar records listing date, nature of request, and name and address of requester.

a. Registers or listings.

DISPOSITION: Destroy 5 years after date of last entry. (GRS 14, item 24a).

b. Other files.

DISPOSITION: Destroy 5 years after final action by the agency or final adjudication by courts, whichever is later. (GRS 14, item 24b).

14. PRIVACY ACT REPORT FILES - Recurring reports and one-time information requirement relating to agency implementation, including biennial reports to the Office of Management and Budget (OMB), and the Report on New Systems at all levels.

DISPOSITION: Destroy when 2 years old. (GRS 14, item 25).

15. PRIVACY ACT GENERAL ADMINISTRATIVE FILES - Records relating to the general agency implementation of the Privacy Act, including notices, memoranda, routine correspondence, and related records.

DISPOSITION: Destroy when 2 years old. (GRS 14, item 26).

16. MANDATORY REVIEW FOR DECLASSIFICATION REQUESTS FILES - Files created in response to requests for information under the mandatory review provisions of Executive Order 12356 consisting of the original request, a copy of the

reply thereto, and all related supporting files, which may include the official file copy of requested records or a copy thereof.

a. Correspondence and supporting documents (EXCLUDING the official file copy of the records if filed herein, and sanitizing instructions, if applicable).

(1) Granting access to all the requested records.

DISPOSITION Authority: Destroy 2 years after date of reply. (GRS 14, item 31a(1)).

(2) Responding to requests for nonexistent records; to requesters who provide inadequate descriptions; and to those who fail to pay agency reproduction fees.

(a) Request not appealed.

DISPOSITION Authority: Destroy 2 years after date of reply. (GRS 14, item 31a(2)(a)).

(b) Request appealed.

DISPOSITION Authority: Destroy as authorized under Item 32. (GRS 14, item 31a(2)(b)).

(3) Denying access to all or part of the records requested.

(a) Request not appealed.

DISPOSITION Authority: Destroy 5 years after date of reply. (GRS 14, item 31a(3)(a)).

(b) Request appealed.

DISPOSITION Authority: Destroy as authorized under Item 32. (GRS 14, item 31a(3)(b)).

b. Official file copy of requested records.

DISPOSITION Authority: Dispose of in accordance with approved disposition instructions for the related records or with the related mandatory review request, whichever is later. (GRS 14, item 31b).

c. Sanitizing instructions.

DISPOSITION Authority: Destroy when superseded or when requested documents are declassified or destroyed. (GRS 14, item 31b).

17. MANDATORY REVIEW FOR DECLASSIFICATION APPEALS FILES - Files created in responding to administrative appeals under the mandatory review provisions of Executive Order 12356 and its predecessors for release of information denied by the agency. Files consist of the appellant's letter, a copy of the reply thereto, and related supporting documents, which may include the official file copy of records under appeal or copy thereof.

a. Correspondence and supporting documents (EXCLUDING the official file copy of the records under appeal if filed herein).

DISPOSITION Authority: Destroy 4 years after final determination by agency. (GRS 14, item 32a).

b. Official file copy of records under appeal.

DISPOSITION AUTHORITY: Dispose of in accordance with approved agency disposition instructions for the related records, or with the related mandatory review request, whichever is later. (GRS 14, item 32b).

18. MANDATORY REVIEW FOR REVIEW FOR DECLASSIFICATION CONTROL FILES - Files maintained for control purposes in responding to requests, including registers and similar records listing date, nature, and purpose of request and name and address of requester.

a. Registers or listing.

DISPOSITION AUTHORITY: Destroy 5 years after date. (GRS 14, item 33a).

b. Other files.

DISPOSITION AUTHORITY: Destroy 5 years after final action by the agency. (GRS 14, item 33b).

19. MANDATORY REVIEW FOR DECLASSIFICATION REPORTS FILES - Review for Declassification Reports Files - Reports relating to agency implementation of the mandatory review provisions of the current Executive order on classified national security information, including annual reports submitted to the Information Security Oversight Office.

DISPOSITION AUTHORITY: Destroy when 2 years old. (GRS 14, item 34).

20. MANDATORY REVIEW FOR DECLASSIFICATION ADMINISTRATIVE FILES - Records relating to the general agency implementation of the mandatory review provisions of the current Executive order on classified national security information, including notices, memoranda, correspondence, and related records.

DISPOSITION AUTHORITY: Destroy when 2 years old. (GRS 14, item 35).

21. ERRONEOUS RELEASE FILES - Files relating to the inadvertent release of privileged information to unauthorized parties, containing information the disclosure of which would constitute an unwarranted invasion of personal privacy. Files contain requests for information, copies of replies thereto, and all related supporting documents, and may include the official copy of records requested or copies thereof.

a. Files that include the official file copy of the released records.

DISPOSITION AUTHORITY: Follow the disposition instructions approved for the released official file copy or destroy 6 years after the erroneous release, whichever is later. (GRS 14, item 36a).

b. Files that do not include the official file copy of the released records.

DISPOSITION AUTHORITY: Destroy 6 years after the erroneous release. (GRS 14, item 36a).

22. ELECTRONIC MAIL AND WORD PROCESSING SYSTEM COPIES - Electronic copies of records that are created on electronic mail and word processing systems and used solely to generate a recordkeeping copy of the records covered by the other items in this schedule. Also includes electronic copies of records created on electronic mail and word processing systems that are maintained for updating, revision, or dissemination.

a. Copies that have no further administrative value after the recordkeeping copy is made. Includes copies maintained by individuals in personal files, personal electronic mail directories, or other personal directories on hard disk or network drives, and copies on shared network drives that are used only to produce the recordkeeping copy.

DISPOSITION AUTHORITY: Destroy/delete within 180 days after the recordkeeping copy has been produced. (GRS 23, item 10a).

b. Copies used for dissemination, revision, or updating that are maintained in addition to the recordkeeping copy.

DISPOSITION AUTHORITY: Destroy/delete when dissemination, revision, or updating is completed. (GRS 23, item 10b).

#### 556 Disposition of Non-record Material

1. Extra Copy - Duplicate copies of correspondence, reproducible communications, printed matter, and other documents maintained in the same file.

DISPOSITION AUTHORITY: Destroy immediately.

2. Information Copy Files - Copies of press releases, circulars, reproducible communications, and other purpose has been other documents and used by an office for information purposes only.

DISPOSITION AUTHORITY: Destroy when purpose has been served.  
(Usually 1 year.)

3. Suspense - Extra copies of communication, correspondence, or other documents used for follow-up or suspense purposes.

DISPOSITION AUTHORITY: Destroy when purpose has been served.  
(Usually 1 year.)

4. Chronological Files - Extra copies of communications, correspondence, and other documents arranged in order of occurrence either alphabetically or by post, division, or other method, and used as a general reading or reference file.

DISPOSITION AUTHORITY: Destroy when purpose has been served.  
(Usually 1 year.)



5. Publications - Printed or processed publications (except for the master set in office of origin) and received by an office for reference purposes only.

DISPOSITION AUTHORITY: Destroy when obsolete or of no further value.

6. Extra Distribution Material - Extra or stock of documents, obsolete forms, etc.,

DISPOSITION AUTHORITY: Destroy when no longer needed for distribution purposes.

7. Reproduction Materials - Reproduction materials, such as stencils, Hectograph, and ozalid masters, paper mats, photographic plates, etc.

DISPOSITION AUTHORITY: Destroy when of no further value.

8. Work Sheets - Preliminary or rough drafts of letters, memorandums, reports, or other documents and preliminary work sheets or mats used in the preparation of documents, that do not record necessary approval or basic changes in text.

DISPOSITION AUTHORITY: Destroy after preparation of final document.

9. Stenographic notes - Shorthand notes including stenographic notebooks and stenotype tapes.

DISPOSITION AUTHORITY: Destroy after transcribed.

10. Cross-Reference and Index - Extra copies of communications, correspondence, and other documents used as finding media or index to a related file arranged according to some other method.

DISPOSITION AUTHORITY: Destroy when related file is destroyed.

11. Business Circulars and Catalogues - Advertisements, circulars, catalogues, price lists and similar material received from business concerns.

DISPOSITION AUTHORITY: Destroy when obsolete.

12. Employee Welfare Records - Materials relating to employee welfare organizations, such as Group Hospitalization, Recreation Association, Credit Union, etc.

DISPOSITION AUTHORITY: Destroy-Exception: Retain official file of the Agency Director.

13. Employee Personal - Employee copies of personnel actions, travel vouchers, efficiency ratings, payroll change slips, contribution receipts,

office notices and circulars, personal correspondence, and other privately owned documents relating to personal matters kept at an office for convenience.

DISPOSITION AUTHORITY: Destroy.

557 GENERAL RECORDS SCHEDULES (GRS)

GRS 1 - Civilian Personnel Records

GRS 2 - Payroll and Pay Administration Records

GRS 3 - Procurement, Supply, and Grant Records

GRS 4 - Property Disposal Records

GRS 5 - Budget Preparation, Presentation, and Apportionment Records

GRS 6 - Accountable Officers' Account Records

GRS 7 - Expenditure Accounting Records

GRS 8 - Stores, Plant, and Cost Accounting Records

GRS 9 - Travel and Transportation Records

GRS 10 - Motor Vehicle and Aircraft Maintenance and Operation Records

GRS 11 - Space and Maintenance Records

GRS 12 - Communications Records

GRS 13 - Printing, Binding, Duplication, and Distribution Records

GRS 14 - Information Services Records

GRS 15 - Housing Records

GRS 16 - Administrative Management Records

GRS 17 - Cartographic, Aerial Photographic, Architectural, and Engineering Records

GRS 18 - Security and Protective Services Records

GRS 19 - RESERVED

GRS 20 - Electronic Records

GRS 21 - Audiovisual Records

GRS 22 - Inspector General Records

GRS 23 - Records Common to Most Offices Within Agencies

GRS 24 - Information Technology Operations and Management Records

GRS 25 - Ethic Program Records

GRS 26 - Temporary Commissions, Boards, Councils and Committees

GRS 27 - Records of the Chief Information Officer

#### DEFINITIONS (move to another location)

Action Copy - The copy of a communication directed to the office responsible for taking the action indicated. There may be more than one action copy of the same communication if action is split.

Active Records - Records referred to more than once a month.

Access - Permission to use and reproduce records. May be limited or qualified (restricted) by the agency having legal custody or by copyrights.

Accession Number - The symbol or code assigned for control purposes by a records center to a body of records brought into custody.

Blocking Files - A break in a file to start a new file - usually at the end of a calendar or fiscal year. The purpose of the break is to separate records into time-related groups or blocks to facilitate retirement or disposal.

Charge Out - The act of lending papers from a file, or the loan of an entire file. The form used to record the location of the material and assure its prompt return. Usually done on a specifically designed card, but sometimes by a temporary folder.

Current Records - "Current" relates to degree of activity, not recent date.

Inactive Records -

(1) Records that an office requires so infrequently in conducting its current business that they can be retired to a records center.

(2) Files usually having a reference activity no greater than one reference per file drawer per month.

Non-Record - See par. 513.2.

Office of Record - An office designed to maintain the official records for a specified operation, usually the creating office in a decentralized system.

Permanent Record - Those having sufficient value in documenting the history of the Government and the Agency to warrant permanent preservation.

Record Copy - See par. 521.3.

Record Series - Ordinarily, records kept together as a unit because they relate to a particular subject or activity.

Records - See par. 513.

Records Center - Establishment maintained primarily for the storage, servicing, security, and processing of non-current records that need not be retained in expensive office equipment and space.

Records Creation - The actions which create communications, reports, contracts, and all other forms of records.

Records Schedule - A document approved by the Archivist of the United States, that lists the files of an organization, and shows which records are to be destroyed and those to be retained. Promulgates the disposal authority to all who can use it.

Records Liaison Officer - A person whose duty, in whole or in part, is to implement the Agency's records management program in an assigned area in cooperation with the Records Management Officer.

Reference files - See par. 522.5.

Sampling - Selection for retention of part of a series of similar records to serve as a representation of the whole series.

Screening - Reviewing and physically searching through files periodically and removing papers eligible for disposal.

Temporary Records - All records that are not specifically designated for permanent retention.

Transfer - Moving records from the active files to inactive files, from office space to a records center or an archival establishment.

Vital Records - Records indispensable to the essential functions of the Federal Government for the duration of an emergency if this country is attacked, and records essential to the preservation of legal rights of individual citizens.

Working Papers - A collection of supporting records, papers or correspondence, notes, raw data, comments, drafts, etc., related to particular project or phase of operations the custody of which is essential to the operation of the organization or agency for a limited period of time.

553 NON-RECORD MATERIAL SCHEDULE - Material listed in the following schedule may be destroyed without disposal authorization from National Archives and the Archivist of the United States. Whenever possible this material should be maintained apart from files of official records in order to facilitate destruction when the material is no longer needed. Each office is responsible for screening out non-record material filed with official records prior to transferring records to the Records Center. However, some of these documents (such as those supporting action or decision) may become an integral part of the official record and should remain with the file. (Whenever a complete file or major segment is destroyed according to this schedule, the destruction should be recorded on SF 135.

**ATTACHMENT 1 TO III BAM 560**

**Request for Records Disposition Authority**

Records Schedule Number	DAA-0517-2013-0002
Schedule Status	Approved
Agency or Establishment	Broadcasting Board of Governors
Record Group / Scheduling Group	Records of the Broadcasting Board of Governors
Records Schedule applies to	Major Subdivision
Major Subdivision	Broadcasting Board of Governors
Schedule Subject	Broadcast Recordings, Associate Broadcast Recordings, and Social Media Records of Voice of America and the Office of Cuban Broadcasting.
Internal agency concurrences will be provided	Yes
Background Information	<p>The Broadcasting Board of Governors (BBG) became an independent agency on October 1, 1999, by authority of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6501 note). It is composed of nine members. Eight members are appointed by the President and confirmed by the Senate; the ninth, an ex officio member, is the Secretary of State.</p> <p>The BBG serves as the governing body for all civilian U.S. international broadcasting and provides programming in 59 languages via radio, television, and the Internet. The BBG broadcast services include the Voice of America, the Office of Cuba Broadcasting, Radio Free Europe/Radio Liberty, Radio Free Asia, and the Middle East Broadcasting Networks.</p> <p>All BBG broadcast services adhere to the broadcasting standards and principles of the International Broadcasting Act of 1994, which include reliable, accurate, and comprehensive news; balanced and comprehensive presentations of U.S. thought, institutions, and policies, as well as discussions about those policies; information about developments throughout the world; and a variety of opinions from nations around the world.</p> <p>Activities</p> <p>International Broadcasting Bureau</p> <p>The International Broadcasting Bureau (IBB) provides all transmission, marketing, and program placement services. The</p>

Bureau manages a global network of transmitting sites, an extensive system of leased satellite and fiber optic circuits, and a rapidly growing Internet delivery system. The Bureau also assists BBG networks in the usage of Internet services, mobile devices, social media, and other digital platforms; provides research and evaluations of broadcasts; and crafts Voice of America editorials. IBB also provides assistance with human resources and equal employment opportunities, procurement, security, information technology, and other essential administrative services.

#### Voice of America

Voice of America (VOA) is a multimedia international broadcasting service funded by the U.S. Government through the Broadcasting Board of Governors. VOA broadcasts approximately 1,599 hours of news, information, educational, and cultural programming every week to an estimated worldwide audience of approximately 123 million people. Programs are produced in 44 languages.

#### Office of Cuba Broadcasting

The Office of Cuba Broadcasting oversees Radio Marti and TV Marti. These two Spanish language services provide news about Cuba and the world, features, and entertainment programs aimed at Cuba. Based in Miami, these comprehensive and timely broadcasts offer Cubans the opportunity to receive unfiltered and accurate information. Radio and TV Marti are disseminated through medium wave (AM), shortwave, Internet, digital media, and satellite.

Radio Free Europe/Radio Liberty (RFE/RL), Radio Free Asia (RFA), and the Middle East Broadcasting Networks (MBN) are grantee organizations. The program and social media records of these networks are not Federal records and are thus not covered by this schedule.

#### Item Count

Number of Total Disposition Items	Number of Permanent Disposition Items	Number of Temporary Disposition Items	Number of Withdrawn Disposition Items
8	3	5	0

#### GAO Approval

## Outline of Records Schedule Items for DAA-0517-2013-0002

Sequence Number	
1	BBG broadcast recordings for the Voice of America and Office of Cuban Broadcasting.
1.1	Historically Significant Programming, disseminated on or after July 2, 2013 Disposition Authority Number: DAA-0517-2013-0002-0001
1.2	Routine Programming Disposition Authority Number: DAA-0517-2013-0002-0002
1.3	Historically Significant Programming, disseminated before July 2, 2013. Disposition Authority Number: DAA-0517-2013-0002-0003
1.4	Indeterminate Broadcast Recordings. Disposition Authority Number: DAA-0517-2013-0002-0004
1.5	Recordings Used in the Creation of Broadcast Programming. Disposition Authority Number: DAA-0517-2013-0002-0005
2	Broadcast Logs
2.1	Broadcast Logs for Broadcast Recordings Scheduled as Permanent. Disposition Authority Number: DAA-0517-2013-0002-0006
2.2	Broadcast Logs for Broadcast Recordings Scheduled as Temporary. Disposition Authority Number: DAA-0517-2013-0002-0007
3	Social Media Records
3.1	Social Networking Site Records Disposition Authority Number: DAA-0517-2013-0002-0008



## Records Schedule Items

Sequence Number	
1	<p>BBG broadcast recordings for the Voice of America and Office of Cuban Broadcasting.</p> <p>These recordings are created from, or used in the production of, the BBG's language services broadcast of radio and television programming.</p>
1.1	<p>Historically Significant Programming, disseminated on or after July 2, 2013</p> <p>Disposition Authority Number      <b>DAA-0517-2013-0002-0001</b></p> <p>Historically Significant audio and visual programs identified by the VOA or OCB program/project manager in consultation with BBG's records officer. These programs are created by the BBG and document important milestones in the broadcast history of language services, provide coverage of significant and historical events or personages, document major news events that are exclusive to a particular language service, received award, or otherwise have significant that uniquely differentiate them from the regular programming.</p> <p>Final Disposition                      <b>Permanent</b></p> <p>Item Status                              <b>Active</b></p> <p>Is this item media neutral?           <b>Yes</b></p> <p>Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?      <b>No</b></p> <p>Disposition Instruction</p> <p>Cutoff Instruction                      <b>Cut off at end of fiscal year program was broadcast.</b></p> <p>Transfer to the National Archives for Accessioning      <b>Transfer to the National Archives 3 year(s) after cutoff</b></p> <p>Additional Information</p> <p>What will be the date span of the initial transfer of records to the National Archives?      <b>From 2013 To 2016</b></p> <p>How frequently will your agency transfer these records to the National Archives?      <b>Every 3 Years</b></p>
1.2	<p><b>Routine Programming</b></p> <p>Disposition Authority Number      <b>DAA-0517-2013-0002-0002</b></p>

Routine audio and visual programming of the Voice of America and Office of Cuban Broadcasting. Segments may include, but are not limited to, news, science, sports, entertainment, music, culture, politics, and current events. May also include interviews and call-in engagement of listener/viewer interaction with the host and guests on the program to exchange views, comments and questions.

Final Disposition Temporary

Item Status Active

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No

#### Disposition Instruction

Cutoff Instruction Cut off at end of fiscal year program was broadcast.

Retention Period Destroy 3 year(s) after cutoff

#### Additional Information

GAO Approval Not Required

1.3 Historically Significant Programming, disseminated before July 2, 2013.

Disposition Authority Number DAA-0517-2013-0002-0003

Historically Significant audio and visual programs identified by the VOA or OCB program/project manager in consultation with BBG's records officer. These programs are created by the BBG and document important milestones in the broadcast history of language services, provide coverage of significant and historical events or personages, document major news events that are exclusive to a particular language service, received awards, or otherwise have significance that uniquely differentiate them from the regular programming.

Final Disposition Permanent

Item Status Active

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No

#### Disposition Instruction

Cutoff Instruction Cut off at the end of the fiscal year program was broadcast.

	Transfer to the National Archives for Accessioning	Transfer to the National Archives 12 year(s) after cutoff.
	<b>Additional Information</b>	
	First year of records accumulation	1964
	End year of records accumulation	2013
	What will be the date span of the initial transfer of records to the National Archives?	From 1964 To 2013
	How frequently will your agency transfer these records to the National Archives?	Every 1 Years
1.4	<b>Indeterminate Broadcast Recordings.</b>	
	Disposition Authority Number	DAA-0517-2013-0002-0004
	Broadcast recordings having no finding aids, indexes, summaries, or other information to determine content or category	
	Final Disposition	Temporary
	Item Status	Active
	Is this item media neutral?	Yes
	Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	No
	<b>Disposition Instruction</b>	
	Cutoff Instruction	Cut off at end of fiscal year program was broadcast.
	Retention Period	Destroy 12 year(s) after cutoff.
	<b>Additional Information</b>	
	GAO Approval	Not Required
1.5	<b>Recordings Used in the Creation of Broadcast Programming.</b>	
	Disposition Authority Number	DAA-0517-2013-0002-0005
	Segments incorporated into broadcast records, includes licensed news programming, music, interviews, reports, and other segments used solely to create broadcast recordings	
	Final Disposition	Temporary
	Item Status	Active

	Is this item media neutral?	Yes
	Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	No
	Disposition Instruction	
	Retention Period	Destroy when no longer needed to produce programming.
	Additional Information	
	GAO Approval	Not Required
2	<b>Broadcast Logs</b> Synopsis of broadcast prepared after presentation listing elements of the broadcast.	
2.1	<b>Broadcast Logs for Broadcast Recordings Scheduled as Permanent.</b>	
	Disposition Authority Number	DAA-0517-2013-0002-0006
	Final Disposition	Permanent
	Item Status	Active
	Is this item media neutral?	Yes
	Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	No
	Disposition Instruction	
	Cutoff Instruction	Cut off end of fiscal year program was broadcast.
	Transfer to the National Archives for Accessioning	Transfer with associated broadcast recording.
	Additional Information	
	What will be the date span of the initial transfer of records to the National Archives?	From 1964 To 2013
	How frequently will your agency transfer these records to the National Archives?	Every 1 Years
2.2	<b>Broadcast Logs for Broadcast Recordings Scheduled as Temporary.</b>	
	Disposition Authority Number	DAA-0517-2013-0002-0007

3 3.1	Final Disposition	Temporary
	Item Status	Active
	Is this item media neutral?	Yes
	Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	No
	Disposition Instruction	
	Cutoff Instruction	Cut off at end of fiscal year the program was broadcast.
	Retention Period	Destroy with associated broadcast.
	Additional Information	
	GAO Approval	Not Required
	Social Media Records	
	Social Networking Site Records	
	Disposition Authority Number	DAA-0517-2013-0002-0008
	These records document VOA and OCB web-logs (blogs), micro blogs, Wikis, and other content published and accessed through various social media technologies.	

Final Disposition	Temporary
Item Status	Active
Is this item media neutral?	Yes
Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	No
Disposition Instruction	
Cutoff Instruction	Cut off at the end of the fiscal year.
Retention Period	Destroy 5 year(s) after cutoff, or when no longer needed for business use.
Additional Information	
GAO Approval	Not Required

## Agency Certification

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal in this schedule are not now needed for the business of the agency or will not be needed after the retention periods specified.

## Signatory Information

Date	Action	By	Title	Organization
10/23/2013	Certify	Christopher Luer	Management Analyst	Broadcasting Board of Governors - Broadcasting Board of Governors
01/26/2015	Return for Revision	Andrea Shahmohammadi	Appraisal Archivist	National Archives and Records Administration - Electronic and Special Media Records Services Division
01/27/2015	Submit For Certification	Christopher Luer	Management Analyst	Broadcasting Board of Governors - Broadcasting Board of Governors
01/27/2015	Certify	Christopher Luer	Management Analyst	Broadcasting Board of Governors - Broadcasting Board of Governors
05/14/2015	Return for Revision	Darryl Byrd	Appraisal Archivist	National Archives and Records Administration - Records Management Services
05/29/2015	Submit For Certification	Christopher Luer	Management Analyst	Broadcasting Board of Governors - Broadcasting Board of Governors
05/29/2015	Certify	Christopher Luer	Management Analyst	Broadcasting Board of Governors - Broadcasting Board of Governors
07/23/2015	Submit for Concurrence	Lisa Clavelli	Supervisor, ACNR Appraisal Team 2	National Archives and Records Administration - Records Management Services

07/24/2015	Concur	Margaret Hawkins	Director of Records Management Services	National Records Management Program - ACNR Records Management Services
07/24/2015	Concur	Margaret Hawkins	Director of Records Management Services	National Records Management Program - ACNR Records Management Services
07/27/2015	Approve	David Ferriero	Archivist of the United States	Office of the Archivist - Office of the Archivist

## Executive Summary

### Summary

The Broadcasting Board of Governors, International Broadcasting Bureau requests disposition authority for records of the Voice of America and the Office of Cuban Broadcasting. Proposed for permanent retention are historically significant programming and associate broadcast logs. These records have permanent value because they have high research value and provide evidence of the significant effects of Federal programs; actions on individuals, communities and the natural and man-made environments; and contribute significantly to knowledge and understanding of the people and communities of our nation. Proposed for temporary retention are audio visual materials used to create and disseminate programming, associated broadcast logs, and social media content. These records have temporary value because they have little or no research value.

### Permanent Item Numbers

0001, 0003, 0006

### Federal Register Notice

Required

### Publication Date

2015-05-18

### Copies Requested

2

### Comments Received

0



International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

Material within this Manual of Operations and Administration may no longer be current. To ensure having the most current policy or procedure, please contact the Agency office responsible for the subject matter, e.g., information about performance appraisal, staffing, or compensation should be directed to the Office of Human Resources. For assistance in determining which office to contact, please contact Cathy Brown or Renee Tyrance-Gauff of the Analysis and Administration Division on (202) 203-4664 or feel free to email this staff at cabrown@bbg.gov or crgauff@bbg.gov.

MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART III COMMUNICATIONS AND RECORDS, 500 RECORDS MANAGEMENT HANDBOOK  
DISPOSITION SCHEDULE FOR MANAGEMENT RECORDS

- 571.1 Personnel Records
- 571.2 Procurement Records
- 571.3 Budget Records
- 571.4 Transportation and Travel Records
- 571.5 Communication Records
- 571.6 Reproduction Records
- 571.7 AdministrationManagement Records
- 571.8 Supply Records
- 571.9 Property Disposal Records
- 571.10 Motor Vehicle Records
- 571.11 Space and Maintenance Records
- 571.12 Fiscal Records
- 571.13 Data Processing Records
- 571.14 Punched Cards
- 571.15 Tabulation Reports
- 571.16 Security Records

Section 571

DISPOSITION SCHEDULE FOR MANAGEMENT RECORDS

571.1 Office of Personnel

a. Official Personnel Folders:

1) Civil Service Personnel Folders: consisting of records filed on the right side of the Official Personnel Folder, excluding those selected by the National Archives and Records Service for permanent retention. (See item j for disposition of temporary records on left side of folder.)

- (a) Folders of transferred employees

DISPOSITION AUTHORITY: (GRS1-1b(1))

(b) Folders of Separated employees

DISPOSITION AUTHORITY: Transfer to National Personnel Records Center (CPR) St. Louis, Missouri, 30 days after separation. NPRC will destroy 75 years after birth date of employee or 60 years after date or earliest document in folder if date of birth cannot be ascertained, or 5 years after latest separation, whichever is later.

(2) Foreign Service Personnel Folders: (Note: Personnel Folders of Foreign Service Employees are two-part folders. The "Administrative" Folder contains the information required to be maintained in the Official Personnel Folder by the Federal Personnel Manual and; the "Performance Evaluation Folder" containing information relating to the character and conduct of the employee and other information restricted by the Foreign Service Act of 1946, together with correspondence with employee regarding submissions of performance ratings or supplemental data for inclusion with the ratings, inquiries or comments regarding the ratings and other performance rating related material.)

(a) Folders of Transferred employees

DISPOSITION AUTHORITY: Transfer both "Administrative and "Performance Evaluation" folders to new agency. (NC1-306-78-2)

(i) If transferred to another foreign affairs agency (Dept. of State, AID, etc.)

(ii) If transferred to any other agency.

DISPOSITION AUTHORITY: (i) "Administrative Folder: Same as in 1 (a) above. (NCI-306-78-2) (ii) "Performance Rating" Folders: Transfer to Washington National Records Center one year after transfer. Destroy 15 years after transfer of employee. (NC1-306-78-2) (b) Folders of Separated Employees:

DISPOSITION AUTHORITY: (i) "Administrative Folder. Transfer to National Personnel Records Center (CPR) as proposed in a (1) (b). (NC1-306-78-2) (ii) "Performance Rating" Folders: Transfer to Washington National Records Center one year after separation. Destroy 15 years after separation of employee from the Foreign Service. (NC1-306-78-2)

b. Service Record Cards (Standard Form 7 or equivalent).

DISPOSITION AUTHORITY: Destroy three years after separation or transfer of employee. (GRS1-2b)

c. Correspondence and Subject Files of Personnel Offices

(1) Files relating to the general administration and operation of personnel functions including college programs, selective placement (handicapped, veterans, and ex-offenders) programs, special careers (Summer Aid, Intergovernmental Affairs Fellowship, Stay In School, etc.)

programs, examinations, paid recruitment advertising, executive development program, merit promotion, employee safety program and others not specifically described elsewhere in this schedule, excluding those at Staff Planning Level.

DISPOSITION AUTHORITY: Break annually. Destroy three years after break.  
GRS1-3

d. Offers of Employment - Correspondence-letters, and telegrams offering appointments to potential employees.

(1) Accepted offers

DISPOSITION AUTHORITY: Destroy immediately. (GRS1-4a)

(2) Declined offers

(a) When name is received from certificate of eligibles

DISPOSITION AUTHORITY: Return to Office of Personnel Management with reply and application. (GRS1-4b(1))

(b) Temporary or excepted appointment

DISPOSITION AUTHORITY: File inside application (see item o.) (GRS1-4b(2))

(c) All others

DISPOSITION AUTHORITY: Destroy immediately. (GRS1-4b(3))

e. Certificates of Eligibles Files - Certificates of eligibles with related requests, forms, correspondence, and statement of reasons for passing over a preference eligible and selecting a nonpreference eligible.

DISPOSITION AUTHORITY: Destroy when two years old. (GRS1-5)

f. Employee Record Cards - Employee record cards used for informational purposes outside personnel offices (such as SF-7-b).

DISPOSITION AUTHORITY: Destroy upon separation or transfer of employee.  
(GRS1-6)

g. Position Classification Standards Files

(1) Position Classification Standards Files.

(a) Standards. OPM standards determining title, series, and grade based on duties, responsibilities, and qualifications requirements.

DISPOSITION AUTHORITY: Destroy when superseded or obsolete (GRS1-7a(1))

(b) Development. Memorandums, correspondence, and other records relating to the development of standards for classification of positions peculiar to the agency and OPM approval or disapproval.

(i) Case File

DISPOSITION AUTHORITY: Destroy five years after position is abolished or description is superseded. (GRS1-7a(2)(a))

(ii) Review File.

DISPOSITION AUTHORITY: Destroy when two years old. (GRS1-7a(2)(b))

(2) Position Descriptions. Files describing established positions including information on title, series, grade, duties, and responsibilities.

(a) Record Copy.

DISPOSITION AUTHORITY: Destroy five years after position is abolished or description superseded. (GRS1-7b(1))

(b) All other copies.

DISPOSITION AUTHORITY: Destroy when position is abolished or description superseded. (GRS1-7b(2))

(3) Survey Files

(a) Classification Survey Reports. Survey reports on various positions prepared by classification specialists, including periodic reports such as Annual Whitten Amendment report and Annual SES Position Report.

(i) Office of origin.

DISPOSITION AUTHORITY: Destroy when three years old or two years after regular inspection, whichever is sooner. (GRS1-7c(1))

(ii) Inspection Audit, and Survey Files. Correspondence, memorandums, reports and other records relating to inspections, surveys, desk audits, and evaluations.

DISPOSITION AUTHORITY: Destroy when obsolete or superseded. (GRS1-7c(2))

(4) Appeals Files. Case files relating to classification appeals.

DISPOSITION AUTHORITY: Destroy three years after case is closed. (GRS1-7d)

h. Interview Records - Correspondence, reports, and other records relating to interviews with employees.

DISPOSITION AUTHORITY: Destroy six months after transfer or separation of employee. (GRS1-8)

i. Performance Rating Board Case Files - (Not FOREIGN SERVICE "PERFORMANCE EVALUATION FOLDERS" covered in Item 1b.)

Copies of case files forwarded to the Office of Personnel Management relating to performance rating board reviews.

DISPOSITION AUTHORITY: Destroy one year after case is closed. (GRS1-9)

j. Temporary Individual Employee Records - All copies of correspondence and forms maintained on the left side of the Official Personnel Folder in accordance with Federal Personnel Manual, Chapter 292, and Supplement 293-31.

DISPOSITION AUTHORITY: Destroy upon separation or transfer of employee or when one year old, whichever is sooner. (GRS1-10)

k. Position Identification Strips such as Standard Form 7D, used to provide summary data on each position occupied.

DISPOSITION AUTHORITY: Destroy when position is canceled or new strip is prepared. (GRS1-11)

l. Employee Awards Files -

(1) General awards records.

(a) Case files including recommendations, approved nominations, memorandums, correspondence, reports, and related handbooks pertaining to agency-sponsored cash and non-cash awards such as incentive awards, within-grade merit increases, suggestions, and outstanding performance.

DISPOSITION AUTHORITY: Destroy two years after approval or disapproval. (GRS-12a(1))

(b) Correspondence or memorandums pertaining to awards from other government agencies or private organizations.

DISPOSITION AUTHORITY: Destroy when two years old. (GRS1-12a(2))

(2) Length of Service and Sick Leave Awards File. Records including correspondence, memorandums, reports, computations of service and sick leave, and list of award recipients

DISPOSITION AUTHORITY: Destroy when one year old. (GRS1-12b)

(3) Letters on Commendation and Appreciation. Copies of letters recognizing length of service and retirement and letters of appreciation and commendation for performance, EXCLUDING copies filed in the Official Personnel Folder.

DISPOSITION AUTHORITY: Destroy when 2 years old. (GRS1-12c)

(4) Lists of Indexes to Award Nominations. Lists of nominees and winners, and indexes of nominations.

DISPOSITION AUTHORITY: Destroy when superseded or obsolete. (GRS1-12D)

m. Incentive Awards Program Reports pertaining to the operation of the Incentive Awards Program.

DISPOSITION AUTHORITY: Destroy when three years old. (GRS1-13)

n. Notifications of Personnel Action - Standard Form 50 documenting initial employment, promotions, transfers, in or out, separation, and all other individual personnel actions, exclusive of those in Official Personnel Folders.

(1) Chronological file copies, including fact sheets, maintained in personnel offices.

DISPOSITION AUTHORITY: Destroy when two years old. (GRS1-14a)

(2) All other copies maintained in personnel offices.

DISPOSITION AUTHORITY: Destroy when one year old. (GRS1-14b)

o. Employment Applications -Applications (Standard Form 171) and related records, EXCLUDING records relating to appointments requiring Senatorial confirmation and applications resulting in appointment which are filed in the Official Personnel Folder (see item a. of this schedule).

DISPOSITION AUTHORITY: Destroy upon receipt of Office of Personnel Management inspection report or when two years old, whichever is earlier. (GRS1-15)

p. Personnel Operations Statistical Reports - Statistical reports in the personnel office and subordinate units relating to personnel

DISPOSITION AUTHORITY: Destroy when two years old. (GRS1-16) q. Correspondence and Forms Files - Operating personnel office records relating to individual employees not maintained in Official Personnel Folders and not provided for elsewhere in this schedule.

(1) Correspondence and forms relating to pending personnel actions.

DISPOSITION AUTHORITY: Destroy when action is completed.

(2) Retention Registers.

(a) Registers from which reduction-in-force actions have been taken.

DISPOSITION AUTHORITY: Destroy when two years old. (GRS1-17b(1))

(b) Registers from which no reduction-in-force actions have been taken.

DISPOSITION AUTHORITY: Destroy when superseded or obsolete. (GRS1-17b(2))

(3) All other correspondence and forms.

DISPOSITION AUTHORITY: Destroy when six months old. (GRS1-17c)

r. Duplicate Documentation and Personnel Files Maintained Outside  
Personnel Offices -

(1) Supervisor's Personnel Files. Correspondence, memorandums, forms, and other records relating to positions, authorizations, pending actions; copies of position descriptions; requests for personnel action, and records on individual employees duplicated in or not appropriate for the OPF

DISPOSITION AUTHORITY: Review annually and destroy superseded or obsolete documents; or destroy all documents relating to an individual employee one year after separation or transfer. (GRS1-18a)

(2) Duplicate Documentation. Other copies of documents duplicated in Official Personnel Folders not provided for elsewhere in this schedule.

DISPOSITION AUTHORITY: Destroy when six months old. (GRS1-18b)

s. Individual Health Record Files - Cards which contain such information as date of employee's visit, diagnosis, and treatment.

DISPOSITION AUTHORITY: Destroy six years after date of last entry. (GRS1-19)

t. Health Unit Control Files - Logs or registers reflecting daily number of visits to dispensaries, first aid rooms and health units.

(1) If information is summarized on statistical reports.

DISPOSITION AUTHORITY: Destroy three months after last entry. (GRS1-20a)

(2) If information is not summarized.

DISPOSITION AUTHORITY: Destroy two years after last entry. (GRS1-20b)

u. Individual Employee Health Case File - Forms, correspondence, and other records relating to an employee's medical history, occupational injuries or diseases, physical examinations, and all treatment received in the Health Unit, EXCLUDING pre-employment physical examinations and disability retirement and fitness for duty examinations which are filed in the Official Personnel Folder (OPF) upon separation of employee. Those records not required for filing in the OPF, if not retained by Broadcasting, may be transferred to the local Federal Records Center. Under no circumstances should these files be sent to the National Personnel Records Center (CPR).

v. Statistical Summaries - Copies of statistical summaries and reports with related papers pertaining to employee health, retained by the reporting unit.

DISPOSITION AUTHORITY: Destroy two years after date of summary or report (GRS1-22)

w. Performance Rating Record - (EXCLUSIVE OF FOREIGN SERVICE "PERFORMANCE EVALUATION FOLDERS" COVERED IN ITEM a.(2))

(1) Certificates of performance rating.

DISPOSITION AUTHORITY: Destroy when two years old.

(2) General or case files of forms, memorandums, and correspondence.

DISPOSITION AUTHORITY: Destroy when three years old.

(3) Appeals Files - Memorandums, correspondence, and other records relating to employee appeals of performance rating.

DISPOSITION AUTHORITY: Destroy three years after final settlement of case.

x. Conflict of Interest Case Files - Statements of employment and financial interests and related records.

DISPOSITION AUTHORITY: Destroy two years after separation of employee or two years after employee leaves the position for which the statement is required.

y. Equal Employment Opportunity Records

(1) Official Discrimination Complaint Case Files. Complaints with related correspondence, report, exhibits, withdrawal notices, copies of decisions, records of hearings and meetings, and other records as described in 29 CFR 1613.2222

(a) Cases resolved within Broadcasting and cases resolved by the Office of Personnel Management, EEOC, or a U.S. Court.

DISPOSITION AUTHORITY: Destroy four years after resolution of case (GRS1-26s)

(2) Copies of Complaint Case Files. Duplicate case files or documents pertaining to case files retained in Official File Discrimination Complaint Case File.

DISPOSITION AUTHORITY: Destroy one year after resolution of case. (GRS1-26b)

(3) Background Files. Background records not filed in the Official Discrimination Complaint Case Files.

DISPOSITION AUTHORITY: Destroy two years after final resolution of case. (GRS1-26c)

(4) Compliance Records.

(a) Compliance Review Files. Reviews background papers and correspondence relating to contractor employment practices.

DISPOSITION AUTHORITY: Destroy when seven years old. (GRS1-26d(1))



(b) EEO Compliance Reports

DISPOSITION AUTHORITY: Destroy when three years old. (GRS1-26d(2))

(5) Employee Housing Requests. Forms requesting Agency assistance in housing matters, such as rental or purchase.

DISPOSITION AUTHORITY: Destroy when one year old. (GRS1-26e)

(6) Employment Statistics Files. Employment statistics relating to race and sex.

DISPOSITION AUTHORITY: Destroy when five years old. (GRS1-26f)

(7) EEO General files. General correspondence and copies of regulations with related records pertaining to the Civil Rights Act of 1964, the EEO Act of 1972, and any pertinent future legislation; and Agency EEO Committee meeting and records including minutes and reports.

DISPOSITION AUTHORITY: Destroy when three years old, or when superseded or obsolete, whichever is applicable. (GRS1-26g)

(8) EEO Affirmative Action Plans (AAP).

(a) copy of consolidated AAP(s).

DISPOSITION AUTHORITY: Destroy five years from date of plan. (GRS1-26h(2))

(b) feeder plan to consolidated AAP(s).

DISPOSITION AUTHORITY: Destroy five years from date of feeder plan or when administrative purposes have been served, whichever is sooner. (GRS1-26h(2))

z. Personnel Counseling Records -

(1) Counseling files. Reports of interviews, analyses and related records.

DISPOSITION AUTHORITY: Destroy three years after termination of counseling. (GRS1-27a)

(2) Alcohol and Drug Abuse Program. Records created in planning, coordinating and directing an alcohol and drug abuse program.

DISPOSITION AUTHORITY: Destroy when three years old. (GRS1-27b)

aa. Standards of Conduct Files - Correspondence, memorandums, and other records relating to codes of ethics and standard of conduct.

DISPOSITION AUTHORITY: Destroy when obsolete or superseded. (GRS1-28)

ab. Labor Management Relations Records -

(1) Labor Management Relations General and Case Files. Correspondence, memorandums, reports, and other records relating to the relationship between management and employee unions or other groups:

(a) Office negotiating agreement.

DISPOSITION AUTHORITY: Destroy when five years old. (GRS1-29a(1))

(b) Other offices.

DISPOSITION AUTHORITY: Destroy when superseded or obsolete. (GRS1-29a(2))

(2) Labor Arbitration General and Case Files. Correspondence, forms, and background papers relating to labor arbitration cases.

DISPOSITION AUTHORITY: Destroy 5 years after final resolution of case. (GRS1-29b)

ac. General file of training -

(1) Correspondence, memorandums, agreements, authorizations, reports, requirement reviews, plans, and objectives relating to the establishment and operation of training, courses, and conferences.

DISPOSITION AUTHORITY: Destroy when five years old or five years after completion of a specific training program. (GRS1-30b(1))

(2) Background and workpapers.

DISPOSITION AUTHORITY: Destroy when three years old. (GRS1-30b(2))

(3) Employee training. Correspondence, memorandums, reports, and other records relating to the availability of training and employee participation in training programs sponsored by other government agencies or non-government institutions, including individual employee training folders.

DISPOSITION AUTHORITY: Destroy when five years old or when superseded or obsolete, whichever is sooner. (GRS1-30c)

ad. Grievance, Disciplinary and Adverse Action Files.

(1) Grievance, Appeals Files (5 CFR 771). Records originating in the review of grievance and appeals raised by employees, except EEO complaints. These case files include statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original decision, related correspondence and exhibits, and records relating to a reconsideration request.

DISPOSITION AUTHORITY: Destroy three years after case is closed. (GRS1-31a)

(2) Adverse Action Files (5 CFR 752). Case files and related records created in reviewing an adverse action (disciplinary or nondisciplinary

removal, suspension, leave without pay, reduction-in-force) against an employee. The file includes a copy of the proposed adverse action with supporting papers; statements of witnesses; employee's reply; hearing notices, reports and decisions; reversal of action; and appeal records, EXCLUDING letters of reprimand.

DISPOSITION AUTHORITY: Destroy four years after case is closed (GRS1-31b)

ae. Personal Injury Files - Forms, reports, correspondence, and related medical and investigatory records relating to on-the-job injuries, whether or not a claim for compensation was made EXCLUDING copies filed in the Official Personnel Folder.

DISPOSITION AUTHORITY: Destroy when five years old. (GRS1-32)

#### 571.2 Procurement Records

a. Procurement files (as in item d) documenting initiation and development of transactions that deviate from established precedents with respect to general Agency procurement or to major procurement programs (other than those covered in i below).

DISPOSITION AUTHORITY: Submit SF-115, request for records Disposition Authority. (GRS 3, Item 1)

b. Title papers documenting the acquisition of real property (by purchase, condemnation, donation, exchange or otherwise).

(1) All records for property acquired, since 1921, except abstract or certificate of title.

DISPOSITION AUTHORITY: Destroy ten years after unconditional sale or release by the Government of conditions, restrictions, mortgage or other liens. (GRS 3, Item 2b)

(2) Abstract or certificate of Title.

DISPOSITION AUTHORITY: Transfer to purchaser after unconditional sale or release by the Government of conditions, restrictions, mortgages or liens. (GRS 3, Item 2c)

c. Correspondence files of procurement operating units pertaining to their internal operation and administration that are not covered elsewhere in this schedule.

DISPOSITION AUTHORITY: Destroy after two years. (GRS 3, Item 3)

d. Contract, requisition, purchase order, lease, bond and surety records, including correspondence and related papers pertaining to award, administration, receipt, inspection, and payment (other than those covered in a and b above and i below.)

(1) Procurement or purchase organization copy and related papers.

(a) Transactions of more than \$25,000 and all construction contracts.

DISPOSITION AUTHORITY: Destroy six years and 3 months after final payment.  
(GRS 3, Item 4a(1))

(b) Transactions of \$10,000 or less.

DISPOSITION AUTHORITY: Destroy three years after close of year in which final payment is made. (Close file at end of the FY, Retain 3 years and destroy, except files on which actions are pending shall be brought forward to the next FY's files for destruction therewith). (GRS 3, Item, 4a(2))

(2) Obligation Copy

DISPOSITION AUTHORITY: Destroy when funds are obligated. (GRS 3, Item 4b)

(3) Copies of contracts, requisitions, purchase orders, leases and other papers which are duplicates of papers defined in d (1) above used by component elements of a procurement office for administrative purposes.

DISPOSITION AUTHORITY: Destroy upon termination or completion. (GRS 3, Item 4c)

NOTE: Contract files documenting release of copyrights or granting similar rights to Broadcasting in connection with motion pictures, television, books, photographs, etc., are to be preserved and transferred to the National Archives with any connected media material.

e. File of reports on supply requirements and procurement matters submitted for supply management purposes. (Other than those incorporated in case files or other files of a general nature.) Excluding Department of Defense exemptions under Section 201 (a) of Federal Property and Administrative Services Act of 1949.

(1) Originals in receiving office.

DISPOSITION AUTHORITY: Destroy when two years old. (GRS 3, Item 5a)

(2) Copies in originating Office.

DISPOSITION AUTHORITY: Destroy when one year old. (GRS 3, Item 5b)

f. Bid Files

(1) Successful bids and proposals (maintained as part of contract file).

DISPOSITION AUTHORITY: Destroy in accordance with provision in d above.  
(GRS 3, Item 6a)

(2) Unsuccessful bids. Solicited and unsolicited proposals.

(a) When filed separately from contract case file

DISPOSITION AUTHORITY: Destroy when related contract is completed. (GRS 3, Item 6b(1))

(b) When filed with contract case file

DISPOSITION AUTHORITY: Destroy with related contract case files (see item D of this schedule). (GRS 3, Item 6b(2))

(3) Lists or cards of acceptable bidders.

DISPOSITION AUTHORITY: Destroy when superseded or obsolete. (GRS 3, Item 6D))

g. Requisitions for non-personal services, such as duplicating, laundry, binding, and other services (excluding records associated with accountable officers' accounts) maintained as a part of contract file.

DISPOSITION AUTHORITY: Destroy when one year old. (GRS 3, Item 8)

h. Contractors' payrolls (construction contracts) submitted in accordance with Labor Department regulations, with related certifications, anti-kickback affidavits, and other related papers (maintained as part of contract file).

DISPOSITION AUTHORITY: Destroy three years after date of completion of contract unless contract performance is subject of enforcement action on such date. (GRS 3, Item 12)

i. Tax exemption certificates and related papers (maintained as part of contract file).

DISPOSITION AUTHORITY: Destroy three years after period covered by related account. (GRS 3, Item 13)

j. Records relating to requisitions on the Public Printer and all supporting papers.

(a) Printing procurement unit copy of requisitions, invoices, specifications and related papers.

DISPOSITION AUTHORITY: Destroy three years after completion or cancellation of requisition. (GRS 3, Item 7a)

(b) Accounting copy of requisition, Government Printing Office invoices, transfer of funds voucher and receiving report.

DISPOSITION AUTHORITY: Destroy three years after period covered by related account. (GRS 3, Item 7b)

### 571.3 Budget Records

a. Budget Policy Files - correspondence or subject files in the budget office documenting policy and procedures governing budget administration, and reflecting policy decisions affecting expenditures for programs.

DISPOSITION AUTHORITY: Submit SF-115, Request for Disposition Authority.  
(GRS 5, Item 1)

b. Budget Estimates and Justifications Files -

(1) Copies of budget estimates and justification prepared or consolidated in the budget office. Included are appropriation language sheets, narrative statements, and related schedules and data.

DISPOSITION AUTHORITY: Submit SF-115, Request for Disposition Authority.  
(GRS 5, Item 2a)

(2) Working papers and background materials, including budget submissions files in all other offices.

DISPOSITION AUTHORITY: See Item d of this schedule. (GRS 5, Item 2b)

c. Budget Correspondence Files - Correspondence files in formally organized budget office pertaining to routine administration, internal procedures, and other matters not covered elsewhere in this schedule.

DISPOSITION AUTHORITY: Destroy when two years old. (GRS 5, Item 3)

d. Budget Background Records - Working papers, cost statements, and rough data accumulated in the preparation of annual budget estimates, including duplicates of papers described in item 2.

DISPOSITION AUTHORITY: Destroy one year after the close of the fiscal year covered by the budget. (GRS 5, Item 4)

e. Budget Reports Files - Periodic reports on the status of appropriation accounts and apportionment.

(1) Annual report (end of fiscal year)

DISPOSITION AUTHORITY: Destroy when five years old. (GRS 5, Item 5a)

(2) All other reports.

DISPOSITION AUTHORITY: Destroy three years after the end of the fiscal year. (GRS 5, Item 5b)

f. Budget Apportionment Files - Apportionment schedules, proposing quarterly obligations under each authorized appropriation.

Destroy two years after the close of the fiscal year. (GRS 5, Item 6)

571.4 Transportation and Travel Records

a. Subject File - consisting of correspondence, telegrams, etc. relating to evacuation of personnel and household effects from closed posts, foreign currency reports, local employment post folders and other records relating to the administration of the Office.

DISPOSITION AUTHORITY: Destroy when two years old. (GRS 9, Item 5a)

b. Travel Orders (copies) Filed by organizational element, chronologically and alphabetically.

DISPOSITION AUTHORITY: Destroy when three years old. (GRS 9 Item 3a)

#### Travel Reservation Section

c. Travel Arrangements Records providing step-by-step record of what needs to be done for travelers including medical clearances, hotels in transit, excess baggage, fiscal data, reservations, confirmation, carrier, etc.

DISPOSITION AUTHORITY: Destroy when two years old. (GRS 9, Item 5a)

#### Household Effects Section

d. Household Effects -

(1) Individual Household Effects Files of personnel including contract employees: consisting of Travel Orders, bills of lading, packing and unpacking orders, and correspondence relating to transportation of household effect except those identified in d (2).

DISPOSITION AUTHORITY: Destroy when three years old. (GRS 9, Item 1a and 2)

(2) Records of international shipments of household effects moved by freight forwarders.

DISPOSITION AUTHORITY: Destroy six years after period of account. (GRS 9, Item 1d)

#### Passport and Visa Section

e. Inactive Passport and Visa Files: consisting of itineraries, photographs, passport work cards and correspondence relating to obtaining passports and visas for personnel.

DISPOSITION AUTHORITY: Destroy when two years old. (GRS 9, Item 5a)

f. Active Passport and Visa Files (including "special projects" files): consisting of work cards photographs, and other material relating to obtaining passports and visas for employees in travel status or preparing to travel

DISPOSITION AUTHORITY: Destroy when two years old. (GRS 9, item 5a)

g. Index to passports of separated employees.

DISPOSITION AUTHORITY: Destroy when two years old. (GRS 9, Item 5a)

## 571.5 Communications Records

### a. Telegrams, e-mail, memoranda

#### (1) Action copies

DISPOSITION AUTHORITY: These become part of a subject or case file and disposition is contingent on the disposal schedule for the related file.

(2) Distribution copies of cables to and from overseas establishments, including cables and information copies of State Department cables, transmitted and received electronically through the cable transmission system. These cables are maintained by the Secretariat.

DISPOSITION AUTHORITY: Destroy when 30 days old.

(3) Distribution copies of other communications to and from overseas establishments, such as circulars which are transmitted and received on paper.

DISPOSITION AUTHORITY: Destroy when one year old.

c. Messenger service record including daily logs, assignment records and instructions, dispatch records, delivery receipts, route schedules, and related or similar records.

DISPOSITION AUTHORITY: Destroy 2 months after creation. (GRS 12, Item 1).

d. Correspondence and report files of unit responsible for communication function, pertaining to its own administration and operation, and related papers.

DISPOSITION AUTHORITY: Destroy when two years old (GRS 12, Item 2a)

e. Summaries of long-distance telephone reports used to indicate authorized use of telephone service as well as to audit expense voucher.

DISPOSITION AUTHORITY: Destroy after close of fiscal year in which audited. (GRS 12, Item 4)

f. Postal records consisting of U.S. Postal Service forms and supporting papers, exclusive of records held by the U.S. Postal Service.

(1) Records relating to incoming or outgoing registered mail , registered, certified, insured, and special delivery mail including receipts and return receipts.

DISPOSITION AUTHORITY: Destroy when one year old (GRS 12, Item 5a).

(2) Application for postal registration and certificate of declared value of matter subject to postal surcharge.

DISPOSITION AUTHORITY: Destroy when one year old. (GRS 12, Item 5b)



(3) Report of loss, rifling, delay, wrong delivery, or other improper treatment of mail matter.

DISPOSITION AUTHORITY: Destroy when one year old. GRS 12, Item 5c)

(4) Statement of Reading of Metered Registers.

DISPOSITION AUTHORITY: Destroy one year after close of year in which created.

g. Mail control records and related papers.

(1) Records of receipt and routing of incoming and outgoing mail other than those listed in f above and records used as indexes to correspondence files.

DISPOSITION AUTHORITY: Destroy when one year old. (GRS 12, Item 6A)

(2) Production reports of mail handled and work performed, with compilations derived therefrom.

DISPOSITION AUTHORITY: Destroy six months after close of year in which created. (GRS 12, Item 6D)

(3) Record in mail unit of remittances (checks, cash, stamps, and money orders) and other valuable enclosures received through mail unit in incoming mail.

DISPOSITION AUTHORITY: Destroy six months after close of year in which created. (GRS 12, Item 6e)

#### 571.6 Reproduction Records

a. Copies of printed material including posters, charts, directives, regulations, booklets, speeches, forms, press releases, etc.

(1) Stock for distribution

DISPOSITION AUTHORITY: Destroy when obsolete, superseded or no longer required for distribution. Non record material. (GRS 13, Item 1b)

(2) One "Record" copy in office of origin

DISPOSITION AUTHORITY: Submit SF-115, Request for Records Disposition Authority. for directives and forms; (GRS 13, Item 1a)

b. Correspondence files pertaining to administrative and operation of printing, binding, duplication, and distribution jobs.

DISPOSITION AUTHORITY: Destroy two years after close of year in which created (GRS 13, Item 2)

c. Job or project records containing all papers and data pertaining to planning and execution of printing, binding, duplication, and distribution jobs.

(1) Files pertaining - to the accomplishment of the job containing requisitions, bills, sample manuscripts, clearances, etc.; EXCLUDING requisitions on the Public Printer and records relating to services obtained outside Broadcasting covered in 555.3j.

DISPOSITION AUTHORITY: Destroy one year after completion of job. (GRS 13, Item 3a)

(2) Files pertaining to planning and other technical matters.

DISPOSITION AUTHORITY: Destroy when three years old. (GRS 13, Item 3b)

d. Control registers pertaining to requisitions and work orders.

DISPOSITION AUTHORITY: Destroy one year after close of fiscal year in which compiled, or 1 year after filling of register; whichever is applicable. (GRS 13, Item 4)

e. Mailing lists and related material.

(1) Records relating to changes in mailing lists.

DISPOSITION AUTHORITY: Destroy after appropriate revision of mailing list, or after 3 months; whichever is sooner. (GRS 13, Item 5a)

(2) Cards, plates or stencils mailing list.

DISPOSITION AUTHORITY: Destroy when canceled or revised. (GRS 13, Item 5b)

f. Reports to Congress and related records. Reports Joint Committee on Printing regarding operation of Class A and Class B plants; and inventories of printing, binding, and related equipment in these plants or in storage.

DISPOSITION AUTHORITY: Destroy when three years old, (GRS 13, Item 6a).

g. Records relating to the internal management of the unit.

DISPOSITION AUTHORITY: Destroy when two years old. (GRS 13, Item 7)

#### 571.7 Administrative Management Records

a. Formal Directives, Procedures, and Operating Manuals.

(1) Issuance related to program functions.

DISPOSITION AUTHORITY: Permanent. Offer to NARA in 5 year blocks when 20 years old. (e.g. offer 1970-74 Block in 1995) (GRS 16, Item 1A)

(2) Case files related to (1) Above which document important aspects of the development of the issuances.

DISPOSITION AUTHORITY: Submit SF 115, Request for Records Disposition Authority...(GRS 16, Item 1B)

(3) Issuance related to routine administrative functions (e.g., payroll, procurement, personnel).

DISPOSITION AUTHORITY: Destroy when superseded or obsolete (GRS 16, Item 1C).

(4) Case files related to (3) above which document aspects of the development of the issuance.

DISPOSITION AUTHORITY: Destroy when issuance is destroyed. (GRS 16, Item 1D)

b. Publications - Pamphlets, reports, leaflets, file manuals, or other published or processed documents, or the last manuscript report if not published, relating to management projects.

(1) Record copy with the supporting papers which document the inception, scope and purpose of the project.

DISPOSITION AUTHORITY: Submit SF 115, Request for Records Disposition Authority. (GRS 16, Item 2a)

(2) Working papers and background materials.

DISPOSITION AUTHORITY: See item i below. (GRS 16, Item 2b)

c. Records Disposition Files - Descriptive inventories, disposal authorizations, schedules and reports.

(1) Basic documentation of records description and disposition programs, including Standard Form 115, Request for Records Disposition Authority; Standard Form 135, Records Transmittal and Receipt and related documentation.

DISPOSITION AUTHORITY: Destroy when related records are destroyed, or when no longer needed for administrative or reference purposes. (GRS 16, Item 3a)

(2) Extra copies and routine correspondence and memorandums.

DISPOSITION AUTHORITY: Destroy when no longer needed for reference. (GRS 16, Item 3b)

(3) Working papers and background material.

DISPOSITION AUTHORITY: See item i of this schedule. (GRS 16, Item 3c)

d. Forms Files

(1) One record copy of each form created by agency with related instructions and documentation showing inception, scope, and purpose of the form.

DISPOSITION AUTHORITY: Destroy 5 years after related form is discontinued, superseded or canceled. (GRS 16, Item 4a)

(2) Working papers, background material, requisitions, specifications, processing data, and control records.

DISPOSITION AUTHORITY: Destroy when related form is discontinued, superseded, or canceled. (GRS 16, Item 4b)

e. Management Improvement Project Files-Case files documenting management products.

(1) Copies of reports submitted to the Office of Management and Budget together with related analyses and feeder reports.

DISPOSITION AUTHORITY: Submit SF-115, Request for Records Disposition Authority. (GRS 16, Item 5)

(2) All other management improvement project files.

DISPOSITION AUTHORITY: Submit SF 115, Request for Records Disposition Authority. (GRS 16, Headnote)

f. Records Holdings Files - Statistical Reports of records holdings required by the General Services Administration, including feeder reports from all offices and data on the volume of records disposed of by destruction or transfer.

DISPOSITION AUTHORITY: Destroy when three years old. (GRS 16, Item 6)

g. Project Control Files - Memorandums, reports and other records documenting assignments, progress and completion of projects.

DISPOSITION AUTHORITY: Destroy one year after the year in which the project is closed. (GRS 16, Item 7)

h. Reports Control Files - Case files contained for each report created, canceled or superseded.

DISPOSITION AUTHORITY: Destroy two years after the report is discontinued. (GRS 16, Item 8)

i. Working Papers - Project background records such as studies, analysis, notes drafts, and interim reports.

DISPOSITION AUTHORITY: Destroy six months after final action on project report or three years after completion of report if no final action is taken. (GRS 16, Item 10)

j. Records Management Files - Reports, correspondence, authorizations, techniques and related records concerning the development and improvement of the management of records. Includes the management of files, forms, correspondence, mail, reports, microfilm, automatic data processing, vital records, and related records not covered else where in this schedule.

DISPOSITION AUTHORITY: Destroy when six years old. Earlier disposal is authorized if records are superseded, obsolete, or no longer needed for reference. (GRS 16, Item 11)

k. Committee and Conference Records

(1) Records relating to establishment, organization, membership and policy.

(a) Interagency, advisory or international committees.

DISPOSITION AUTHORITY: Submit SF 115, Request for Records Disposition Authority (GRS 16, Item 12a(1))

(b) Internal committees.

DISPOSITION AUTHORITY: Destroy two years after termination of committee. (GRS 16, Item 12a (2))

(2) Records created by committees.

(a) Agenda, minutes, final reports, and related records documenting the accomplishments of official boards and committees.

(1) Records of the sponsor or Secretariat.

DISPOSITION AUTHORITY: Submit SF 115, Request for Records Disposition Authority (GRS 16, Item 12b(1)(a))

(2) All other copies.

DISPOSITION AUTHORITY: Destroy when three years old or when no longer needed for reference. (GRS 16, Item 12b (1)(b))

(b) All other committee records.

DISPOSITION AUTHORITY: Destroy when three years old or when no longer needed for reference. (GRS 16, Item 12b(2))

l. Organizational Records - Official organization charts, narrative histories, and related records which document the organization and functions of the Broadcasting.

(1) Record copy.

DISPOSITION AUTHORITY: Permanent. Offer to National Archives in 5 year blocks when twenty years old. (e.g. offer 1970-74 Block in 1995). (GRS 16 Item 13a)

(2) All other copies.

DISPOSITION AUTHORITY: Destroy when superseded or obsolete.

m. Country data papers, program memorandums, assessment reports and institutional analysis for each nation where Broadcasting operates. The documents provide information on media, political, social or economic conditions and/or analyze program effectiveness.

DISPOSITION AUTHORITY: Permanent. Offer to National Archives when 30 years old. (NCI-306-81-5)

#### 571.8 Supply Records

a. Requisition for supplies and equipment from current inventory.

(1) Stockroom copy.

DISPOSITION AUTHORITY: Destroy two years after completion or cancellation of requisition. (GRS 3, Item 9a)

(2) All other copies.

DISPOSITION AUTHORITY: Destroy when six months old. (GRS 3, Item 9b)

b. Inventory files

(1) Inventory lists.

DISPOSITION AUTHORITY: Destroy two years from date of list. (GRS 3, Item 10a)

(2) Inventory cards. (Form 274 or equivalent)

DISPOSITION AUTHORITY: Destroy two years after discontinuance of item or two years after stock balance is transferred to new card or recorded under a new classification, or two years after equipment is removed from Broadcasting's control. (GRS 3, Item 10b)

(3) Report of survey files and other papers used as evidenced for adjustment of inventory records, not otherwise covered in the General Records Schedules.

DISPOSITION AUTHORITY: Destroy two years after date of survey action or date of posting medium.  
(GRS 3, Item 10c)

c. Files of reports on supply requirements and procurement matters submitted for supply management purposes (other than those incorporated in case files or other files of general nature).

(1) Originals in receiving office.

DISPOSITION AUTHORITY: Destroy when two years old. (GRS 3, Item 5a)

(2) Copies in originating office.

DISPOSITION AUTHORITY: Destroy when one year old. (GRS 3, Item 5b)

#### 571.9 Property Disposal Records

a. Case files on sales of surplus personal property (as described in f below) documenting initiation and development of transactions that deviate from established precedents with respect to general disposal or to major disposal programs.

DISPOSITION AUTHORITY: Submit SF 115 Request for Records Disposition Authority. (GRS 4, Item 1)

b. Case files on disposal of surplus real and related personal property.

DISPOSITION AUTHORITY: Submit SF 115 Request for Records Disposition Authority. (GRS 4 Item 2)

c. Reports of excess real property.

DISPOSITION AUTHORITY: Submit SF 115 Request for Records Disposition Authority. (GRS 4 Item 3)

d. Correspondence files maintained by operating units responsible for property disposal, pertaining to their operation and administration, not otherwise provided for.

DISPOSITION AUTHORITY: Destroy when two years old. (GRS 4, Item 5)

e. Reports of excess personal property.

DISPOSITION AUTHORITY: Destroy when two years old. (GRS 4, Item 5)

f. Case files on sales of surplus personal property, comprising invitations, bids, acceptances, lists of materials, evidence of sales, and related correspondence (other than those covered in a and b above).

(1) Transactions subsequent to July 25, 1974 of more than \$10,000: and transactions prior to July 26, 1974 of more than \$2,500.

DISPOSITION AUTHORITY: Destroy six years after final payment (place in inactive file on final payment transfer to FRC two years thereafter). (GRS 4, Item 6a)

(2) Transactions subsequent to July 25, 1974 of \$10,000 or less; and transactions prior to July 26, 1974 of \$2,500 or less.

DISPOSITION AUTHORITY: Destroy three years after final payment. (Close file at the end of each FY, retain three years, and destroy except those files on which actions are pending will be brought forward to the next FY's files for disposition therewith. (GRS 4, Item 6b)

g. Real Property Files - Records necessary or convenient for the use of real property sold, donated, or traded to non Federal ownership, including, if pertinent as determined by the releasing agency, site maps and surveys, plot plans, architect's sketches, working diagrams, preliminary drawings, blueprints, master tracings, utility outlet plans, equipment location plans, specifications, construction progress photographs, inspection reports, building and equipment management and maintenance records, allowance lists as well as duplicate copies of title papers, provided (a) that the records can be segregated without harm to other documents of enduring value, (b) that no responsibility attaches to the Government because of disagreement between the transferred documents and the physical condition of the property at the time of conveyance, and (c) that if the property is released for historical use or purpose the user agrees to retain them and return them to the Federal Government immediately upon the discontinuance of its use for historical purposes.

DISPOSITION AUTHORITY: Transfer to new custodian upon completion of sale, trade, or donation proceedings, or acceptance of purchase money mortgage. (Also see GRS 22, Design and Construction Records.) (GRS 4, Item 7)

#### 571.10 Motor Vehicle Records

a. Correspondence (not otherwise covered in this schedule) in operating unit responsible for maintaining and operating motor vehicles.

DISPOSITION AUTHORITY: Destroy when two years old. (GRS 10-1)

b. Motor vehicle operating records.

DISPOSITION AUTHORITY: Destroy when three months old. (GRS 10-2a)

c. Motor vehicle maintenance records.

DISPOSITION AUTHORITY: Destroy when one year old. (GRS 10-2b)

d. Motor vehicle ledger and work sheets providing cost and expense data.

DISPOSITION AUTHORITY: Destroy three years after discontinuing ledger or date of work sheet. (GRS 10-3)

e. Reports on motor vehicles (other than accident, operating, and maintenance reports).

DISPOSITION AUTHORITY: Destroy three years after date of report. (GRS 10-4)

f. Records relating to motor vehicle accidents, maintained by transportation offices.

DISPOSITION AUTHORITY: Destroy six years after case is closed. (GRS 10-5)

g. Motor Vehicle Operation - Files relating to individual operation of Government-owned vehicles, including driver tests, authorization to use, safe driving awards, and related correspondence.



DISPOSITION AUTHORITY: Destroy three years after separation of employee or three years after rescission of authorization to operate Government-owned vehicle, whichever is sooner. (GRS 10-7)

NOTE: Motor vehicle records are retained long enough to satisfy report, fiscal management, and automotive maintenance needs. Claims files have little legal administrative value after the period indicated.

#### 571.11 Space and Maintenance Records

a. Correspondence files of the unit responsible for space and maintenance matters, pertaining to its own administration and operation, and related reports to GSA.

DISPOSITION AUTHORITY: Destroy when two years old. (GRS 11-1)

b. Records relating to allocation, utilization, and release of space under Broadcasting control, and related reports to GSA.

(1) Building plan files and related records utilized in space planning, assignment, and adjustment.

DISPOSITION AUTHORITY: Destroy two years after termination of assignment, or when lease canceled, or when plans are superseded or obsolete. (GRS 11-2a)

(2) Correspondence and reports relating to space holdings and requirements.

(a) Reports to GSA regarding space occupied in "Metropolitan Washington" and "Outside the District of Columbia," and related papers.

DISPOSITION AUTHORITY: Destroy when two years old. (GRS 11-2b (1))

(b) Copies in subordinate reporting units and related work papers.

DISPOSITION AUTHORITY: Destroy when one year old. (GRS 11-2b (2))

(c) Correspondence, forms, and other records relating to compilation of directory service listings.

DISPOSITION AUTHORITY: Destroy two months after issuance of listing. (GRS 11-3)

d. Identification credentials and related papers:

(1) Identification credentials including cards, badges, parking permits, photographs, Permits to operate motor vehicles, and property, dining room, and visitor passes, and other identification credentials.

DISPOSITION AUTHORITY: Destroy credentials three months after return to issuing office. (GRS 11 4a)

(2) Receipts, indexes, listings, and accountable records.

DISPOSITION AUTHORITY: Destroy after all listed credentials are accounted for. (GRS 11-4b)

e. Requests for building and equipment maintenance services, excluding fiscal copies.

DISPOSITION AUTHORITY: Destroy three months after work performed or requisition canceled. (GRS 11-5)

#### 571.12 Fiscal Records

a. Signature of Bonded Employee.

DISPOSITION AUTHORITY: Destroy ten years after employee ceases to be bonded.

b. Schedule Bond.

DISPOSITION AUTHORITY: Destroy after ten years.

c. Request for Mailing Salary Checks.

DISPOSITION AUTHORITY: Destroy 90 days after mailing last check covered by request.

d. Authorization of Official Travel.

DISPOSITION AUTHORITY: Destroy three years after fiscal year in which issued.

e. Payroll copy of Notification of Personnel Action, Form SF-50.

DISPOSITION AUTHORITY: File in employee payroll folder (see cy below).

f. Bond Record (Surety)

DISPOSITION AUTHORITY: Destroy ten years after employee ceases to be bonded.

g. Domestic Payroll Liquidation Abstract for Voucher Deduction.

DISPOSITION AUTHORITY: Destroy allottees' copies four years after close of fiscal year. Destroy payroll copies one year after period covered.

h. Request for Overtime.

DISPOSITION AUTHORITY: Destroy three years after close of fiscal year involved.

i. Signature Card for Certifying Officer, - Form FS-210, - persons authorized to certify vouchers for payment.

DISPOSITION AUTHORITY: Destroy when individual listed ceases to certify and related accounts have been audited by GAO.

j. (Unassigned)

k. Signature Cards - employees acting under special designation.

DISPOSITION AUTHORITY: Destroy one year after employee ceases to function under designation involved.

l. Travel Voucher Record Card.

DISPOSITION AUTHORITY: Destroy ten years after separation of employee.

m. General Liquidation Abstract - other than personal services.

DISPOSITION AUTHORITY: Destroy four years after close of related fiscal year, except those relating to home leave and transfer travel allotments, destroy ten years after close of fiscal year.

n. Record of Payroll Deduction.

DISPOSITION AUTHORITY: Destroy five years after close of related calendar year.

o. Clearance for Final Salary Payment.

DISPOSITION AUTHORITY: Transmit folder to records center one year after separation of employee; destroy ten years thereafter.

p. Cashier Record Card.

DISPOSITION AUTHORITY: Destroy ten years after individual ceases to function as Limited Officer.

q. Advice of Allotment.

DISPOSITION AUTHORITY: Destroy four years after close of related fiscal year.

r. Advice of Miscellaneous Obligation. Also other documents used for this purpose.

DISPOSITION AUTHORITY: Destroy four years after close of related fiscal year.

s. Report of Obligations and Expenditures, or Allotment Status.

DISPOSITION AUTHORITY: Destroy four years after close of related fiscal year.

t. Request for Correction of Expenditures.

DISPOSITION AUTHORITY: Destroy four years after close of fiscal year in which processed.

u. Individual Pay Card, Master Employee Register.

DISPOSITION AUTHORITY: Hold in payroll office for five years, then after determination that the record is not needed further for any purpose, send to Federal Records Center, St. Louis, Mo.

v. Record of Shipment of Effects, Unaccompanied Baggage, and Automobile, and related forms.

DISPOSITION AUTHORITY: Destroy four years after close of fiscal year in which shipment authorized.

w. Copies of Limited Agent Officer List, Request for and Designation of Cashier, Form SF-211, and Request for Change in Imprest Funds, Form SF-1191.

DISPOSITION AUTHORITY: Destroy when individuals listed cease to function as Limited Officers or Cashiers.

x. Control Card - Federal Employee Unemployment Compensation.

DISPOSITION AUTHORITY: Destroy one year after forwarding claim.

y. General Ledger.

DISPOSITION AUTHORITY: Destroy ten years after close of related fiscal year.

z. Subsidiary Ledger.

DISPOSITION AUTHORITY: Destroy ten years after close of related fiscal year.

aa. Summary of Daily Collections.

DISPOSITION AUTHORITY: Destroy original four years after close of related fiscal year; destroy duplicate ten days after close of month.

ab. Time and Attendance Report, Forms SF-1130 and Application for Leave, Form SF-71.

DISPOSITION AUTHORITY: Transfer to record center one year after close of leave year and to Federal Records Center, St. Louis, Missouri, two years thereafter.

(1) Payroll copy (originals) showing accumulated leave on separation.

DISPOSITION AUTHORITY: Destroy after ten years.

(2) Other Payroll (originals) copies.

DISPOSITION AUTHORITY: Destroy after audit of related pay records, or when three years old, whichever is sooner. (GRS 2, Item 3a)

(3) Duplicate of (2) above.

DISPOSITION AUTHORITY: Give to employee at close of leave year or to separated employee immediately upon separation.

ac. Monthly Reconciliation of Allotment Expenditure Transactions and Net Disbursements.

DISPOSITION AUTHORITY: Destroy four years after close of related fiscal year.

ad. Certificate of Temporary Duty or Travel Status in Washington, D.C.

DISPOSITION AUTHORITY: Transmit folder to record center one year after separation of employee; destroy ten years thereafter.

ae. Copies of requests for designation of Imprest Fund Cashiers and alternates and changes in connection therewith.

DISPOSITION AUTHORITY: Destroy folder four years after employee ceases to function in such capacity.

af. Report of Fiscal transactions by Honolulu Relay Base, Form DS-913.

DISPOSITION AUTHORITY: Destroy four years after close of related fiscal year.

ag. Foreign Service Pay and Allowances Card for American Employees, Form FS-385.

DISPOSITION AUTHORITY: Hold in payroll office for five years, then after determination that the record is not needed further for any purpose, send to Federal Records Center, St. Louis, Missouri.

ah. Copies of Field Travel Authorization, Form FS-381.

DISPOSITION AUTHORITY: Part of disbursing officer's account (see ak).

ai. Annual Reconciliation of Payroll Deductions, Form FS-415.

DISPOSITION AUTHORITY: Destroy five years after close of the related calendar year.

aj. Advice of Initiation of Travel, Form FS-446.

DISPOSITION AUTHORITY: Destroy one year after issue.

ak. Disbursing Officer's accounts current including all supporting documents, schedules, invoices, etc., except transportation items - see 5 GAO 4060, Form FS-466 (obsolete form) or State of Transactions According to Appropriations, Funds, and Receipt Account, Form SF-1220 for domestic transactions and Form SF-1221 for overseas transactions.

DISPOSITION AUTHORITY: Transmit entire account, including all items in this schedule indicated as part of disbursing officer's account, except transportation documents, to record center, after completion of the GAO site audit, and to Federal Records Center three years thereafter.

al. Liquidation Transfer Journal Voucher, Forms FS-477 - Register of transfers between accounts of different officers.

DISPOSITION AUTHORITY: Destroy four years after close of related fiscal year, except those relating to home leave and transfer travel allotments - destroy ten years after close of fiscal year.

am. Savings Bond Issuance Schedules.

DISPOSITION AUTHORITY: Original part of disbursing officer's account (see ak above). Destroy copy work sheet upon preparation of the subsequent schedule.

an. apportionment and Reapportionment Schedule, Form SF-132.

DISPOSITION AUTHORITY: Destroy four years after close of related fiscal year.

ao. Report on Budget Execution, Form SF-133.

DISPOSITION AUTHORITY: Destroy four years after close of related fiscal year.

ap. Copies of Certificate of Deposit, Form SF-201.

DISPOSITION AUTHORITY: Destroy four years after close of related fiscal year.

aq. Travel Voucher, Form SF-1012.

DISPOSITION AUTHORITY: Original part of disbursing officer's account (see ak above). Destroy copies used for accounting purposes four years after close of related fiscal year.

ar. Allotment Ledger, Form SF-1015 or other forms.

DISPOSITION AUTHORITY: Destroy ten years after close of related fiscal year.

as. Distribution Ledger, Form SF-1016 or other forms.

DISPOSITION AUTHORITY: Destroy four years after close of related fiscal year.

at. Journal Voucher, Form SF-1017-G.

DISPOSITION AUTHORITY: Destroy with other posting media of related accounts.

au. Original Copies of contracts, grants, and leases; "Paying Office" copies of purchase orders.

(1) Contracts, grants and leases executed overseas.

DISPOSITION AUTHORITY: Transfer to Federal Records Center three years after termination date. Destroy seven years thereafter.

(2) Contracts, grants, leases and purchase orders issued domestically (except as provided under (3) or (4) below).

(a) Under \$2,500.

DISPOSITION AUTHORITY: Destroy two years after notice from GAO that audit of accounts for year in which final payment made is complete.

(b) \$2,500 and over.

DISPOSITION AUTHORITY: Transfer to Federal Record Center on notice from GAO that audit of accounts for year in which final payment is complete. Destroy five years thereafter.

(3) Documentation related to transactions described in par. 555.3 and b.

DISPOSITION AUTHORITY: Remain the same.

NOTE: Contracts documenting copyright releases or acquisition of other rights relating to motion pictures, etc., are to be retained as long as related material.

av. Advance of Funds, Application and Account, Form SF-1038.

DISPOSITION AUTHORITY: Destroy three years after advance has been accounted for.

aw. Public voucher for Refunds, Form SF-1047, original, and SF-1048, memorandum.

DISPOSITION AUTHORITY: Original part of disbursing officer's account (see ak above). Destroy copies four years after close of related fiscal year.

ax. Claim Against the United States for Amount Due in the case of a Deceased Creditor, Form SF-1055.

DISPOSITION AUTHORITY: Original part of disbursing officer's account (see ak above). Destroy copies four years after close of related fiscal year.

ay. Vouchers for Transfers Between Appropriations and/or Funds, Form SF-1080, and Voucher and Schedule of Withdrawals and Credits, SF-1081 - disbursement.

DISPOSITION AUTHORITY: Original part of disbursing officer's account (see ak above). Destroy copies four years after close of related fiscal year.

az. United States Tax Exemption Certificates, Form SF-1094.

DISPOSITION AUTHORITY: Original to vendor. Destroy covering folder and record six years after calendar year in which last certificate is issued.

ba. Schedule of Voucher Deductions, Form SF-1096.

DISPOSITION AUTHORITY: Original part of disbursing officer's account (see ak above). Destroy copies four years after close of related fiscal year.

bb. Voucher and Schedule to Effect Correction of Errors, - between appropriation and/or fund accounts, Form SF-1097.

DISPOSITION AUTHORITY: Original part of disbursing officer's account (see ak above). Destroy copies four years after close of related fiscal year.

bc. Schedule of Canceled Checks, Form SF-1098.

DISPOSITION AUTHORITY: Original part of disbursing officer's account (see ak above). Destroy copies four years after close of related fiscal year.

bd. GAO Notices of Exception, Form SF-1100.

DISPOSITION AUTHORITY: Original to GAO. Destroy copies after audit by GAO of related fiscal year and after determination that notices are not needed for other purposes.

be. U.S. Government Bill of Lading, Forms SF-1103, and Continuation Sheet, SF-1109, Public Voucher for Transportation Charges, Form SF-1113, United States Government Transportation Requests, Form SF-1169, and Certificate in Lieu of Lost U.S. Government Transportation Request, Form SF-1172 - public vouchers for transportation charges and related documents. (Forms SF-1107 and SF-1171 are obsolete.)

DISPOSITION AUTHORITY: Original part of disbursing officer's account but sent separately to GAO as required by 5 GAO 4060. Destroy copies four years after close of related fiscal year.

bf. Payroll Change Slip, Form SF-1126.

DISPOSITION AUTHORITY: Original part of disbursing officer's account (see ak above). Copy filed in employee payroll folder (see cy).

bg. Payroll Control Register, Form SF-1125.

DISPOSITION AUTHORITY: Part of disbursing officer's account.

bh. Foreign Service list for Allotment of Pay, Form SF-480.

DISPOSITION AUTHORITY: Part of disbursing officer's account. Transmit to record center after completion of audit and to Federal Record Center three years thereafter.

bi. Reimbursement Voucher, Form SF-1129.



DISPOSITION AUTHORITY: Original part of disbursing officer's account (see ak). Destroy copies four years after close of related fiscal year.

bj. Public Voucher for Purchases and Services Other Than Personal Form. SF-1034, - Foreign Service.

DISPOSITION AUTHORITY: Part of disbursing officer's account (see ak above).

bk. Nonexpenditure Transfer Authorization, Form SF-1151 or other forms so used.

DISPOSITION AUTHORITY: Destroy four years after close of related fiscal year.

bl. Designation of Beneficiary, Form SF-1152, Claim for Unpaid Compensation of Deceased Civilian Employee, Form SF-1153, and Public Voucher for Unpaid Compensation Due a Deceased Civilian Employee, Form SF-1154.

DISPOSITION AUTHORITY: File in employee payroll folder (see cy below).

bm. Grant and/or Schedule of Foreign Allowances for Temporary Lodging Quarters, Post, Transfer, and Separation, Form SF-1160.

DISPOSITION AUTHORITY: Part of disbursing officer's account (see ak).

bn. Claim for Reimbursement for Expenditures on Official Business, Form SF-1164.

DISPOSITION AUTHORITY: Part of disbursing officer's account (see ak above).

bo. Receipt for Cash, Form SF-1165 - temporary receipt for cash advance for immediate use by the employee and receipt by vendor when no other document (invoice) is available.

DISPOSITION AUTHORITY: Destroy when transaction is completed except where it is the only evidence of the expenditure when it becomes part of the disbursing officer's account.

bp. Voucher and Schedule of Payments Forms SF-1166, original, and SF-1167, memorandum.

DISPOSITION AUTHORITY: Original part of disbursing officer's account (see ak above). Destroy copies four years after close of related fiscal year.

bq. Subscriber List for issuance of United States Savings Bonds, Form SF-1182.

DISPOSITION AUTHORITY: Part of disbursing officer's account (see ak).

br. Application for Death Benefits, Form SF-2800.

DISPOSITION AUTHORITY: Original part of disbursing officer's account (see ak above). Copy, if any, filed in employee payroll folder (see cy).

bs. "Application for Retirement, Form SF-2801, Application for Refund of Retirement Deductions, Form SF-2802, Application to Make Deposit or Redeposit, Form SF-2803, and Application to Make Voluntary Contributions, Form SF-2804 - Civil Service Retirement System Forms."

DISPOSITION AUTHORITY: Original to OPM. Copy, if any, filed in employee payroll folder (see cy).

bt. Individual Retirement Record, Form SF-2806.

DISPOSITION AUTHORITY: Original to OPM on separation of employee. Copy, or other, filed in employee payroll folder (see cy below).

bu. Register of Separations and Transfers - Civil Service Retirement System, Form SF-2807.

DISPOSITION AUTHORITY: Original to OPM. Destroy copies one year after issuance.

bv. Tax Withholding Statement, Form Treas. W-2.

DISPOSITION AUTHORITY: Original to IRS, copies to employees and to States. Destroy retained copy after five years.

bw. Employee's Tax Withholding Exemption Certificate, Form, Treas. W-4.

DISPOSITION AUTHORITY: Destroy upon advice from employee that it is no longer proper, or upon separation of employee.

by. Tax Withholding Certificate for D.C., Form D-4.

DISPOSITION AUTHORITY: Destroy upon receipt of new form or upon separation of employee.

bz. GAO Request for Information, Form GAO-3010.

DISPOSITION AUTHORITY: Original to GAO. Destroy copies three years after related fiscal year and after determination that requests are not needed for other purposes.

ca. Quarterly Report of Wages Taxable Under Federal Insurance Contribution Act (FICA), Forms, Treas. 941, 941a, and 941c.

DISPOSITION AUTHORITY: Original to Treasury. Transmit copies to Agency record center two years after GAO audit of related fiscal year; destroy four years thereafter and after determination that reports are not needed for other purposes.

cb. Agreement for liquidation of Federal tax through payroll deductions, Form, IRS-2159.

DISPOSITION AUTHORITY: File in employee payroll folder (see cy).

cc. Authorization for purchase of U.S. Savings Bonds, form, Treas. 2254.

DISPOSITION AUTHORITY: File in employee payroll folder (see cy below).

cd. Annual certified report of obligations under Section 1311, PL 663, 83rd Congress.

DISPOSITION AUTHORITY: Destroy four years after close of related fiscal year.

ce. Record of collections received in the Financial Operations Division - book form.

DISPOSITION AUTHORITY: Destroy five years after GAO audit of fiscal year in which last entry is made and after determination that records are not needed for other purposes.

cf. Status of funds report.

DISPOSITION AUTHORITY: Destroy four years after close of fiscal year in which report is made.

cg. Monthly report of obligations.

DISPOSITION AUTHORITY: Destroy four years after close of fiscal year in which report is made.

ch. Monthly report of cash transactions abroad.

DISPOSITION AUTHORITY: Destroy four years after close of fiscal year in which report is made.

ci. Monthly report of appropriation transactions for general ledger and budget purposes.

DISPOSITION AUTHORITY: Destroy four years after close of fiscal year in which report is made.

cj. Monthly report of appropriation reimbursements. A cumulative report for budget purposes.

DISPOSITION AUTHORITY: Destroy four years after close of fiscal year in which report is made.

ck. Monthly report to AID participating agency of related financial activity, Form AID-7-20.

DISPOSITION AUTHORITY: Destroy copies four years after close of fiscal year in which month of reports falls.

co. Special reports prepared upon request by interested areas of Broadcasting

DISPOSITION AUTHORITY: Destroy four years after close of fiscal year in which issued.

cp. Annual report by object class, activity and subactivity for general budget purposes.

DISPOSITION AUTHORITY: Destroy four years after close of fiscal year in which issued.

cq. Semiannual report of expenditures and obligations by organizational elements for budget and other purposes.

DISPOSITION AUTHORITY: Destroy four years after close of fiscal year in which issued.

cr. Reimbursable agreements.

DISPOSITION AUTHORITY: Destroy five years after end of effective period.

cs. Treasury trial balance used as reconciliation medium for cash transactions.

DISPOSITION AUTHORITY: Destroy four years after close of fiscal year in which made.

ct. Wage schedules fixing wages of local nationals at overseas establishments.

DISPOSITION AUTHORITY: Destroy when replaced by new schedule and audit has been completed by GAO for fiscal year in which replaced, and after determination that schedules are not needed for other purposes.

cu. Posting media for general ledger Treas. 523 and other documents so used.

DISPOSITION AUTHORITY: Destroy four years after close of related fiscal year.

cw. General ledger trial balance.

DISPOSITION AUTHORITY: Destroy after three years.

cx. Reports to Treasury on use of foreign currencies relative to appropriation limitations.

DISPOSITION AUTHORITY: Destroy four years after close of related fiscal year.

cy. Employee's personal payroll folder.

DISPOSITION AUTHORITY: Transmit to Records Center one year after separation of the employee; destroy ten years thereafter.

cz. Foreign Internal Audits including audit reports, work papers, and related documents.

DISPOSITION AUTHORITY: Retain latest audit report in OIG, retire prior reports to record center. Destroy when eight years old.

da. Foreign External Audits including audit reports, work papers, and related documents.

DISPOSITION AUTHORITY: Destroy records when eight years old.

db. Domestic Internal Audits including audit reports, work papers, and related Documents.

DISPOSITION AUTHORITY: Destroy records when eight years old.

dc. Domestic External Audits including audit reports, work papers and related documents.

DISPOSITION AUTHORITY: Destroy records when eight years old.

dd. Miscellaneous Audit Reports including chronological files, copies of travel, personnel, budget, country files, etc.

DISPOSITION AUTHORITY: Destroy records when eight years old.

#### 571.13 Data Processing Records

##### Source Data

de. Perforated paper tape.

DISPOSITION AUTHORITY: Destroy after the proof list is balanced.

dg. Allotment Accounting Detail Card.

DISPOSITION AUTHORITY: Destroy two months after the close of the reporting month.

dh. Liquidation Transfer Journal Voucher, FS-477 or equivalent.

DISPOSITION AUTHORITY: Destroy after proof list has been accepted and approved.

di. Net Disbursement and Collected Reimbursements Report, FS-478 or equivalent.

DISPOSITION AUTHORITY: Destroy two months after the close of the quarter in which processed.

dj. HLT Statistical Cards.

DISPOSITION AUTHORITY: Destroy two months after the close of the month in which processed.

dk. TV Allocation Cards.

DISPOSITION AUTHORITY: Destroy two months after the close of the month in which processed.

dl. Status of Allotment Description Cards.

DISPOSITION AUTHORITY: Destroy after an acceptable update of the master file.

dm. TV Contract Descriptive Cards.

DISPOSITION AUTHORITY: Destroy after supplemental report is balanced.

dn. Payroll and Leave Accounting.

DISPOSITION AUTHORITY: Destroy one year after the close of the pay year.

do. Personnel Information and Statistics.

DISPOSITION AUTHORITY: Destroy one year after the close of the fiscal year.

dp. Property Inventory Accountability.

DISPOSITION AUTHORITY: Destroy one year after the close of the fiscal year.

dt. Radio Script Usage Reporting.

DISPOSITION AUTHORITY: Destroy three months after reporting month.

dv. Radio Transistor Contest Reporting.

DISPOSITION AUTHORITY: Destroy two years after contest reports have been accepted and approved.

dw. Federal Information Exchange System.

DISPOSITION AUTHORITY: Destroy after the final fiscal year report has been accepted and approved.

dx. Machine Utilization.

DISPOSITION AUTHORITY: Destroy two months after the close of the reporting month.

571.15 Tabulation Reports

dy. Recurring Reports.

DISPOSITION AUTHORITY: Destroy five years after close of fiscal year in which processed.

dz. Special Requests Reports.

DISPOSITION AUTHORITY: Destroy five years after close of fiscal year in which processed.

#### CONTROL DATA

ea. Journals, transmittals or batch sheets accompanying source data.

DISPOSITION AUTHORITY: Destroy two years after close of fiscal year in which processed.

eb. Proof Lists or Balance Listings.

DISPOSITION AUTHORITY: Destroy one year after close of fiscal year in which processed.

ec. Control ledgers, logs or sheets.

DISPOSITION AUTHORITY: Destroy five years after close of fiscal year in which processed.

#### 571.16 Office of Security Records

a. Security Policy Files - Manuals, directives, plans reports and correspondence reflecting policies and procedures developed in administration and direction of security and protective services programs. Other miscellaneous subject files.

DISPOSITION AUTHORITY: Destroy when twenty five years old. (NC1-306-79-4, Item 1)

b. Document Receipt Files - Classified documents receipts, relating to the receipt and issue of classified documents.

DISPOSITION AUTHORITY: Destroy when two years old. (GRS 18, Item 3)

c. Destruction Certificates - Classified documents destruction certificates relating to the destruction of classified documents.

DISPOSITION AUTHORITY: Destroy when two years old. (GRS 18, Item 4)

d. Top Secret Accounting and Control Files:

(1) Registers maintained at control points to indicate accountability over Top Secret documents, reflecting the receipt, dispatch, or destruction of the documents.

DISPOSITION AUTHORITY: Destroy when five years after documents shown on forms are downgraded, transferred, or destroyed. (GRS 18, Item 6a)

(2) Forms accompanying documents to insure continuing control, showing names of persons handling the documents, intraoffice routing, and comparable data.

DISPOSITION AUTHORITY: Destroy when related document is downgraded, transferred- or destroyed. (GRS 18, Item 6b)

e. Classified Document Container Security Files - Forms or lists used to record safe and padlock combinations, names of individuals knowing combinations, and comparable data used to control access into classified document containers.

DISPOSITION AUTHORITY: Destroy when superseded by a new form or list, or upon turn-in of containers. (GRS 18, Item 8)

f. Overseas Establishment Files - Information derived from interviews, inspection reports, and other miscellaneous reports regarding incidents and individuals at overseas establishments.

DISPOSITION AUTHORITY: Transfer to Federal Records Center three years after overseas establishment is closed. Destroy thirteen years after closing. (NC1-306-79-4, Item 6)

g. Personnel Security Case Files - Records relating to investigative matters, clearances, and other security records concerning employees or others whose relationship with Broadcasting requires a security clearance.

DISPOSITION AUTHORITY: Transfer to Federal Records Center after employee leaves. Destroy twenty years after date of separation. (NC1-306-79-4, Item 7)

h. Applicant Security Case Files - Records of investigations of applicants for employment.

DISPOSITION AUTHORITY: Transfer to Federal Records Center 120 days after non-selection. Destroy ten years after date of last action. (NC1-306-79-4, Item 8)

i. Name Check Files (800) - Security data on individuals and organizations whose services are used on a part-time basis, whose relationship with Broadcasting requires a security clearance.

DISPOSITION AUTHORITY: Destroy ten years after date of last action or when file becomes inactive, whichever is soonest. (NC1-306-79-4, Item 9)

j. Case files on investigations of various matters relating to physical security filed by subject title.

DISPOSITION AUTHORITY: Transfer to Federal Records Center five years after case closed. Destroy ten years after last action. (NC1-306-79-4, Item 10)

k. Cross-index cards and main file cards.



DISPOSITION AUTHORITY: Remove and destroy as files are destroyed. (NC1-306-79-4, Item 11)

(Records common to most offices are located in MOA III, section 577.)

#### Section 573

### DISPOSITION SCHEDULE FOR TELEVISION AND FILM SERVICE RECORDS

#### 573 Television and Film Service Records

a. Script, motion pictures, English and foreign versions, research and cost analysis reports used in the production of motion picture films.

DISPOSITION AUTHORITY: Disposition not authorized.

b. Routine correspondence files of non-policy or non-procedural nature developed by various elements of TV in connection with the administration and operation of the program. Included are correspondence, teletypes, cables, reports publications and supporting papers pertaining to fiscal, procurement, personnel and routine operational matters.

DISPOSITION AUTHORITY: Destroy after three years.

c. Film distribution records pertaining to overseas distribution of motion picture films, statistical reports and lists and related records maintained by TV. These reports show the countries to which the file was sent, film sizes, and quantities placed in distribution.

DISPOSITION AUTHORITY: Destroy after two years.

d. Routine correspondence regarding the loan of motion picture film, film strips or sound recordings, excluding any correspondence involving special restrictions or use of these material or litigation regarding copyrights.

DISPOSITION AUTHORITY: Destroy after one year.

e. Motion pictures, including library footage; cut stories each issue of newsreels and news magazines, narratives, topical, interviews, documentaries and features produced domestically or abroad in which Broadcasting has basic ownership in whole or in part.

(1) Original negative plus one print.

DISPOSITION AUTHORITY: Disposition not authorized.

(2) All other copies.

DISPOSITION AUTHORITY: Destroy when no longer needed.

f. Staff instructions. Jobs orders-preprint only. Correspondence with vendors or Washington.

DISPOSITION AUTHORITY: Destroy one year after close of fiscal year in which issued.

g. Film cost estimates. Film review memorandum. Foreign Version Release Print Order. Answer Print Screening Reports.

DISPOSITION AUTHORITY: Destroy when no longer needed.

h. Locator Cards (5x8) Film Library.

DISPOSITION AUTHORITY: Disposition not authorized.

i. Stock Shot cards (5x8) Film Library.

DISPOSITION AUTHORITY: Disposition not authorized.

j. Records documenting copyright releases and restrictions on motion picture films, video tapes and films produced or acquired by Broadcasting.

DISPOSITION AUTHORITY: Retain as long as related film or video tape. Transfer to National Archives if related film or tape is transferred.

(Records common to most offices are located in MOA III, section 577.)

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NOTICE

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MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART III COMMUNICATIONS AND RECORDS, 500 RECORDS MANAGEMENT HANDBOOK  
Section 577

DISPOSITION SCHEDULE FOR RECORDS COMMON TO MOST OFFICES

577 RECORDS COMMON TO MOST OFFICES

This section provides you with disposal authorities for records common to most offices in Federal agencies. It covers administrative subject files; facilitative records such as suspense files, tracking and control records, calendar, and indexes; and transitory documents; as well as certain types of records created in electronic form on stand-alone or network micro-and mini-computers.

a. Office Administrative Files - Records accumulated by individual offices that relate to the internal administration or housekeeping activities of the office rather than the functions for which the office exists. In general, these records relate to the office organization, staffing, procedures, and communications; the expenditure of funds, including budget records; day-to-day administration of office personnel including training and travel; supplies and office services and equipment requests and receipts; and the use of office space and utilities. They may also include copies of internal activity and workload reports (including work progress, statistical, and narrative reports prepared in the office and forwarded to higher levels) and other materials that do not serve as unique documentation of the programs of the office.

DISPOSITION AUTHORITY: Cut off annually. Destroy when two years old, or when no longer needed, whichever is sooner (GRS 23, Item 1).

b. Word Processing Files - Documents such as letters, messages, memoranda, reports, handbooks, directives, and manuals recorded on electronic media such as hard disks or floppy diskettes:

(1) When used to produce hard copy which is maintained in organized file.

DISPOSITION AUTHORITY: Delete when no longer needed to create hard copy.  
(GRS 23, item 2(a))

(2) When maintained only in electronic form, and duplicate the information in and take the place of records that would otherwise be maintained in hard copy providing that the hard copy has been authorized for destruction by the GRS or a NARA approved SF 115.

DISPOSITION AUTHORITY: Delete after the expiration of the retention period authorized for the hard copy by the GRS or a NARA approved SF 115.  
(GRS 23, item 2(b))

c. Administrative Data Bases - Data bases that support administrative or housekeeping functions, containing information derived from hard copy records authorized for destruction by the GRS or a NARA approved SF-115, if the hard copy records are maintained in organized files, and hard-copy printouts from these data bases created for short-term administrative purposes.

DISPOSITION AUTHORITY: Delete information in the data base when no longer needed. (GRS 23, item 3)

d. Electronic Spreadsheets - Spreadsheets that are recorded on electronic media such as hard disks or floppy diskettes:

(1) When used to produce hard copy which is maintained in organized files.

DISPOSITION AUTHORITY: Delete when no longer needed to update or produce hard copy. (GRS 23, item 4(a))

(2) When maintained only in electronic form.

DISPOSITION AUTHORITY: Delete after the expiration of the retention period authorized for the hard copy by the GRS or a NARA approved SF-115. If the electronic version replaces hard copy records with differing retention periods, and agency software does not readily permit selective deletion, delete after the longest retention period has expired. (GRS 23, item 4(b))

e. Schedule of Daily Activities - Calendar, appointment books, schedules, logs, diaries, and other records documenting meetings, appointments, telephone calls, trips, visits, and other activities by Federal employees while serving in an official capacity, created and maintained in hard copy or electronic form, EXCLUDING materials determined to be personal.

(1) Records containing substantive information relating to official activities, the substance of which has not been incorporated into official files, EXCLUDING records relating to the official activities of high government officials (see note).

DISPOSITION AUTHORITY: Destroy or delete when two years old. (GRS 23, item 5(a))

[NOTE: High level officials include the heads of departments and independent agencies, their deputies and assistants; the heads of program offices and staff offices including assistant secretaries, administrators, and commissioners; directors of offices, bureaus, or equivalent; principal regional officials; staff assistants to those aforementioned officials, such as special assistants, confidential assistants, and administrative assistants; and career Federal employees, political appointees, and officers of the Armed Forces serving in equivalent or comparable positions. Unique substantive records relating to the activities of these individuals must be scheduled by submission of an SF 115 to NARA.]

(2) Records documenting routine activities containing no substantive information and records containing substantive information, the substance of which has been incorporated into organized files.

DISPOSITION AUTHORITY: Destroy or delete records when no longer needed. GRS 23, item 5(b))

f. Suspense Files - Documents arranged in chronological order as a reminder that an action is required on a given date or that a reply to action is expected and, if not received, should be traced on a given date.

(1) A note or other reminder to take action.

DISPOSITION AUTHORITY: Destroy after action is taken. (GRS 23, item 6(a))

(2) The file copy or extra copy of an outgoing communication, filed by the date on which a reply is expected.

DISPOSITION AUTHORITY: Withdraw documents when reply is received. (1) If suspense copy is an extra copy, destroy immediately. (2) If suspense copy is the file copy, incorporate it into the official file. (GRS 23, item 6(b))

g. Transitory Files - Documents of short-term interest which have no documentary or evidential value and normally need not be kept more than 90 days. Examples of transitory correspondence are shown below.

(1) Routine requests for information or publications and copies of replies which require no administrative- action, no policy decision, and no special compilation or research for reply.

(2) Originating office copies of letters of transmittal that do not add any information to that contained in the transmitted material, and receiving office copy if filed separately from transmitted material.

(3) Quasi-official notices including memoranda and other records that do not serve as the basis of official actions, such as notices of holidays or charity and welfare fund appeals, bond campaigns, and similar records.

DISPOSITION AUTHORITY: Destroy when 3 months old, or when no longer needed, whichever is sooner (GRS 23, Item 7).

h. Tracking and Control Records - Logs, registers, and other records in hard copy or electronic form used to control or document the status of correspondence, reports, or other records that are authorized for destruction by the GRS or a NARA approved SF 115.

DISPOSITION AUTHORITY: Destroy records when no longer needed. (GRS 23, item 8)

i. Finding Aids (or Indexes) - Indexes, lists, registers, and other finding aids in hard copy or electronic form used only to provide access to records authorized for destruction by the GRS or a NARA approved SF 115, EXCLUDING records containing abstracts or other information source apart from the related records.

DISPOSITION AUTHORITY: Destroy or delete records with the related records or sooner if no longer needed. (GRS 23, item 9)

j. Time and Attendance Report Files - Copies of time and attendance sheets other than original payroll copy.

DISPOSITION AUTHORITY: Destroy six months after the end of the pay period. (GRS 2, item 3(a)(2))

k. Flextime Attendance Records - Supplemental time and attendance records, such as sign-in/sign-out sheets and work reports, used for time accounting under Flextime systems.

DISPOSITION AUTHORITY: Destroy after GAO audit or when three years old, whichever is sooner. (GRS 2, item 3(b))

l. Routine Procurement Files - Contract, requisition, purchase order, lease, and bond and surety records, including correspondence and related papers pertaining to award, administration, receipt, inspection and payment.

(1) Procurement or purchase organization copy, and related papers.

(a) Transactions of more than \$25,000 and all construction contracts exceeding \$2,000.

DISPOSITION AUTHORITY: Destroy records six years and three months after final payment. (GRS 3, item 3(a)(1))

(b) Transaction of \$25,000 or less and construction contracts under \$2,000.

DISPOSITION AUTHORITY: Destroy records three years after final payment. (GRS 3, item 3(a)(2))

(2) Obligation copy.

DISPOSITION AUTHORITY: Destroy records when funds are obligated. (GRS 3, item 3(b))

(3) Other copies of records described above used by component elements of a procurement office for administrative purposes.

DISPOSITION AUTHORITY: Destroy records upon termination or completion. (GRS 3, item 3(c))

(4) Data submitted to the Federal Procurement Data System (FPDS) - Electronic data file maintained by fiscal year, containing unclassified records of all procurements, other than small purchases, and consisting of information required under 48 CFR 4.601 for transfer to the FPDS.

DISPOSITION AUTHORITY: Destroy records when 5 years old. (GRS 3, item 3(d))

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PART III COMMUNICATIONS AND RECORDS, 500 RECORDS MANAGEMENT HANDBOOK  
Section 580

ACCESS TO AND PROTECTION OF RECORDS ON INDIVIDUALS

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## Section 580

### ACCESS TO AND PROTECTION OF RECORDS ON INDIVIDUALS

#### 581 POLICY AND LEGAL REQUIREMENTS

581.1 Policy - It is policy to deal with all employees and members of the public in an open manner, respecting their right to privacy, observing due process, and limiting collection, use or disclosure of information about individuals to those lawful purposes that contribute to Broadcasting's conduct of its authorized functions. It will continue to be policy to refer to the individual directly in verifying personnel records, and in obtaining personal information; to provide to individuals convenient access to records about themselves consistent with the Privacy Act of 1974 (Public Law 93-579) and the need to protect the right of all individuals to privacy; to assure that records about individuals are timely, accurate, relevant, and complete, consistent with the purposes for which they are maintained, and to correct them when necessary or appropriate. The principles of openness, fairness, and discretion in dealing with individuals or information about them are to be observed by all personnel. The Privacy Act of 1974 has codified the constitutional principles which govern the right to privacy; and it is policy to give full meaning to the spirit of that statute in carrying out its provisions.

#### 581.2 Legal Requirements -

a. Authority - Regulations governing the protection and availability of records on individuals are contained in Title 22, Code of Federal Regulations, Chapter V, Sections 505.1 through 505.14.

b. Effect of Other Laws - Individuals may not be denied access to records pertaining to them because those records are permitted to be withheld under the Freedom of Information Act.

#### c. Use of Social Security Numbers -

(1) The Privacy Act of 1974 prohibits that any individual be required to disclose a social security number to verify identification unless such disclosure is required under statute or regulation adopted prior to January 1, 1975.

(2) No Federal, State, or local government agency can deny individuals any right, benefit, or privilege provided by law because of the individuals' refusal to disclose their social security account numbers.

(3) A Federal, State, or local government agency that requests an individual to disclose his or her social security account number will inform the individual whether the disclosure is mandatory or voluntary, the statutory authority for the solicitation, and the use to be made of the number.

(4) The Act also prohibits maintaining files on individuals from which information is retrieved by an individual's social security account number, unless the system of records was in existence and operating before January 1, 1975, and the disclosure of the social security number was required by statute or regulations to verify identification.

582 DEFINITIONS - For purposes of implementing the Privacy Act of 1974, the following definitions will apply.

a. Organization - the BBG (Broadcasting) its domestic offices and overseas establishments.

b. Individual - a citizen of the United States or an alien lawfully admitted for permanent residence.

c. Maintain - collect, use, disseminate, or any combination of these record keeping functions; control over, responsibility, and accountability for systems of records, including systems operated by contractors on behalf of Broadcasting.

d. Record - any item, collection, or grouping of information about an individual that is maintained, including, but not limited to, his or her education, financial transactions, medical history, and criminal or employment history and that contains the name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph.

e. System of Records - a group of any records under the control of Broadcasting from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

f. Statistical Record - a record in a system of records maintained for statistical research or reporting purposes and not used in whole or in part in making any determination about an identifiable individual. (Note - Such records are excluded under the Privacy Act from disclosure, but may not be exempt from disclosure under the Freedom of Information Act.)

g. Routine Use - the common and ordinary purposes for which records are used, and all of the proper and necessary uses even if any such use occurs infrequently. Under the Act, gratuitous, ad hoc dissemination for private or other wise unofficial use of information not compatible with the purpose for which it was collected are prohibited.

## 583 RESPONSIBILITIES

583.1 Government-wide - The Privacy Act of 1974 established a Privacy Protection Study Commission to oversee implementation of the Act.

583.2 a. General Counsel, Office of General Counsel - The Director has delegated to the GC, Office of General Counsel, the responsibility for assuring compliance with the spirit and the letter of the Privacy Act.

b Permanent Working Subcommittee provides for necessary staff coordination, drafting or review of policy, rules, regulations, and procedural matters, required by the Privacy Act.

c. Office of the General Counsel (GC) will be called upon to advise the Director, and other officials on all matters involving the legal interpretation of the provisions of the Act.

f. Freedom of Information/Privacy Acts Coordinator, Office of Administration is responsible for:

(1) Serving as the executive secretary to the Committee on Public Information Policy and the Permanent Working Subcommittee.

(2) Receiving Privacy Act-related written requests directed to the Office of Administration and initiating action on these requests.

(3) Recording all requests under the Privacy Act received assigning action to appropriate offices within Broadcasting and overseas establishments, monitoring their actions in responding to such requests, preparing or reviewing responses made by Broadcasting, billing of requesters for services rendered as required, maintaining a file system of correspondence and documents (including accounting of disclosures) generated by the Privacy Act.

(4) Transmitting to the General Counsel, (GC) with recommendations for appropriate action, all requests for access, correction of records, and disclosure of information that action offices wish to refuse in whole or in part.

(5) Preparing reports and advance notices pertaining to the Privacy Act for transmittal to the Congress, Office of Management and Budget, the Privacy Protection Study Commission, and elsewhere as may be required.

(6) Reviewing proposals for the establishment of any new systems of records and publishing in the Federal Register to assure consistency with the provisions of the Privacy Act and transmitting same to the General Counsel (GC) with recommendations for appropriate action.

(7) Establishing a program for the periodic review of record keeping policies and practices, as these pertain to the Privacy Act, to assure compliance with the Act.

(8) Managing a reception office and reading room where requesters may be given access to records about themselves and examine records made available in response to a request.

(9) Identifying records desired (excluding personnel records and security files); obtaining them from Records Control Officers; reviewing records to determine whether (a) they contain classified material, (b) are in whole or in part exempt from disclosure to the requester under the provisions of the Privacy Act and directives implementing the Act, and (C) whether they contain personal information concerning an individual other than the requester after deletion of any portions exempted from disclosure for the above reasons.

(10) Overseeing accesses and accounting of accesses conducted by the Office of Personnel Services and the Office of Security .

(11) In coordination with the Office of Personnel arranging for all personnel involved in any way in maintaining systems of records to receive instruction of procedures established to implement the Act, and to be apprised of their responsibilities and rights under the Act, including penalties for noncompliance.

g. Records Control Officer - Each element of Broadcasting is to appoint a Records Control Officer to provide a bridge between Systems Managers (see par. 1 below), and the many record custodians in Broadcasting. Records Control Officers may be assigned to:

(1) Assure that Systems Managers, records custodians, and supervisors are aware of the follow through on their responsibilities under the privacy Act and directives pertaining to it, or;

(2) Serve as the "records custodian" for specific records systems or for Privacy Act procedures, e.g., the disclosure procedures, or;

(3) Assist the Systems Managers to:

(a) Preview records that are part of records systems specifically exempted in whole or in part from access by an individual.

(b) Perform the various actions required under the amendment and review procedures.

(c) Initiate new and revise existing records systems.

h. Heads of Overseas Establishments have basic responsibility for granting access to any records maintained at the overseas establishment.

i. Office of Personnel will be called upon to provide resources as needed in connection with requirements for instruction and orientation of personnel regarding rules and procedures under the Act.

j. Contracting Officers review all contracts that provide for the maintenance of systems of records by or on behalf of Broadcasting to ensure that, where appropriate and within Broadcasting's authority,

language is included which ensures that such systems will be maintained in a manner consistent with the Act.

k. Systems and Management Analyst - In developing or designing a system of records to accomplish a function, analysts are to include safeguards to ensure that such systems will be maintained in conformance with the Act.

l. Systems Managers ensure that records maintained under their supervision conform in general to the provisions of the Act and, specifically to the published Notice of Systems of Records. They initiate proposals for revision of systems and their uses for approval by the Office of Administration, and conduct the annual review of systems of records leading to publication of a notice. In the exercise of these responsibilities, the Systems Managers will coordinate such actions with appropriate Records Control Officers.

m. File Custodians are to ensure that physical, procedural, and technical safeguards are observed and maintained in operation. They establish necessary unique identification of "records," as defined in the Act, and maintain adequate controls to ensure that records are only delivered to or made accessible to authorized persons.

#### 584 DISCLOSURE

584.1 Conditions of Disclosure - No record within a system of records may be disclosed except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains. A record may be disclosed, however, without either a written request from or the written consent of the individual to whom the record pertains if such disclosure is authorized as follows:

a. Disclosure Within Broadcasting - This provision is based on a "need to know" concept. The Act recognizes that personnel require access to records in the performance of their duties.

b. Disclosure to the Public - Broadcasting is not required to obtain the consent of individuals before disclosing records that may contain information about them to a member of the public to whom Broadcasting is required to disclose such information under the Freedom of Information Act (FOIA). Broadcasting may, however, withhold records from a member of the public if such records are exempted from disclosure under the FOIA, e.g., if disclosure would constitute an unwarranted invasion of personal privacy. (See par. 524.3h(1)(f).)

c. Disclosure for a Routine Use - Records may be disclosed without the consent of an individual for a "routine use," as defined in paragraph 562g, and as described in the required annual public notice about the system published in the Federal Register (see par. 565.2).

d. Disclosure to the Bureau of the Census - Broadcasting may disclose records to the Bureau of the Census for purposes of planning or carrying out a census or survey or related activity. Title 13 U.S.C. Section 8,

limits the uses that may be made of these records and also makes them immune from compulsory disclosure.

e. Disclosure for Statistical Research and Reporting - Records may be disclosed for statistical research or reporting purposes, either Government or private, only after Broadcasting has received and evaluated a written statement that explains the purpose for requesting the records, and certifies that the records will be used solely for statistical research or reporting. Such records made available would be transferred in a form that is not individually identifiable. An accounting of these disclosures will be required in accordance with par. 584.2.

f. Disclosure to the National Archives - Broadcasting may disclose records to the National Archives of the United States pursuant to 44 U.S.C. 2103, which provides for the preservation of records of historical or other value. Records transferred to Federal Records Centers for safekeeping or storage do not fall within this category. (See par. 587.3.)

g. Disclosure for Law Enforcement Purposes - Broadcasting may disclose a record to another agency or unit of state or local government upon receipt of a written request describing the law enforcement activity for which the record is required, certifying that the activity is authorized by law, and specifying the particular record or portion of a record. Blanket requests for all records pertaining to an individual are not permitted by the Act.

h. Disclosure Under Compelling Circumstances -Broadcasting may disclose records when the time required to obtain the consent of the individual to whom the record pertains might result in a delay that could impair the health or safety of an individual, e.g., release of medical records on a patient undergoing emergency treatment. The concerned individual is to be so notified following the disclosure.

i. Disclosure to the Congress - Records on individuals may be furnished to either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee. Individual Members of Congress may gain access to records under conditions specified in par. 585.3d(2)(b)(iii). Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

j. Disclosure to the General Accounting Office - Records on individuals may be disclosed to the Comptroller General, or any of his or her authorized representatives, in the course of the performance of the duties of the General Accounting Office.

k. Disclosure Pursuant to Court Order - Broadcasting records may be disclosed as required pursuant to the order of a court of competent jurisdiction.

#### 584.2 Accounting of Certain Disclosures

a. When Required - An accurate accounting is required for disclosure outside Broadcasting even when such disclosures are with the written consent or at the request of the individual (see par. 584.1). Exceptions are - disclosures within Broadcasting (par. 584.1a); and disclosures to the public under the Freedom of Information Act (par.584.1b), which require a separate accounting (par. 524.3n). The accounting of disclosures must include the following data:

(1) The date, nature, and purpose of each disclosure of a record to any person or to another agency made under par. 584.1.

(2) The name and address of the person to whom the disclosure is made.

(3) A cross-reference to the justification or basis upon which the release was made including any written documentation as is required in the case of the release of records for statistical or law enforcement purposes.

b. Retaining Records - Records on the accounting of disclosures required by the Act are to be retained for at least five years or the life of the record, whichever is longer, after the disclosure for which the accounting is made.

c. Making the Accounting of Disclosures Available to the Individual - Upon written request of the individual to whom the record pertains, Broadcasting will make available to that individual all information in its accounting of disclosures except that pertaining to disclosure to other agencies or government instrumentality for law enforcement purposes (par. 584.1g).

d. Informing Prior Recipients of Corrected or Disputed Records - When records are corrected at the request of individuals acting in accordance with their rights under the Act to request an amendment of records, or a statement of dispute is filed as provided in par 585.4d(5), Broadcasting must notify each agency or person to which the record has been disclosed of the exact nature of the correction or that notation of dispute has been made, or provide a copy of the corrected record when appropriate. If Broadcasting is the recipient of a record from another agency, Broadcasting must inform those to whom it may have disclosed the record of a correction or statement of dispute.

## 585 REQUIREMENTS AND PROCEDURES

### 585.1 Collecting , Validating, and Safeguarding Records

#### a. Restrictions on Collecting Information About Individuals

(1) Broadcasting can derive authority to collect information about individuals in one of two ways:

(a) by statute or Executive order explicitly authorizing the maintenance of a system of records;

(b) by statute or Executive order authorizing Broadcasting to perform a function which requires the maintenance of a system of records.

(2) Each item in a system of records must be relevant and necessary to the accomplishment of the purpose for which the system is maintained.

b. Information Is To Be Collected Directly From the Individual - The Act wishes to obviate the possibility that determinations affecting individuals may be based on information obtained from third party sources which could be erroneous, outdated, irrelevant or biased; so, to the greatest extent practicable, information that may adversely affect an individual's rights, benefits, and privileges under Federal programs should be obtained directly from the individual concerned.

c. Informing Individuals From Whom Information is Requested - This provision is intended to assure that individuals from whom information about themselves is collected are informed of the reasons for requesting the information. Implicit in the Act is the notion of informed consent regarding an individual's decision as to whether or not to respond. Forms used in requesting information should contain easily understood language so that individuals are not deterred from reading them, and to ensure that respondents are not misled or inadvertently coerced. The forms should also include the following:

(1) Authority - Cite the specific provisions in statute or Executive order which authorizes Broadcasting to collect the requested information. The Offices of Personnel and Security, and other offices requiring personal information on special forms should clear such forms with GC.

(2) Purpose - The individual from whom information is solicited must be informed of all the principal purposes for which the information will be used, e.g., to evaluate qualifications for employment, or to issue benefit payments, and whether providing such information is mandatory or voluntary. Generally, all information solicited on individuals would be provided on a voluntary basis, but such information might be necessary for actions, procedures, or decisions. Therefore, it is important that the individual be informed of the consequences of not responding to the request for information (see par. (4) below).

(3) Uses To Be Made of Information - "Uses" should be distinguished from "purposes" in that purposes describe the objectives for collecting and maintaining information. Uses are the specific ways or processes in which the information is employed, and it is required that they be published in the Federal Register under each system of records (see par. 585.2a(4)). Descriptions of uses may be a summary of the routine uses in evaluating information for employment, or the various uses made of information contained in Foreign Service locator files, for example.

(4) Effects of Not Providing Needed Information - The individual must be informed of the effects, beneficial and adverse, if any, of not responding to a request for information.

d. Accuracy, Relevance, Timeliness, and Completeness of Records - The Act requires that all Federal agencies assure the accuracy, relevance,



timeliness, and completeness of records maintained on individuals. Errors could result in an erroneous decision with adverse consequences to the individual, e.g., denial of rights, benefits, entitlements, or employment. Systems Managers, Records Control Officers, and file custodians will observe the following criteria to provide at least a minimum assurance of the accuracy of records on individuals.

(1) Limit records to those elements of information that clearly bear on the purposes for which the records are intended to be used.

(2) In questionable instances, reverification of pertinent information with the individual to whom it pertains may be appropriate.

(3) If appropriate, advise recipients that the information disclosed was accurate as of a specific date, such as the last date on which a determination was made on the basis of the record or other known limits on its accuracy, e.g., its source.

e. Validating Records Before Disclosure - Broadcasting cannot guarantee the absolute accuracy of its records, but must make every effort to assure that a record about an individual it discloses to any person or agency is as accurate, relevant, timely, and complete as would be necessary reasonably to assure fairness in any determination which the Agency might make on the basis of that record. Validating records is the direct responsibility of Records Control Officers, and file custodians who maintain systems of records as reported in the Federal Register of January 23, 1979, and subsequently.

f. Records on Religious and Political Activity - The Act establishes rigorous standards governing the maintenance of records regarding religious, political, and other activities guaranteed by the First Amendment. No element is authorized to maintain records describing the exercise of these rights unless one of the following conditions is met:

(1) A statute specifically authorizes it.

(2) The individual expressly authorizes it.

(3) The record is required by an agency for an authorized law enforcement function.

g. Notification for Disclosures Under Compulsory Legal Process - When a record is disclosed under compulsory legal process (par. 644lg and k) and the issuance of that order or subpoena is made public by the court which issued it, Broadcasting will make a reasonable effort to notify the individual to whom the record pertains. Notifying the individual by mail at his or her last known address will suffice. Upon being served with an order to disclose a record, Broadcasting should endeavor to determine whether the issuance of the order is a matter of public record, and, if it is not, seek to be advised when it becomes public.

h. Rules of Conduct - The Privacy Act of 1974 imposes additional responsibilities upon all employees. The rules of conduct for persons involved in the design, development, operation, or maintenance of any

system of records are set forth below. Employees should be aware of the public trust placed in them to ensure the confidentiality of personal information and to safeguard personal information from willful or negligent disclosure. This public trust involves physical and procedural protection, as well as the responsibility to report any known unauthorized disclosures. The use by officers and employees of personal information will be on a "need-to-know" basis and for official purposes only. Employees are particularly expected to use due discretion in all verbal communication to prevent an unauthorized disclosure of information contained in a system of records. The Act provides for civil remedies and criminal penalties which are described in par. 586.1 and 586.2.

(1) Supervisors may have in their possession notes regarding the performance of employees under their direction that must be properly safeguarded under the Act, irrespective of the manner in which such information is customarily recorded and maintained. For example, notes containing such information, once shown to or discussed with another person, must be filed and indexed in a manner enabling their recovery should the employee make application for access under the Act, and be reflected in the notice of systems of records. If such circulated records should contain any information (e.g., political views or affiliation, religious affiliation, etc.) not authorized to be maintained as part of Broadcasting's systems of records, the employee maintaining them could be subject to the criminal penalties provided in the Act. Supervisors should assure that all employees under their supervision receive a general orientation about their responsibilities under the Act. In addition, those supervisors whose subordinates are in any way involved in maintaining systems of records covered by the Act must assure that such individuals are thoroughly familiar with rules and procedures.

(2) Records Control Officers and Systems Managers must be aware of the infraction of law and regulation entailed in unauthorized disclosure, destruction, or modification of records in the system. It is the joint responsibility of the Records Control Officer and the System Manager to ensure that all reports, listings, files, and programs that contain personal information or that may be used to modify personal information are properly stored. The Records Control Officer and the System Manager are also responsible for the accuracy, currency, completeness, and relevance of the information contained in the record system.

(3) Systems and Management Analysts - All analysts are responsible for safeguarding personal information. In the development of new systems, analysts are to take into account the possible use of remote terminals and passwords for computer access (in the case of computer assisted systems) and their security, the reports developed by the system, and the distribution of those reports, their method of storage, etc. They are to also ensure that systems containing personal information are designed to be in accordance with the Act and reported as required by it.

(4) Contractors Operating System of Records - All contractors operating systems of records are responsible for protecting personal information in the same way as any of Broadcasting's employees, subject to the same administrative, technical, and security safeguards contained in paragraph i below. They are to be made aware by the contracting officer and

contract monitor that under the Privacy Act, they are considered to be Broadcasting employees and, therefore, are subject to the civil and criminal provisions of the Act.

i. Administrative, Technical, and Physical Safeguards - The Privacy Act requires agencies to "establish appropriate administrative, technical, and physical safeguards to ensure the security and confidentiality of records and to protect against any anticipated threats to their security and integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained..." Broadcasting must protect personal information when it is stored, when it is in transit, and when it is being processed.

(1) General - Records of information about individuals should be used, held, or stored where facilities or conditions are adequate to prevent unauthorized access.

(2) Storage - Whenever records containing information about individuals are not under the direct control of an authorized person, they must be stored in a locked metal filing cabinet or in a secured room. Alternative storage facilities may be used, provided they furnish an equivalent or greater degree of physical protection than the cited methods.

(3) Administrative - Supervisors and personnel responsible for receiving and processing information about individuals should establish work practices and controls that assure the integrity of system of records and prevent unauthorized access to them.

(4) Procedural Safeguards - When information about individuals is being transmitted between two persons authorized access to it, the material must either be hand-carried or entrusted to a distribution system that affords protection equivalent to that of the U.S. mail. When the mail and messenger distribution system is used between Washington offices, the information should be enclosed in a sealed envelope and the envelope marked "PERSONAL INFORMATION." When addressed to the individual concerned, it will be marked "TO BE OPENED BY ADDRESSEE ONLY." Any unauthorized person opening material so marked may be considered subject to the criminal penalties of the Privacy Act. Particularly sensitive material, such as documents originating in the Office of Security, litigation materials, reprimands, etc., requires special handling at least equivalent to that which is afforded by registered mail. Such sensitive information must be hand-carried or transmitted through a messenger service with a system of receipts. Personnel evaluation files receive this treatment and are entrusted only to designated persons in each office or overseas establishment who will be responsible for their safe custody.

(5) Technical Safeguards - Material stored in or transmitted by electronic, photographic, or other non-paper means must be protected by adequate safeguards to avoid inadvertent or negligent disclosure. Computer transmission and storage are protected by passwords and secrecy keys to prevent unauthorized access to the system. Persons with access to the passwords are noted in an appropriate log to ensure that a complete list of such persons is maintained at all times. The password is changed

as required to ensure that no unauthorized persons continue to have access. Data processing areas are secured by combination locks and locked doors to ensure that only authorized and recognized personnel are permitted to have access.

(6) Disposal or Destruction of any material contained in a system of records as reported in the Federal Register must be done with care so as not to cause unauthorized disclosure of information (see par. 536.1). The disposal or destruction of material considered to be of a sensitive nature must follow procedures contained in par. 536.

#### 585.2 Requirements for Public Notices

a. Publication of Annual Notice of Systems of Records - Broadcasting is required to publish public notices of the existence and character of all its newly created systems of records. The public notice provision is premised on the concept that there should be no system of records whose very existence is unknown to the public. Exemption of information in records from disclosure does not, therefore, exempt the system from the requirement for public notice. Notices will be published to include the following information:

(1) Name and Location of the System - The public notice will specify each city/town and site (street address and building and overseas facilities at which the system of records is located). For a geographically dispersed system each location should be listed. A change in the list of locations will require publication of revised notice. In determining how to treat systems of records for purposes of public disclosure, the following matters should be considered:

(a) If each small grouping of records is treated as a separate system, public notices and procedures will be required for each.

(b) The publication of numerous notices may have the effect of limiting the information value to the public.

(c) If a large complex of records is treated as a single system, only one notice will be required but that notice and the procedures may be considerably more complex.

(d) Broadcasting can be expected to be required to respond to requests for access to records at the level of detail in their public notices.

(e) A geographically decentralized system of records may be treated as a single system, but the public notice must specify each location and the official responsible for the system at each location.

f) Broadcasting's ability to be responsive to the request of an individual for access to records will determine whether a grouping of records constitutes one system or several, for purposes of the annual public notice.

(2) Categories of Individuals - The public notice should allow the individual to determine if information about him or her might be in the

system. The description of the categories of individuals should, therefore, be clearly stated in non-technical terms understandable to individuals unfamiliar with data collection techniques.

(3) Categories of Records - The notice should briefly describe the types of information contained in the system, e.g., employment history or earnings records, employee evaluation reports, etc.

(4) Routine Uses of records contained in the system should be listed in the public notice, and should also include the categories of users and the purpose of such uses (see par. 582g).

(5) Describing Records Management Policies and Practices in the Public Notice - The public notice should describe how the records are maintained, how they are safeguarded, what categories of officials within Broadcasting are permitted to have access and for what purposes, and how long records are retained both on Broadcasting's premises and at secondary storage sites (see below).

(a) Storage - Indicate the medium in which records are maintained, e.g., file folders, magnetic tape.

(b) Retrievable - The capabilities within the system of records for indexing and accessing a record, e.g., by name, personal characteristics, identification numbers.

(c) Safeguards - Describe in general terms what measures have been taken to prevent unauthorized disclosure of records and what categories of employees within Broadcasting have access.

(d) Retention and Disposal - Rules on how long records are maintained, if and when they are transferred to a Federal Records Center or to the Archives, if and how they are destroyed.

(6) Officials Responsible for Systems of Records - The public notices will include the title and address of the official who is responsible for overseeing domestic records management policies and practices pertaining to each system of records. For overseas systems, the name and address of the person responsible for the systems at each location will be provided on request by the Office of Administration.

(7) Procedures for Determining if a System of Records Contains a Record on an Individual - This portion of the public notice should specify:

(a) The address of the office to which inquiries should be addressed, or address of the location at which the individual may present a request in person.

(b) Identifying information required to ascertain whether or not the system contains a record about the inquirer.

(8) Procedures for Gaining Access to Records or Contesting Their Contents - This portion of the public notice should include the same information as described in paragraph (7)(a) above. This provision does

not require the publication of procedures for obtaining access to or contesting the accuracy of a record. It requires only that individuals be advised of the means by which they can obtain information on those procedures.

(9) Categories of Information Sources - For systems of records that contain information obtained from sources other than the individual to whom the records pertain, the notice should list the types of sources used, e.g., previous employers, financial institutions, educational institutions attended. Specific individuals or institutions need not be identified.

b. Notice of New/Revised Routine Uses -

(1) For changes to existing systems, a revised public notice is required to be published thirty days before the change is effective. Generally, any change in a system which has the effect of expanding the kinds of records maintained, the categories of individuals on whom records are maintained, or the potential recipients of the information will require the publication of a revised public notice before the change is put into effect. In addition, any modification that alters the procedures by which individuals exercise their rights under the Act will require the publication of a revised notice before the change becomes effective.

(2) The required Federal Register notice issued to solicit public comment on new or revised routine uses must contain:

- (a) the name of the system;
- (b) the authority for the system;
- (c) the purpose for which the record is to be maintained;
- (d) the proposed routine uses; and
- (e) the categories of recipients for each.

(3) For new routine uses of systems for which a public notice is required, make reference to that public notice. The notice of the new routine use, however, should contain sufficient information to permit public comment on the appropriateness of the uses, including its necessity to and compatibility with the purposes of the system.

(4) All elements making changes in the systems of records which they maintain are responsible for notifying the Office of Administration on such changes. The Office of Administration in consultation with GC will, in turn, determine the appropriate public notice action.

585.3 Granting Access to Records -

a. General

(1) For purposes of this MOA section, the term "individual" includes both Broadcasting employees and persons outside Broadcasting.

Broadcasting will inform individuals, upon request, whether a system of records contains information pertaining to them, permit individuals to review copies of records pertaining to them, and permit individuals to obtain copies of such records in a form comprehensible to them at a reasonable cost.

(2) While reviewing records on Broadcasting premises, an individual may be accompanied by another person of his or her choosing. However, Broadcasting will require a written statement authorizing discussion and disclosure of the individual's record in the accompanying person's presence.

(3) The form in which a record is maintained, e.g., magnetic tape, or the context of the record, may require that a record be extracted or translated in some manner. Personnel responsible for working with records must be knowledgeable of the various processes required to extract information or translate documents for the individual.

(6) Broadcasting is not required to permit access to records by an individual if the information is not retrievable by the individual's name or other identifying particular. (see par. 584.1 regarding Freedom of Information Act requests.)

(7) Granting of access to records will not be conditional upon any requirement to state a reason or otherwise justify the need to gain access.

(8) Access will not be granted to an individual who requests information about himself or herself that might be contained in the file of another individual, except where a cross-indexing system is used to access information on an individual contained in another individual's file.

(9) Procedures for granting access to records may, of necessity, vary according to the size, nature, and location of the system of records. However, the rights of individuals to have access and to obtain copies of documents pertaining to them in systems of records will remain constant.

#### b. Determining if an Individual is the Subject of a Record

##### (1) The Public

(a) Paragraph 585.2a requires the publication of notices of the existence of systems of records within Broadcasting. Individuals should be able to determine from these notices whether or not any of the systems might contain a record pertaining to themselves.

(b) If the individual is uncertain as to whether or not Broadcasting maintains a record on him or her, the individual may contact the Systems Manager listed in the public notice.

(c) A request received by mail should identify the system of records by name and location as provided in the public notice.

(d) The request should reasonably identify the individual by name, date of birth, place of birth, father's name, and mother's maiden name. Employees or former employees should include their employee numbers, if known. (Note - Social security number may be requested but not required as an identifier. See par. 581.2c)

(e) In all instances of requests from individuals for access to records, or for other assistance pursuant to the Privacy Act, an acknowledgment of the receipt of such request will be forwarded within ten working days.

## (2) Employees

(a) Official personnel files on employees currently on the rolls are maintained in accordance with the Office of Personnel Management regulations for domestic personnel, and the Foreign Service Act of 1946 for Foreign Service personnel. Rules regarding access to these files are contained in MOA V-A-900 and V-B-900.

(b) If an employee believes that he or she may be the subject of a file in another system of records other than official personnel files an inquiry may be made to the Office of Administration, or to the Office of Security.

### c. Complying With Requests for Access

(1) Forward requests for access to systems of records under the Act to the Office of Administration, except those for official personnel files and security records. (See par. d. (5) below for the latter requests.)

(2) With the exception of Systems Managers of records maintained by Personnel and Security, any System Manager receiving a written or oral request for access to records will immediately direct the request to the Office of Administration for processing.

(3) All requests for access sent directly to the Office of Administration must clearly identify the systems of records sought as well as the individuals making the request. This applies to both written and oral requests. All requests will be reduced into written form before processing action begins.

(4) Requests for access received in the Office of Administration will be date/time stamped, logged, and action assigned to the appropriate element.

(5) Each element receiving a request for access should locate and review the pertinent records for their timeliness and accuracy in accordance with the purpose for which they are being maintained, and to ascertain if there is data contained in the records that should be excluded from disclosure. See paragraph 587 for exemptions under the Privacy Act. When the records are ready for review by the requesting individual, the responsible element must so inform the Office of Administration in writing by close of business of the eighth day following receipt of an access request. The Office of Administration will then notify the requester and establish a date and time for review of the concerned record.



(6) A response to a request for access to records should be sent within ten working days. In the case of an initial positive response, the individual will be invited to inspect/review requested records on premises, and will be advised to provide, if possible, such identifying documents as a birth certificate, driver's license, Medicare card, or employment identification card, or identifying information required by the Systems Manager. If the individual cannot provide any suitable documents, a signed notarized statement would be obtained asserting his or her identity, which stipulates that knowingly and willfully seeking or obtaining access to records about another individual under false pretenses is punishable by a fine of up to \$5,000. (See par. 586.2c.)

(7) Once an appointment to review records is established and prior to the arrival of the requester, the Office of Administration will request the transfer of the records to its office.

(8) Exemptions to the rules for access to records are contained in paragraph 587. If the reviewing element determines to deny access to records, the Office of Administration will be so notified in writing, including the reasons for denial. Any question as to what material can or cannot be exempted or deleted from records under the Freedom of Information Act or the Privacy Act should be referred to GC.

#### d. Procedures for Actual Access

(1) Identification of Individual - Requesting individuals must present themselves in person to verify their identities. In-person verification of identity should be arranged by appointment during official working hours, 8:15 to 5:00 p.m., Monday through Friday, except on legal holidays. Exceptions to this rule are contained in paragraph (6) below.

(2) Access - If it is determined that records may be disclosed, and are available locally, the individual may be permitted to review the file in the presence of a Broadcasting employee, and may be provided photocopies at a reasonable cost of any documents contained therein.

(a) By Employees - Employees may obtain access to their Official Personnel Files under procedures described in MOA V-A-900. Rules regarding access to such records for personnel at overseas establishments are covered in MOA V-B-900.

#### (b) By Other Individuals

(i) Designee - A designee is considered to be a person other than the original requester who requests access to records pertaining to the original requester. A designee must present, in writing, a signed statement from the original requester, authorizing and consenting to the release of his or her records to the designee.

(ii) Legal Guardians - The rights of legal guardians to have access to records are explained in paragraph 588.

(iii) Members of Congress - When an inquiry is received from a Member of Congress, seeking access to records pertaining to a constituent on his or

her behalf, the consent of the individual may be implied rather than expressed, if the inquiry includes the assurance of such consent.

...No consent is necessary for a congressional request which specifies that the reply be sent directly to the individual; for a request based on "compelling circumstances affecting the health or safety of an individual"; or for a request (for records) that would be disclosed to the public under the Freedom of Information Act.

...Generally, a congressional request for access to records on an individual will include a copy of a letter from the individual, and consent may be implied. However, in the case of any congressional inquiry, whether written or verbal (including telephonic), which indicates that the request is being made on the basis of a written request from the individual to whom the record pertains, consent may be inferred even if the constituent's letter is not provided. In the case of such a verbal request, Broadcasting will carefully document the request, including the name of the requester, time and date of the request, and action taken. In some cases, Broadcasting may wish to ask the congressional office to follow-up with written confirmation of the request. While it is the policy of Broadcasting to expedite and be completely responsive to such requests, good judgment must be exercised in each case in the interest of preventing unauthorized disclosures.

...In those cases where the congressional inquiry indicates that the request is being made on behalf of a person other than the individual whose record is to be disclosed, Broadcasting should advise the congressional office that the written consent of the subject of the record is required. Broadcasting should not contact the subject unless the congressional office requests that it do so.

...This standard for implied consent is not intended to apply to other than congressional inquiries.

(3) Medical Records - Medical records maintained by Broadcasting comprise only medical clearances and abstracts of physical examinations. Individuals may have access to these records, except if, in the judgment of Broadcasting the release of medical information could have an adverse effect on the individual. Broadcasting will attempt to arrange an acceptable alternative in granting access to such records to the requester. This will normally involve the release of such information to a physician named by the requester. Rules regarding access to official personnel medical records of employees that are maintained by the Department of State are contained in 5 FAM 400.

(4) Accounting of Disclosures - The Office of Administration will be responsible for maintaining a log of all disclosures of records under the Privacy Act. Personnel and Security will maintain separate logs on disclosures under their control and report them to the Office of Administration. The accounting of each disclosure will include the following information:

(a) Identification of records disclosed.

(b) Identification of individual requesting disclosure and of any other person accompanying the requester during disclosure.

(c) Date and time records received in the Office of Administration, Personnel or Security.

(d) Date and time records given to requester for review.

(e) Time and review of records completed.

(f) Date and time disclosed records returned to concerned elements.

(5) Other Locations for Review of Records - Access to and review of official personnel records and security files will be arranged at a suitable location. It will be the responsibility of Personnel or Security to designate Records Control Officers and provide for suitable rooms where records can be reviewed. These Records Control Officers will be responsible for maintaining the necessary logs on the disclosures of records and for reporting such disclosures and other necessary information to the Office of Administration.

(6) Access to Records by Mail - If it is determined that access to records can be granted only by mail because an individual is unable to appear in person due to physical disability, hospitalization, or other legitimate reasons, copies of the requested records may be sent to the home address provided by the requester. This procedure will require proper identification of the requester by documentation or other means of identification acceptable to Broadcasting.

e. Processing Request for Access to Records Abroad - Overseas establishments maintaining records on individuals locally will follow the general procedures outlined in par. d above. Overseas offices receiving in person a request for records maintained in Washington from individuals resident in particular country should forward the request to the Office of Administration without recording it. The head of the overseas establishment will, if the individual has appropriate documentation, verify the identity of the individual and add a statement to this effect on the request. The Freedom of Information/Privacy Acts Coordinator will locate and transmit the information for release to the individual.

f. Granting Access to Records in Offices Abroad - Overseas establishments, in granting access to records maintained locally, will maintain files documenting access transactions. If the head of an overseas establishment proposes to deny access to a record, he or she should describe the situation to the Freedom of Information/Privacy Acts Coordinator and ask for concurrence with the proposed action, or for guidance.

g. Transfer of Records to Another Agency - Procedures for the transfer of records maintained on individuals to another Federal agency, or from another Federal agency to Broadcasting are contained in par. 535.

#### 585.4 Amending Records

a. Requests To Amend Records -

(1) If after reviewing records pertaining to them, individuals question the accuracy or relevance of information contained therein, they are entitled to request amendment of the records. These requests should be submitted in writing in person or by mail to the Office of Administration. Requests should be clearly identified as Privacy Act requests for amendment of records and should contain the following information for identification of the system of records reviewed, date and place of the review, full and complete details concerning the portions of records to be amended, and a complete statement as to how the requester proposes that the records be amended.

(2) Incomplete or inaccurate requests should not be rejected automatically, but rather the individual will be asked to clarify the request as needed. A request presented in person will be screened briefly while the individual is still present to assure that the request is complete so that clarification may be obtained as needed.

(3) The Coordinator will date, time-stamp, and log the requests and forward them to the element responsible for review and determination on the request. Reviewing elements are to notify the Coordinator in writing of the determination within eight working days of receipt of a request.

(4) Follow the procedures in paragraphs 585.3b(1)(e) and 585.3d(1) to verify the identity of individuals requesting amendment of records.

b. Acknowledging Requests

(1) The Office of Administration will send a written acknowledgment of the receipt of a request to amend a record to the individual within ten working days. The acknowledgment will clearly describe the request and advise the requester when he or she may expect to be informed of action taken on the request.

(2) No separate acknowledgment of receipt is necessary if the request can be reviewed, processed, and the individual advised of the results of the review (whether complied with or denied) within ten working days.

(3) For written requests presented in person, written acknowledgment should be provided at the time the request is presented.

c. Action Required

(1) Action by concerned elements should be taken on a request to amend a record within ten working days, if possible. Prompt action will both assure that records are as accurate as possible and reduce the administrative effort which would otherwise be involved in issuing a separate acknowledgment of the receipt of the request and subsequently informing the individual of the action taken.

(2) If the nature of a request precludes completing the review in ten working days, the reviewing element must notify the Coordinator in writing and complete the review as soon as reasonably possible, normally

within thirty working days, unless unusual circumstances preclude completing action within that time. Unusual circumstances can be defined as the requirement to obtain supporting data from retired records or from another agency which could not be completed within the required time. the Office of Administration will notify the requester of any such delays.

(3) If the concerned element agrees with any portion or all of the individual's request to amend a record:

(a) The Office of Administration will notify the individual

(b) The concerned element will correct the record as agreed upon.

(c) When an accounting of disclosures has been made, the Office of Administration will advise all previous recipients of the record that a correction has been made, giving the substance of the correction. (See par. 584.2d regarding an accounting of disclosures for personnel and security files.)

(4) In reviewing a record in response to a request to amend it, the accuracy, relevance, timeliness, and completeness of the record must be considered (see par. 585.1d)

(5) If, after an initial review of a request to amend a record, the concerned element disagrees with all or any portion thereof, the Office of Administration will -

(a) Notify the individual in writing of the reasons for the refusal to amend the record;

(b) Inform the individual that he or she may request a further review by the Committee on Public Information Policy; and

(c) Include in the notice of refusal a description of the procedures for requesting a review.

d. Requesting a Review of the Refusal To Amend a Record -

(1) If an individual disagrees with Broadcasting's initial refusal to amend a record, he or she may request a further review of that determination in writing, addressed to the Chairperson, Committee on Public Information Policy. The appeal should include any documentation, information, or statements advanced to substantiate the request for amendment, as well as the basic data required by paragraph a(1) above.

(2) The Office of Administration will date, time-stamp, and log the request for review and return it to the element responsible for the initial denial.

(a) The reviewing element must inform the Office of Administration in writing within twenty working days of its review determination.

(b) If the review results in an agreement to amend records, the Office of Administration is to be so informed and the procedures in paragraph

c(3) above followed in order to correct the record, advise the individual, and inform former recipients.

(c) If the review results in a determination to uphold the initial refusal to amend records, then the reviewing element is to so inform the Office of Administration and provide reasons for the denial.

(d) If for any reason the reviewing element is not certain as to what determination should be made, or wishes further consultation concerning a particular request, the Committee on Public Information Policy (CPIP) may be consulted for a decision or additional guidance.

(3) In all cases, determinations on appeals for review of initial denials to amend records will be reviewed by the Chairperson of the CPIP, who may bring the appeal and denial to the attention and consideration of the full Committee. The decision of the Chairperson or the full Committee will represent the final determination of Broadcasting on a particular request and will supersede individual element determinations where such action is indicated. (Note - The CPIP is the committee which also provides oversight of Freedom of Information requests. (See par. 524.3e(3).)

(4) If the CPIP concurs with the requester's appeal, it will direct that the actions described in paragraph (2)(b) above be initiated.

(5) If the CPIP determines to deny an appeal of an initial denial to amend records, the individual must be so notified and informed of his or her right to file with Broadcasting, for incorporation in his or her record, a concise statement setting forth reasons for disagreement with the decision. The individual must also be advised of the provisions for judicial review of the adverse determination (see par. 586.1a(1)).

(6) Prior recipients of the disputed record will be provided a copy of any statement of a dispute to the extent that an accounting of disclosures was maintained.

(7) A final determination on an individual's request for a review of an initial refusal to amend a record must be completed within thirty working days, unless Broadcasting has determined that a fair and equitable review could not be completed in that time. If additional time is required, the individual will be informed in writing, of the reasons for the delay and of the approximate date on which the review is expected to be completed.

#### 585.5 Disclosure of Disputed Information

a. When an individual files a statement disagreeing with the decision not to amend a record, Broadcasting must clearly annotate the record so that the fact that a record is disputed is apparent to anyone who may subsequently gain access, use, or disclose it. The notation itself should be integral to the record and specific as to the record and specific as to the portion in dispute. For automated systems of records, the notation may consist of a special indicator on the entire record or the specific part of the record in dispute.

b. When information that is the subject of dispute filed by an individual is subsequently disclosed, Broadcasting should inform the agency or person that the information is disputed and provide a copy of the individual's statement.

c. If there is any question as to whether the dispute pertains to information being disclosed, the statement of dispute should be enclosed.

d. Prior recipients of records pertaining to individuals must be informed of disputed information (see par. 584.2d).

#### 585.6 Access to Information Compiled in Anticipation of Civil Action

a. The Act does not permit individual access to any information compiled in reasonable anticipation of a civil action or proceeding.

b. This provision of the Act is not intended to preclude access by an individual to records that are available to that individual under other procedures, e.g., pre-trial discovery. It is intended to preclude establishing by this Act a basis for access to material being prepared for use in litigation other than that established under other processes such as the Freedom of Information Act or the rules of procedural due process.

585.7 Fees - A fee of \$0.15 per page will be charged to any individual requesting copies of records accessible under the Act, although there will be no charge for such costs of \$1.00 or less, or for the first copies of personnel records. Broadcasting may not charge the individual for time spent searching for requested records or for time spent in reviewing records to determine if they fall within the disclosure requirements of the Act.

585.8 Disclosing Mailing Lists - Broadcasting may not sell or rent mailing lists for commercial or solicitation purposes unless authorized to do so by statute. The philosophy behind this provision of the Act, as explained in the "Privacy Act Guidelines, Office of Management and Budget, F.R. 40-28949 of July 9, 1975," is that the Federal Government is not in the mailing list business, and it should not be Federal policy to make a profit from the routine business of Government, particularly when the release of such list has been authorized under the FOIA. In other words, such lists cannot be withheld by Broadcasting unless it determines that the release would constitute a clearly unwarranted invasion of privacy under the FOIA.

#### 585.9 Government Contractors

a. Systems of records, operated under a contract that are designed to accomplish a function, are, in effect, deemed to be maintained by Broadcasting.

b. Any such contractor or any employee of such contractor is considered to be an employee of Broadcasting. This provision pertains to contracts agreed upon on or after September 27, 1975.

c. Contracts should stipulate that maintenance of systems of records on individuals requires the contractor and his or her employees to comply with all of the provisions of the Act pertaining to disclosure of records, and alert the contractor to the Act's provisions regarding criminal penalties for failure to comply.

## 586 CIVIL REMEDIES AND CRIMINAL PENALTIES

### 586.1 Civil Remedies

a. Grounds for Action - Individuals will have a recourse to legal action in the Federal District Courts for an unsuccessful attempt to have Broadcasting amend their records, for any improper denial of access to records, or denial of information about them in a record, or who were injured by an Agency action in violation of the Act.

(1) Refusal To Amend a Record - Individuals may seek judicial review of the refusal to amend a record under three conditions:

(a) The individuals have exhausted their recourse under the administrative procedures established by Broadcasting on appeals of the refusal to amend records; or

(b) The individuals contend that Broadcasting has not considered the request to review in a timely manner or has not acted in a manner consistent with established and published procedures for the review of an appeal for refusal to amend records; or

(c) Individuals may also bring a civil action against Broadcasting based on allegedly inaccurate records if it can be shown that a decision adverse to the individuals resulted from that inaccuracy.

(2) Denial of Access to a Record - Individuals may challenge decisions to deny them access to records about themselves to which they consider themselves entitled. Since access to a file is the key to ensuring the individual's right of accuracy, completeness, timeliness, and relevancy of records about himself or herself, a denial of access affords the individual the right to raise these issues in court, and also to challenge any exemption from the requirements of the Act.

(3) Failure to Maintain a Record Accurately - An individual may bring an action if it can be shown that deficiency in a record resulted in the adverse determination on the basis of the record by Broadcasting maintaining the record. An adverse action is one resulting in the denial of a right, benefit, entitlement, or employment by Broadcasting which the individual could reasonably have expected to be granted if the record had not been deficient. Broadcasting may be liable under the Act as a consequence of its failure to maintain a record accurately only if it is shown that its failure was "intentional and willful."

(4) Other Failures To Comply With The Act - An individual may bring an action for any other alleged failure by Broadcasting to comply with the requirements of the Act or failure to comply with any rule published by Broadcasting to implement the Act provided it can be shown that --



- (a) the action was "intentional or willful"; or
- (b) the action had an "adverse effect" upon the individual; or
- (c) the "adverse effect" was caused by Broadcasting's actions.

b. Basis for Judicial Review for Refusal To Amend a Record

(1) In any suit filed by an individual for Broadcasting's refusal to amend a record, a court may order Broadcasting to amend the individual's record in accordance with his or her request in such other way as the court may direct.

(2) The court may assess against Broadcasting reasonable attorney fees and other litigation costs reasonably incurred in which the complainant has substantially prevailed.

c. Basis for Judicial Review and Remedies for Denial of Access - In a suit filed by an individual for the denial of access to records in which the court finds for the individual against Broadcasting, the court may direct Broadcasting to pay court costs and attorney fees.

d. Basis for Judicial Review and Remedies for Adverse Determinations and Other Failures To Comply

(1) In any action brought for failure to comply with the provisions of the Act, other than for refusal to amend or denial of access to records, it must be shown that --

(a) the failure of Broadcasting to comply was "intentional or willful", or

(b) there was injury or harm to the individual; or

(c) the injury was casually related to alleged Broadcasting failure.

(2) If the court finds that Broadcasting has acted willfully and intentionally in violation of this Act, in such manner as to have an adverse effect upon the individual, Broadcasting may be required to pay actual damages or \$1,000, whichever is greater, and court costs and attorney fees.

e. Jurisdiction and Time Limits -

(1) Action may be brought in the district court for the jurisdiction in which the individual resides or has a place of business, or in which the records are situated, or in the District of Columbia.

(2) The statute of limitations is two years from the date upon which the cause of action arises, except for cases in which Broadcasting has materially or willfully misrepresented any information required to be disclosed and when such misrepresentation is material to the liability of

Broadcasting. In such cases the statute of limitations is two years from the date of discovery by the individual of the misrepresentation.

(3) A suit may not be brought on the basis of injury which may have occurred as a result of Broadcasting's disclosure of a record prior to September 27, 1975.

#### 586.2 Criminal Penalties

a. Criminal Penalties for Unauthorized Disclosure - It is a criminal violation of the provisions of the Act for any officer or employee of Broadcasting knowingly and willfully to disclose a record in any manner to any person or agency not entitled to receive it for failure to meet the conditions of disclosure enumerated in paragraph 584.1, or without the written consent or at the request of the individual to whom the record pertains. Any officer or employee of Broadcasting found guilty of such misconduct shall be fined not more than \$5,000.

b. Criminal Penalties for Failure To Publish a Public Notice - A basic objective of the Act is to assure that there is no secret system of records on individuals. Agencies are required to publish a public notice about each system of records which they maintain. Exemptions provided by the Act do not allow an agency to exempt any system of records from the requirement to publish a public notice of its existence, although the notice may be shortened somewhat. It is a criminal violation of the Act willfully to maintain a system of records and not to publish the prescribed public notice. Any officer or employee of Broadcasting found guilty of such misconduct is subject to a fine of not more than \$5,000.

c. Criminal Penalties for Obtaining Records Under False Pretenses - The Act makes it a criminal offense knowingly and willfully to request or gain access to a record about an individual under false pretenses. Any person found guilty of such misconduct is subject to a fine of not more than \$5,000.

567 EXEMPTIONS - The legislation recognizes that the application of all of the requirements of the Act to certain categories of records would have undesirable and often unacceptable effects upon agencies in the conduct of necessary public business. In applying any of the exemptions approved by the Act, it is recognized that no system of records is automatically exempt from any provision of the Act, and that the requirement to publish a public notice of systems of records maintained by Broadcasting applies to all such systems. To obtain an exemption from any requirement of the Act, the agency head must make a determination and publish it as a rule, subject to the Administrative Procedure Act, that a system of records falls within one of the categories permitted to be exempted. Such notice must include the specific provisions from which the system is proposed to be exempted and why the Agency considers the exemption necessary. (22 CFR 505)

#### 587.1 General Exemptions -

a. Central Intelligence Agency - Files of the Central Intelligence Agency are exempted from certain provisions of the Act.

b. Criminal Law Enforcement Records

Records of an agency or component thereof engaged in criminal law enforcement activities are exempted from disclosure under the Act. Specifically exempted under this provision of the Act are records which are:

(1) Compiled for the purpose of identifying information on an individual regarding arrests, nature and disposition of criminal charges, sentencing, confinement, release and parole, or probation status;

(2) Compiled for the purpose of criminal investigation, including reports of informants and investigators, and associated with an identifiable individual;

(3) Reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal laws from arrest or indictment through release from supervision.

587.2 Specific Exemptions -

a. Classified Material - The Act exempts from disclosure those records which are properly classified under an Executive order in the interest of national defense or foreign policy.

b. Investigatory Material Compiled for Law Enforcement Purposes - An Agency may exempt from disclosure investigatory material compiled for law enforcement purposes, other than material described in paragraph 567.1b provided, however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled by Federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of such material, such material will be provided to such individual, except to the extent that the disclosure of such material will be provided to such individual, except to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of the Act, under an implied promise that the identity of the source would be held in confidence.

c. Records Maintained To Provide Protective Services - This exemption covers records that are not within the scope of law enforcement records covered under b. above, but which are necessary to assure the safety of the President of the United States and other individuals protected pursuant to 18 U.S.C. 3056.

d. Statistical Records - An agency may exempt a system of records that is used solely for the purpose of generating aggregate data or for other similarly evaluative or analytical purposes, and that is not used to make decisions on the rights, benefits, or entitlements of individuals except for the disclosure of a census record to an individual permitted by 13 U.S.C. 8.

e. Investigatory Material Compiled for Determining Suitability for Federal Employment or Military Service - A record or portion thereof may be exempted from certain provisions of the Act if disclosure would cause the identity of a confidential source to be revealed. This exemption may be invoked only if the following conditions are met:

(1) The record is maintained only for purposes of determining an individual's qualifications, eligibility, or suitability for military service, employment in the civilian service or on a Federal contract, or need for access to classified material.

(2) The information is considered relevant and necessary to making a judicious determination as to qualifications, eligibility, or suitability and could only be obtained by providing express assurance to the source that his or her identity would not be revealed to the subject of the record, e.g., for "critical sensitive positions."

(3) Disclosure of the record with the identity of the source removed would likely reveal the identity of the source, e.g., the record contains information that could only have been furnished by one of several individuals known to the subject.

f. Testing or Examination Material - Broadcasting may exempt from disclosure testing or examination material used solely to assess the qualifications of an individual for appointment or promotion in Broadcasting, the disclosure of which would compromise the objectivity or fairness of the testing or examination process.

g. Material Used To Evaluate Potential for Promotion in the Armed Services - Application of an exemption for material used in evaluating the potential for promotion of members of the armed services must meet the same tests and conditions that are applied under paragraph b. and e. above, revealing a confidential source.

### 587.3 Archival Records

a. Records Stored in Federal Records Centers - The National Archives and Records Administration (NARA) performs records storage services for all Federal agencies. Records stored in Federal Records Centers are considered to be maintained by the agency that deposited the records. NARA will not disclose records to any agency or individual except the agency that maintains the records, except as provided under rules established by that agency which are not inconsistent with the provisions of the Act.

b. Records Archived Prior to September 27, 1975 - Records transferred to the Archives for preservation pursuant to 44 U.S.C. 2103 prior to September 27, 1975, are considered to be maintained by the Archives and are not subject to any of the provisions of the Act. However, NARA is required to issue general notices describing its current holdings which cover, to the extent possible, the categories of individuals on whom records are maintained, the types of information in those records, and policies governing access and retrieval. If for any reason a record currently in the Archives is disclosed to the agency for use in making a

determination as to the rights, benefits, or entitlements of an individual, it becomes subject to the provisions of the Act to the same extent as any other record maintained by the agency.

c. Records Archived on or After September 27, 1975 - Records transferred to the Archives for preservation pursuant to 44 U.S.C. 2103 on or after September 27, 1975, are considered to be maintained by the Archives for purposes of the Act, but are only subject to the provisions of the Act requiring (1) annual public notice of the existence and character of the information systems maintained by the Archives, (2) establishment of appropriate safeguards to ensure the security and integrity of preserved personal information, and (3) issuance and implementation of rules to ensure the effective enforcement of those safeguards.

588 RIGHTS OF LEGAL GUARDIANS - The Act provides that the parent of any minor or the legal guardian of any individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction may act on behalf of the individual.

## 589 REPORTS

### 589.1 New Systems

a. A report must be submitted for each proposed new system of records and for changes to existing systems. Each agency element maintaining systems of records is responsible for reporting changes in existing systems or establishment of new systems. The Office of Administration is responsible for preparing and submitting the reports. The criteria for determining what constitutes a change in an existing system requiring the preparation of a report are:

(1) Increasing the number or types of individuals on whom records are maintained.

(2) Expanding the type or amount of information maintained.

(3) Increasing the number of categories of agencies or other persons who may have access to those records.

(4) Altering the manner in which records are organized so as to change the nature of those records, e.g., the combining of two or more existing systems.

(5) Modifying the way the system operates or its locations in such a manner as to alter the process by which individuals can exercise their rights under the Act, e.g., to seek access or request amendment of a record.

(6) Changing the equipment configuration on which the system is operated so as to create the potential for greater access, e.g.; adding a telecommunication capability.

b. The reports are submitted to the Congress, to the Director of the Office of Management and Budget (OMB) Attn. ISD, and to the Privacy Protection Study Commission.

#### 589.2 Annual Report -

a. The Office of Administration will prepare the report to OMB by April 30 of each year, covering activities under the Act during the preceding year. The information required in the report will include not only the minimum information required for inclusion in a report to Congress but also information as is needed to evaluate the overall effectiveness of the Privacy Act implementation, to identify areas in which implementing policies or procedures should be changed, and to assess the impact of Federal data management activities.

b. The Broadcasting report will include but not be limited to the following:

(1) Summary - a brief summary of the status of actions to implement the Act, the results of these efforts, any problems encountered and recommendations for any changes in legislation, policies, or procedures.

(2) Accomplishments - a summary of major accomplishments, i.e., improvements in information practices and safeguards.

(3) Plans - a summary of major plans for activities in the upcoming year, e.g., area of emphasis, additional securing of facilities planned.

(4) Exemptions - a list of systems which are exempted during the year from any of the operative provisions of the Privacy Act permitted under the terms of general and specific exemptions, whether or not the exemption was obtained during the year, the number of records in each system exempted from each specific provision, and reasons for invoking the exemption.

(5) Number of Systems - a brief summary of changes to the total inventory of personal data systems subject to the provisions of the Act including reasons for major changes, e.g., the extent to which review of the relevance of and necessity for records has resulted in elimination of all portions of systems of records or any reduction in the number of individuals on whom records are maintained. Agencies will also be required to provide OMB with a detailed listing to facilitate oversight of implementation of the Act.

(6) Operational Experiences - a general description of operational experiences including estimates of the number of individuals (in relation to the total number of records in the system) requesting information on the existence of records pertaining to them, refusing to provide information, requesting access to their records, appealing initial refusals to amend records, and seeking redress through the courts.

c. More extensive data may be requested on those cases where Broadcasting was unable to comply with the requirements of the Act or the

OMB guidelines, e.g., access was not granted or a request to amend records could not be acknowledged within prescribed time limits.

International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

Material within this Manual of Operations and Administration may no longer be current. To ensure having the most current policy or procedure, please contact the Agency office responsible for the subject matter, e.g., information about performance appraisal, staffing, or compensation should be directed to the Office of Human Resources. For assistance in determining which office to contact, please contact Cathy Brown or Renee Tyrance-Gauff of the Analysis and Administration Division on (202) 203-4664 or feel free to email this staff at [cabrown@bbg.gov](mailto:cabrown@bbg.gov) or [crgauff@bbg.gov](mailto:crgauff@bbg.gov).

MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART III COMMUNICATIONS AND RECORDS , 600 RECORDS MANAGEMENT (OVERSEAS)  
Section 610

INTRODUCTION

The head of an overseas establishment or his/her designee is responsible for ensuring that records are maintained and safe guarded in accordance with the laws and regulations in the domestic communications handbook. In addition, Transmitting Stations adhere to TSI (Transmitting Station Instructions) and VOA Correspondents adhere to the Administrative Guidelines for Overseas Correspondents.



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**Title:** III BAM 700 - Agency Mobile Device Policy

**Policy Tracking #:** TSI-12-02

**Effective Date:** July 12, 2012

**Originating Office:** TSI, Enterprise Telecom Division (T/CT), 202-382-7384

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**(a) PURPOSE:** This document defines policies, procedures, and standards for the usage, administration, and security of Agency Mobile Devices used to conduct the official business of the Broadcasting Board of Governors (BBG). The BBG's Mobile Device Use Policy is intended to define the procurement, administration, and use of Agency Mobile Devices.

**(b) AUTHORITY & SCOPE:**

(1) **Authority:** This policy implements requirements and guidance found in the following:

- (i) [The Clinger-Cohen Act](#) (Pub. L. 104-106, Division E; 40 U.S.C. 11101 et seq.)
- (ii) [OMB Memo M-11-29](#) (Aug. 8, 2001);
- (iii) [Executive Order 13589](#) (Nov. 9, 2011);
- (iv) [National Institute of Standards and Technology Special Publication 800-124, Rev. 1](#) (July, 2012);
- (v) [Standards of Ethical Conduct for Employees of the Executive Branch: Basic Obligations of Public Service. 5 C.F.R. 2635.101 \(b\)\(9\);](#)
- (vi) [Standards of Ethical Conduct for Employees of the Executive Branch: Use of Government Property. 5 C.F.R. 2635.704.](#)

(2) **Scope:** This policy applies to all offices or divisions of the International Broadcasting Bureau (IBB), Voice of America (VOA), and Office of Cuba Broadcasting (OCB), collectively "the Agency". However, paragraphs (1) through (13) of Section (d) **DO NOT** apply to OCB or non-U.S.-based offices of divisions of IBB or VOA. All mobile devices (including cell phones, smart phones, and tablet computers, but not laptop computers; see Section E Definitions below) that are owned, rented, issued, or otherwise procured or maintained by the Agency are "Agency Mobile Devices," subject to the provisions of this policy. This policy applies to all Users, including full and part-time employees, contractors, and any other individual, who uses an Agency Mobile Device. This policy supersedes any previously-implemented policies dealing with Agency Mobile Devices.

**(c) POLICY:**

(1) Employment at the Agency does not guarantee access through an Agency Mobile Device to Agency networks and information.

(2) One of two types of Agency Mobile Devices may be provided based upon User needs and Agency resources:

(i) A Dedicated Mobile Device; or

(ii) A Shared Mobile Device.

(3) The Agency will centralize mobile service plans and optimize costs through the maximum practical use of Shared Mobile Devices, minutes, and data plans.

**(d) PROCEDURES AND PRIMARY RESPONSIBILITIES:**

(1) The BBG's Office of Technology Services and Innovation (TSI) Enterprise Telecommunications Division (T/CT) administers and oversees this Agency Mobile Device policy.

(2) T/CT will coordinate with the Office of Contracts (CON) for the procurement of mobile devices and services.

(3) T/CT is solely responsible for managing the administration of all Agency Mobile Devices and mobile services, including but not limited to monitoring Agency Mobile Device usage and costs, as well as maintaining up-to-date records of assigned Agency Mobile Devices and phone numbers.

(4) The directors of VOA, IBB, and office directors that report directly to the IBB Director, determine the need for Agency Mobile Devices or mobile applications within their respective organizations.

(5) The IBB Enterprise Telecommunications Division (T/CT) is not responsible for purchasing or distributing Agency Mobile Device accessories or mobile applications. If the directors mentioned in paragraph (d)(4) above determine a need for Agency Mobile Device accessories or applications, based on mission critical operation requirements, their respective organizations will be responsible for procurement these items.

(6) **Device/Service Requests:** A User must submit an "Agency Mobile Device/Service Request" form to [telecom-support@bbg.gov](mailto:telecom-support@bbg.gov) or a hard copy of T/CT before receiving an Agency Mobile Device, initiating new services on an Agency Mobile Device, or changing existing services on an Agency Mobile Device. The request form will be available on the website for the T/CT. <http://inside.bbg.gov/offices/tsi/EnterpriseTelecom/default.aspx>. Each Agency Mobile Device/Service Request Form must include a written justification that explains why the User requires an Agency Mobile Device or a change to existing services. The request form must be signed by the User's supervisor and by the appropriate director identified in paragraph (d)(4) above.

(7) **Justification for Dedicated Mobile Devices:** Dedicated Mobile Devices will only be issued to Agency Users who possess a highly specialized skill set (e.g. Journalist, Dalet

Administrator, Radio Traffic Management), do not have a back-up, and must be accessible at any time (e.g. Agency Senior Executive Leadership). Mobile devices may also be provided for news gathering purposes. Any User that meets these criteria will need to document their need on the request form, mentioned in paragraph (d)(4) above.

**(8) Justification for Shared Mobile Devices:** If a User does not meet the requirements for a Dedicated Mobile Device, that User may receive a Shared Mobile Device. Shared Mobile Devices will be assigned on a temporary basis or permanently shared among a group of people. Examples of how these devices may be used include:

(i) System support personnel who provide support and assistance to Agency Users will “check in” and “check out” Agency Mobile Devices at the beginning and end of each shift.

(ii) Journalists who require Mobile Devices for limited periods of time for recording, editing, sending, or publishing multimedia content on various platforms will “check in” and “check out” Mobile Devices at the beginning and end of each shift.

(iii) Staff members on official travel who require an Agency Mobile Device for a limited period of time will “check in” and “check out” the device at the beginning and end of official travel.

(iv) Staff members on rotation as a duty officer, or for a temporary assignment, will “check in” and “check out” devices at the beginning and end of each assignment.

**(9) Management of Shared Mobile Devices:** Departments or Divisions that require Shared Mobile Devices for either temporary or group use are required to submit an Agency Mobile Device request form to T/CT. As with designated Users, requests for Shared Devices will require justification as well. In addition, the requesting Department or Division must designate a shared Mobile Device administrator to manage and secure the distribution of all devices provided by T/CT. The Shared Mobile Device administrator will be responsible for the following:

(i) Ensuring that Agency Mobile Devices are kept in a secure, locked facility when not in use.

(ii) Ensuring that Temporary or Group Users are familiar with the Agency’s Mobile Device Policy and have signed an acceptance of responsibility document provided by T/CT.

(iii) Ensuring that Temporary or Group Users check in and out Shared Mobile Devices by signing a shared device log, provided by T/CT.

(iv) Ensuring that Temporary or Group Device Users remove any personal data and email accounts from the Shared Mobile Device before it is transferred to another User. T/CT will assist Shared Mobile Device administrators by providing instructions on how to setup or remove Agency email accounts for Temporary or Group Users on Shared Mobile Devices.

(v) Ensuring that Shared Mobile Devices are fully utilized. If a Shared Mobile Device administrator foresees no usage on a device, for a minimum period of a month, s/he must notify T/CT and request a service suspension on the device.

(vi) Shared Mobile Device administrators will also provide usage reports to T/CT upon notification and on a quarterly basis by submitting an electronic copy of their shared device log via email to [telecom-support@bbg.gov](mailto:telecom-support@bbg.gov). T/CT will provide administrators with a shared device log template. Failure to submit a device log may result in suspending services on the Shared Mobile Devices.

**(10) Types of Agency Mobile Devices and Services Available:**

(i) Device selection is determined by the Agency's mobile service contracts, user needs, and by recommendations from T/CT and the Information Technology Directorate. A current list of Agency Mobile Devices and technical details is available on the T/CT intranet site at <http://inside.bbg.gov/offices/tsi/EnterpriseTelecom/default.aspx>.

(ii) Agency Mobile Devices requiring international service plans are intended to be used for official use. Any personal use of Agency Mobile Devices including international service plans shall comply with the policies and procedures outlined in paragraphs 14 through 16 of this section.

(iii) To add international service to a plan, the User's supervisor must submit a request to temporarily add international service to the assigned Agency Mobile Device. The request must include the dates of travel and the countries visited.

**(11) Replacement of Agency Mobile Devices:**

(i) To maintain a cost-effective program, Agency Mobile Devices must be used for a minimum of at least two years prior to replacement or upgrades.

(ii) Requests for a replacement Agency Mobile Device require justification from the User's supervisor and approval from the relevant Director Mentioned in paragraph (d)(4) above.

**(12) Usage Guidelines:** T/CT shall provide users information on service plan's restrictions and usage limits. Users must know and follow their service plan's restrictions and usage limits.

(i) If a User retires, leaves the Agency, or no longer needs an Agency Mobile Device or service, s/he is required to inform the Enterprise Telecommunications Division (T/CT) and to turn in the Agency Mobile Device.

(ii) Users may not share or pass the Agency Mobile Device to another colleague while the device is still officially assigned to the User.

(iii) Users shall not accept any offers made via text, or other means, that might generate third party charges, nor subscribe to any fee-based mobile applications, games, or other content while using an Agency Mobile Device.

(iv) Users are responsible for the care of their assigned or Shared Mobile Devices. Users must promptly return any Agency Mobile Device requiring maintenance, service, or repair to T/CT.

(v) If an Agency Mobile Device is lost, stolen, or damaged, the User or Shared Mobile Device administrator must immediately notify the Enterprise Telecommunications Division at [telecom-support@bbg.gov](mailto:telecom-support@bbg.gov) so that T/CT can lock and disable the Device. Lost, stolen, or damaged Agency Mobile Devices may be replaced pending availability of Devices and funding.

(vi) Lost or stolen Agency Mobile Devices are subject to immediate deactivation and remote deletion of all their data or content. .

(vii) Failure to comply with these Usage Guidelines may result in disciplinary action, up to and including removal from Federal service. See Paragraph (d)(15) below for more information.

#### **(13) Usage Reviews:**

(i) T/CT will conduct an annual usage review of all Agency Mobile Devices and submit a report to the Agency's Chief Information Officer, or designee. This information will be used in planning for future Agency Mobile Device usage. In addition, T/CT will review usage records for Agency Mobile Devices monthly and will consult with Users' supervisors if excessive uses or unauthorized calls are observed.

(ii) T/CT will identify Agency Mobile Devices that are not used, or are minimally used, for two consecutive months.

(iii) Then, T/CT will contact the Users of all unused or minimally-used Agency Mobile Devices, as well as the Users' supervisors, to determine whether or not the assignments for these devices are still justified.

(iv) After consultation with both the User and the User's supervisor, T/CT may terminate service for underutilized Agency Mobile Devices and require the return of such devices.

#### **(14) Security:**

(i) All Agency Mobile Devices must be password protected.

(ii) Users are solely responsible for the physical security of their assigned Agency Mobile Device.

(iii) Mobile Device Management software may be installed on Agency Mobile Devices to track usage, inventory, and policy implementation.

(iv) Users are prohibited from disabling or altering security features on any Agency Mobile Device.

(v) The physical security of Agency Mobile Devices is the responsibility of the User to whom the device has been assigned.

(vi) Users must remove sensitive information from the Agency Mobile Device before it is returned, exchanged, or disposed of.

**(15) Compliance and Disciplinary Action:**

(i) All Agency Mobile Device Users shall abide by all federal, state, and local laws governing the use of mobile devices while driving (e.g., hands-free use and/or texting), as well as all Agency Mobile Device policies and guidelines.

(ii) The Agency may restrict or rescind Agency Mobile Device privileges, or take any other appropriate administrative or legal action, due to failure to comply with the above-referenced policies.

(iii) Agency Mobile Devices are intended for official use. Users are permitted limited personal use of Agency Mobile Devices if such use:

(A) Will not interfere with official business; and

(B) Will not create an additional expense for the Government; and

(C) Will not create an appearance or perception of inappropriate or unlawful use.

(iv) Users are solely responsible for confirming that personal use of an Agency Mobile Device will comply with their service plan's restrictions and usage limits and will not result in additional expenses or service charges. Users that incur additional expenses to the Government through the personal use of an Agency Mobile Device may be required to reimburse the Government the full amount of such expenses and may be subject to disciplinary action.

(v) Unauthorized or inappropriate use of Agency Mobile Devices (which includes, but is not limited to, excessive use, personal use that results in additional cost to the Agency or interferes with Agency official business, placing unauthorized international calls, or using an Agency Mobile Device to access, store, or display inappropriate or prohibited content) may result in disciplinary action, up to and including removal from federal service.

(vi) Users are strictly prohibited from using Agency Mobile Devices for personal commercial or business activities not related to their official duties.

(vii) Divisions or Departments that fail to properly administer their Shared Mobile Devices may lose the privilege of administering their own programs.

**(16) Privacy Expectations:**

(i) Agency Mobile Devices are official government equipment to be used for official government business. As such, Users do not have a right to, nor should they have any expectation of, individual or personal privacy while using Agency Mobile Devices.

(ii) By accepting an Agency Mobile Device, Users consent to monitoring and/or inspection of Device usage, including the contents of any files or information maintained or accessed on that Device.

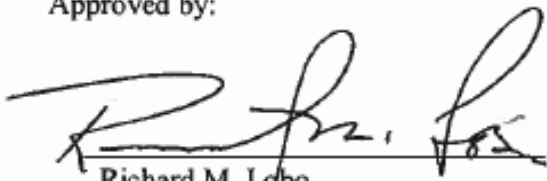
**(e) DEFINITIONS:**

(1) Agency Mobile Devices include, but are not limited to cell phones, smart phones, and tablet computers requiring a cellular data plan, mobile hotspot, or broadband card. However, Laptops are not Agency Mobile Devices for purposes of this policy.

(2) Agency Mobile Device accessories include, but are not limited to holsters, cases, car chargers, screen protectors, Bluetooth headsets, etc.

**(f) AUTHORIZATION DATE AND APPROVAL:**

Approved by:

  
Richard M. Lobo  
Director  
International Broadcasting Bureau

Effective Date:

**JUL 12 2013**

International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

Material within this Manual of Operations and Administration may no longer be current. To ensure having the most current policy or procedure, please contact the Agency office responsible for the subject matter, e.g., information about performance appraisal, staffing, or compensation should be directed to the Office of Human Resources. For assistance in determining which office to contact, please contact Cathy Brown or Renee Tyrance-Gauff of the Analysis and Administration Division on (202) 203-4664 or feel free to email this staff at [cabrown@bbg.gov](mailto:cabrown@bbg.gov) or [crgauff@bbg.gov](mailto:crgauff@bbg.gov).

MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART III COMMUNICATIONS AND RECORDS , A1100 INFORMATION SYSTEMS  
MANAGEMENT POLICY

INFORMATION SYSTEMS MANAGEMENT POLICY

A1100

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## INFORMATION SYSTEMS MANAGEMENT POLICY

### 1101 PURPOSE AND SCOPE

This policy establishes the management process for designing, developing and implementing new information systems (IS), and operating and enhancing existing systems. It introduces Life Cycle Management (LCM) concepts as the basis for the policy.

This policy applies to all Information Systems, domestic and overseas, which are procured, enhanced or operated with Broadcasting funds.

### 1102 LIFE CYCLE MANAGEMENT

The term, Life Cycle, refers to the duration of an information system, beginning with conception or creation and ending with final disposition. Life Cycle Management seeks to:

1. Establish a framework for managing technical change: creating new information systems, enhancing existing systems, and retiring or replacing obsolete systems.
2. Ensure that information systems are responsive to user requirements by guaranteeing that a functional analysis is completed and validated before development is authorized.
3. Avoid development of unneeded or redundant systems by requiring appropriate management review and approval.
4. Institute controls so that information systems are acquired, developed, operated, and enhanced in a cost-effective manner and in accordance with existing Federal regulation.
5. Identify individual roles and responsibilities throughout the life cycle of an information system, and ensure management accountability for its success.
6. Specify all resource requirements related to an information system for its entire life cycle.

### 1106.0 INFORMATION SYSTEMS

A sub-category of Non-Major system, is defined as having a development cost of \$50,000 or less, an annual operating cost of \$20,000 or less, or an enhancement cost of \$10,000 or less. Broadcasting policy seeks to keep management review at a level and in an amount in keeping with the need to expedite the development and enhancement of the system.

#### 1106.1 Management and Control

1106.1.1 Project Manager. The responsible Element Head or his Technology Coordinator will designate a single point of contact for each system. This project manager is responsible for:

1. Ensuring that required information on each system development or enhancement is prepared and provided to the Technology Coordinator. The Technology Coordinator is responsible for providing required documentation to Computing Services.
2. Conforming to internal Element policies and procedures.

1106.1.2 Milestones and Documentation. The necessary information on cost, benefits and other issues can be provided on a one-page form. The information requested on this form must be:

1. Prepared in advance.
2. Reviewed and approved by the Element Head (or Technology Coordinator).
3. Retained for audit purposes in the Element during the entire system life cycle;
4. Provided to Computing Services, which is responsible for planning for technology.

#### 1107 Exceptions

External coordination is required for System development or enhancement, regardless of cost, when:

1. Systems contain classified information. The approval of Office of Security is required.
2. Technology Coordinators determine that systems processing or transmitting unclassified, but sensitive, information (e.g., personnel or medical records) require protective measures beyond those proposed or in place. The advice and approval of the Office of Security is then required.
3. Systems need to be accessed by others outside of the Major Element or Office that develops them. Such systems require the concurrence of all affected elements.

#### 1108.0 Definitions

Definition of terms used in this Life Cycle Management policy are contained in Chapter 4000.

#### 1109 MILESTONE REVIEW CHECKLIST

The following check-list is intended to help project managers and system developers prepare for milestone reviews. It lists criteria that are relevant to a broad range of information systems. All criteria will not

apply to every system. Computing Services will coordinate with project or system managers, the Technology Coordinators and the SIRMO to establish specific review criteria for each system.

#### 1109.1 Milestone 1: Project Initiation

1. The requirement described has high priority and lends itself to an automated solution.
2. Constraints on Broadcasting's ability to meet the requirement are identified.
3. Requirements are stated in program and management terms, not as specific hardware and software requirements.
4. Resources required for developing the concept are reasonable.
5. The proposed implementation date is achievable.
6. A proven strategic planning methodology is used.
7. Organizations and/or management processes impacted by the proposed system have been identified and coordinated.

#### 1109.2 Milestone 2: Concept Development

1. The general functional requirements, including security needs, are well defined and validated.
2. Alternative design concepts or solutions considered are presented, together with cost estimates. Cite trade-offs between hardware, software, firmware and manual procedures. Consider use of existing systems and systems consolidation possibilities.
3. System, data and data communications architectures are described. Standards and the requirement to interconnect with other systems are considered.
4. Strategies to facilitate transition from the present system, whether automated or not, to the alternative system(s) are described.
5. A life cycle strategy is provided.
6. Issues involving new technology, unstable requirements and funding are addressed. The problem areas are identified and risks associated with the system development are assessed.
7. If parallel development efforts are involved, controls are established.
8. Future changes to hardware, software, firmware and databases can be accommodated without system redesign.

9. A cost/benefit analysis is provided.
10. Access and update requirements can be met.
11. Impact on existing and planned systems are identified, considered and coordinated.
12. The project management structure and plan are sound and adequately supported.

#### 1109.3 Milestone 3: System Design

1. Database designs are validated and documented in a data dictionary.
2. Life cycle schedules as well as cost and budget estimates are realistic and acceptable.
3. The cost/benefit analysis is updated. The system is cost-effective and affordable and remains the most acceptable solution.
4. Trade-offs were made to balance cost, schedule and performance.
5. Organizational planning and budgeting supports the acquisition strategy. Acquisition plans to obtain the required computer and other resources are finalized.
6. Implementation plans include personnel, training, documentation, logistics, readiness, facility, operations, security and integration with existing operational systems.
7. Anticipated system improvements are planned.
8. The system design is validated and the baseline for the system established.
9. Specifications for hardware, software, firmware and database are developed and meet operational requirements.
10. Plans are provided for logistical support, data security, training, operational test and evaluation, configuration management, organizational relationships as well as for development, acquisition and maintenance support.
11. A test and evaluation plan is provided, including the range of conditions that the system will encounter.
12. The acquisition strategy effectively integrates the technical, business and management elements of the project and supports the achievement of project goals and objectives.
13. Standardization and interoperability requirements are satisfied.

#### 1109.4 Milestone 4: System Implementation

1. Test and evaluation results support a decision to proceed with system implementation. Prior to this decision, the test data must meet pass or fail criteria imposed by constraints in Federal regulation, the testing must clearly identify whether deficiencies are soft-or hardware related and system deficiencies revealed in testing must be resolved.
2. Remaining deficiencies are acceptable and are scheduled for correction in a later version or release of the system.
3. The system user confirms that the developed system satisfies the design and functional requirements.
4. Issues concerning delivery, quality assurance and facilities are identified and satisfactorily resolved.
5. Software, hardware and firmware are fully developed, documented, tested and placed in a change control system.
6. Maintenance, user and operations manuals, are developed. (Automated computer system documentation can substitute for maintenance and operation manuals.)
7. Maintenance and operations support is ready to take on the work and responsibility.
8. System security measures are effective.

#### 1109.5 Milestone 5: Post-Implementation Reviews

1. The requirements still exist and the system still satisfies the requirements.
2. A change control system is in place and all changes to the system are accounted for. Change control processes are being used and result in a documented audit trail for all system changes.
3. The system operates effectively and efficiently in all respects.
4. Adequate funding is available for ongoing system operations.
5. System security measures are effective.
6. Training, logistical support, organizational relationships, post-implementation support, operations and maintenance are adequate for the system.
7. Computer and related equipment are correctly sized, or plans for upgrades have been developed.

International Broadcasting Bureau  
Manual of Operations & Administration

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PART III COMMUNICATIONS AND RECORDS , A1200 INFORMATION RESOURCES  
PLANNING POLICY  
CHAPTER 1200

INFORMATION RESOURCES PLANNING POLICY

Section 1201 Purpose and Scope

- 1201.1 Regulatory Basis
- 1201.2 Planning as a Management Tool
- 1201.3 Planning as a Budgetary Aid

1202 IRM Planning Process

- 1202.2 IRM Planning and Architecture Guidance (PAG)
- 1202.3 Major Element IRM Plan
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- 1202.5 IRM Budget
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1203 Reviews and Approvals

- 1203.1 IRM Planning and Architecture Guidance (PAG)
- 1203.2 Major Element IRM Plan
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1204 Responsibilities

- 1204.1 Office of Computing Services
- 1204.2 Technology Coordinators
- 1204.3 Program and System Managers
- 1204.4 Heads of Major Elements
- 1204.5 CIO

INFORMATION RESOURCES PLANNING PROCESS

## 1201 Purpose and Scope

This policy establishes the planning process for information resources. The goals are to improve program effectiveness, increase productivity and reduce or avoid costs by improving information resources management (IRM).

In general, the planning process seeks to align technology with mission, goals and objectives. In particular, the planning process should help to:

- Develop and maintain the technological infrastructure needed to operate cost-effectively in a rapidly changing external environment.
- Identify, design and implement information systems that contribute in significant measure to program and management goals and activities.
- Establish resource priorities for information systems relative to other demands on resources and well in advance of implementing such systems.
- Provide compatibility, reduce unnecessary duplication and facilitate information exchange wherever desirable throughout Broadcasting.
- Ensure that information systems are designed, operated and enhanced in accordance with the genuine needs of users and the best technical knowledge available to Broadcasting.
- Ensure that Broadcasting conforms to Federal regulations on disseminating, storing, and disposing of information and on privacy, freedom of information, and security requirements.

This policy applies to both domestic and overseas establishments.

### 1201.1 Regulatory Basis

IRM planning is mandated in public statute:

Public Law 96-511 (The Paperwork Reduction Act of 1980) establishes a requirement for a five-year plan and annual updates to meet Federal automated data processing (ADP) and telecommunications needs.

Office of Management and Budget (OMB) issues annual bulletins requiring Federal Agencies to provide information on plans for information systems and technology.

OMB Circular A-11 (Section 43) establishes a requirement for preparing information technology resource requests and, for significant initiatives, benefit-cost analyses.

### 1201.2 Planning as a Management Tool

Although required for external reporting, IRM planning is a key internal management tool. It provides ways of examining current applications of technology, identifying opportunities for improvement, and monitoring associated costs. IRM planning also helps to avoid crisis-oriented responses by providing for an orderly review and replacement of information systems consistent with rapidly changing technological capabilities. And it provides a framework for defining roles, delegating responsibilities, and measuring performance.

### 1201.3 Planning as a Budgetary Aid

By generating financial information based on estimated life cycle cost which is explained in the previous chapter on Information Systems Management Policy, IRM planning provides direct input to the budgeting process. It also provides a way to identify duplication of effort, existing information systems that might be candidates for common use, trends in information technology, components headed in diverse directions, and proposed systems not based on current technology. Based on analysis of the IRM plan, the budget can reflect solid decisions.

### 1202 IRM Planning Process

The IRM Planning Process consists of five separate processes or activities which follow one another in prescribed order. Each activity produces a separate planning document.

#### 1202.1 Plan

Ideally, planning for technology is based on a plan which identifies directions, program and other initiatives. This opens the way for close alignment of technology objectives with Broadcasting objectives.

#### 1202.2 IRM Planning and Architecture Guidance (PAG)

The first step in the IRM Planning Process is to prepare guidelines which:

1. Summarize the long-range objectives of Broadcasting which technology must support as identified in the Plan (see above).
2. Portray management's philosophy for applying information resources to support Broadcasting's mission.
3. Describe current technical framework and identify the future direction for technology. This section will address current capabilities and key factors affecting the evolution of technology. It will also provide a target architecture for at least the next five years which includes software and hardware standards as well as communications interfaces and protocols. Chapter 1800 addresses policy on Information Resources Standards.
4. Provide specific guidance on preparing IRM plans for Broadcasting's Major Elements (see Section 1202.3 below). These individual plans are then synthesized to produce a Broadcasting-wide IRM Plan. The planning guidelines will include an outline of the format for the



IRM Plan and describe its main components. It will also analyze the strengths and weaknesses of the previous year's planning efforts of Broadcasting's Major Elements and identify problems to be remedied in the new planning cycle.

5. Designate deadlines for completing the various activities in the planning process so that planning documents are available in time to provide meaningful input into the budget process.

These instructions, known collectively as IRM Planning and Architecture Guidance (PAG), provide a framework for use in preparing technology plans.

#### 1202.3 Major Element IRM Plan

For purposes of this planning effort, the Major Elements are: Voice of America, Television, Engineering, as well as each of the Offices reporting directly to the Director of International Broadcasting. The Office of Cuba Broadcasting will have its own IRM plan.

Considering the mission, their own program and management objectives, and the PAG, the Major Elements must describe and evaluate their current systems environment, including architecture; identify future information resource requirements and their plans for meeting them, including resource requirements, using a five-year horizon. The plans must also address requirements for information sharing--internally, with other major elements, and/or with central systems.

In summary, to prepare their IRM plans, the Major Elements must:

1. Identify and analyze their program and operational needs, and develop technology goals and objectives to support them.
2. Analyze the PAG for its impact on their technology goals and objectives.
3. Develop strategies to meet their technology goals and objectives.
4. Describe, design or update their system architecture.
5. Plan for information systems including priorities, funding, and implementation strategies.

#### 1202.4 IRM Plan

The third major activity in the technology planning process is to synthesize the IRM Plans of the Major Elements into a Broadcasting-wide IRM Plan. This plan will identify, for technology resources, where Broadcasting is, where it plans to go, and how it plans to get there. The plan will describe constraints on implementing technology in Broadcasting, ways to overcome these impediments, and Broadcasting's priorities for implementing technology. The document will provide a basis for developing a technology budget, including information about expected return on investment.

## 1202.5 IRM Budget

To improve planning for technology resources and to comply with Federal policies and reporting requirements, Broadcasting will integrate technology budgeting into the its general budget preparations, begin technology budgeting early in the budget cycle, and bring a Broadcasting-wide perspective to bear on technology budget decisions.

In particular, technology resource requirements will be incorporated at the Office level as a non-add item in the Going Rate submission to the BBG and identified in budgeting for increases and decreases.

After Congress has provided the BBG appropriation, and OMB has apportioned these funds, the Major Elements will be able to develop their IRM plans as called for in Section 1202.6 below.

## 1202.6 Major Element IRM Plan

Each Major Element is responsible for producing a plan showing how their technology strategies will be implemented during the coming fiscal year. This plan is due at the start of the new fiscal year, beginning October.

## 1203 Reviews and Approvals

The review and approval procedures for IRM planning are explained in this section.

### 1203.2 Major Element IRM Plan

Central review and approval of the IRM plan of a Major Element is required prior to implementation. Computing Services will review each plan for conformity to general directions, including architectures and standards; technical soundness; interconnectivity with other systems and overlap with initiatives of other elements. Computing Services also will address resource adequacy issues including how well the plan provides for managing, operating, and maintaining new and existing systems.

In addition, Computing Services will evaluate implementation schedules and recommend ways to eliminate conflicts and minimize the resources required to develop, operate, maintain and train.

### 1203.3 IRM Plan and Budget

These documents, are reviewed by the Major Elements and approved by the CIO.

## 1204 Responsibilities

Responsibilities for the activities and documentation required by the IRM planning process are summarized here.

### 1204.1 Planning

The Office of Computing Services is responsible for preparing the PAG and updating it every two years. Computing Services also consolidates information from the Major Elements into a Broadcasting-wide IRM Budget.

In all the above activities, Computing Services is responsible for obtaining input from the operational elements.

#### 1204.2 Technology Coordinators

The Technology Coordinators are responsible for consolidating information from Program and System Managers into a Major Element IRM Plan. They are also responsible for preparing the annual IRM Plans for their organizations.

The Technology Coordinators also review the PAG and the IRM Plan and IRM Budget, all of which the CIO approves. After receiving their comments, Computing Services and the affected Technology Coordinator(s) will resolve any differences.

#### 1204.3 Program and System Managers

Although the Technology Coordinators are responsible for preparing consolidated IRM plans for their organizations, they require extensive contributions from program and system managers in subordinate elements. The Technology Coordinators issue a call for information to which these officers must respond.

#### 1204.4 Heads of Major Elements

Heads of Major Elements have managerial responsibility for developing their IRM Plans, for the integrity of these plans, and for ensuring that submission deadlines are met.

The signature of the head of the Major Element is required on the transmittal letter for the consolidated IRM plans of the element.

#### 1204.5 Chief Information Officer (CIO)

The CIO is the senior manager responsible for ensuring that Broadcasting has and executes a planning process which encourages efficient, effective use of technology in support of missions and goals. He/She must also ensure that Broadcasting keeps its technology base current and cost-effective.

The CIO is the final authority in all matters relating to IRM planning. In carrying out his/her tasks, the CIO is assisted by Computing Services , which recommends actions, and by the Technology Coordinators, who bring an end-user perspective to advising the CIO.

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PART III COMMUNICATIONS AND RECORDS, A1300 INFORMATION RESOURCES  
PROCUREMENT POLICY  
Chapter 1300

INFORMATION RESOURCES PROCUREMENT POLICY

1301 Purpose and Scope

1301.1 Policy Change

1305 Other Considerations

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1305.3 Options and Cost/Benefit Analyses

1305.4 Standards

1305.5 Training, Maintenance and Other Life Cycle Costs

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1309 Energy Efficient Computer Equipment

Section 1301

INFORMATION RESOURCES PROCUREMENT POLICY

1301 Purpose and Scope

The acquisition of information technology is subject to additional scrutiny over and above that applied to other procurements. See for example, the Paperwork Reduction Act as amended (44 U.S.C. 3501 et.seq.). This policy establishes procedures for pre-contractual control, review and approval of computer-based technology procurements.

The policy applies to proposed procurements of automated data processing (ADP) and telecommunications hardware, software, services, facilities, and related training and maintenance. Supplies, such as computer, fax and

other paper, toner, diskettes, tapes, manuals, and replacement parts for repair and maintenance are specifically excluded from these requirements.

The processes and procedures described here are in addition to any clearances and reviews described in MOA IX- Domestic Procurement Handbook. This document applies to all procurements, including ADP, telecommunications and other computer-based technology.

#### 1301.1 Policy Change

Broadcasting relies increasingly on information technology to streamline operations, improve service to its target audiences, and manage programs and administrative tasks. Consequently, Broadcasting must heighten its efforts to curb systems that fail to meet users' needs, suffer from late changes to specifications or long development delays, result in cost overruns, or succumb to other risks inherent in acquiring complex and highly technical information systems. Broadcasting addresses this need by requiring review, and specific authorization to proceed, at key decision points in the life cycle of each information system.

This approach represents a sea change from past practice where management review of computer-based technology concentrated primarily on procurements. Current policy, in contrast, focuses review at key junctures in the information systems life cycle, not when procurements occur. These key decision points include initiation, concept development, design, implementation and post-implementation review.

In general, approval to proceed resulting from management reviews at each decision point carries with it authority up to an authorized dollar amount for procurements identified as required to reach the next major milestone. (This approval does not imply funds availability. Funding issues must be resolved with the appropriate financial management officers and spending authority officials.) The procurement itself no longer is the primary focus of review.

IRM policies recognize three categories of information systems--Small, Mid-Size and Major (see MOA Part III, Chapter 1100). Pre-contractual procurement procedures vary slightly for Major and Mid-Size Systems and greatly for Small Systems.

##### 1303.1.1 Small Systems

Systems are designated "small" if they have a development cost of \$50,000 or less, an annual operating cost of \$20,000 or less, or an enhancement cost of \$10,000 or less.

Instead of a series of milestone reviews, Small Systems have a simplified procedure. Small Systems must be in an approved IRM Tactical Plan. A Small System Justification (see MOA Part III, Chapter 1100 for content and format) which summarizes mission and requirements information must be prepared. If the required information is fully addressed in the tactical plan, a copy of the relevant page(s) attached to the Small System Justification will suffice.

For purposes of the Small System Justification, Major Elements are encouraged to develop umbrella categories, e.g., one might aggregate plans to acquire basic office automation software in a single justification. This form should be submitted as early as possible and ahead of specific procurement requests to permit the Technology Coordinator who reviews it to ensure that the justification is technically correct, understandable and compelling, and that the proposed technology will meet stated operational requirements. The procurement request , with cover page may then be prepared and submitted to the Technology Coordinator who insures that necessary clearances have been obtained.

Provided that the director of the Major Element has delegated authority to the Technology Coordinator, if he/she approves the request and it requires no other approvals (see below, Sections 1304.1 and 1305.6), he/she sends an information copy to the Office of Computing Services and forwards the procurement package through the normal procurement process. If the Technology Coordinator disapproves, the request is returned to the project manager for resolution.

#### 1305 Other Considerations

Under these procedures several issues have greater significance than before in preparing for procurements. Every project officer is responsible for ensuring that the requirements discussed below have been met. Under the life cycle documentation and approval system identified in the Information Systems Management Policy, these issues will have been addressed at each milestone review. They are reviewed here as a reminder.

##### 1305.1 Statement of Opportunity or Problem

Every procurement must be preceded by a clear statement, in mission terms, of the problem or opportunity that the procurement addresses. No procurement, no matter how small, is permitted absent this statement. However, technology coordinators and project officers are encouraged to group like procurements when preparing justifications.

##### 1305.2 Analysis of User Requirements

The analysis of the user's operational requirements must be sufficiently detailed to determine the most cost-effective and efficient system solutions. It must include a description of the functions to be automated, and, as appropriate, inputs, outputs, files, processing and data flow, current and projected workload, storage, retrieval, retention requirements, and interfaces with other systems.

##### 1305.3 Options and Cost/Benefit Analyses

Government-wide regulations (e.g., Office of Management and Budget Circular No. A-11 and Federal Information Resources Management Regulation 41 CFR Chapter 201) require that procurements of technology be preceded by an analysis of options, costs and benefits. The alternatives considered and the reasons for the chosen solution must be documented to maintain institutional memory and provide an audit trail for internal or

external review. The degree of this documentation must be commensurate with the cost of procurement, that is, limited analysis for small purchases, much more substantive and detailed consideration of procurements for Mid-Size and Large Systems.

#### 1305.4 Standards

A Broadcasting-wide process for the development of standards has been initiated (See Information Resources Standards Setting Policy, MOA Part III, Chapter 1800). This process defines mandatory and supported standards. Mandatory standards permit initiation and perpetuation of data resource sharing. Supported standards are established to ensure cost-effective support of technology, including training, trouble-shooting and maintenance.

An officer who proposes to develop or enhance computer technology must become informed about Broadcasting standards. Developing systems or purchasing hardware or software outside of the supported standards is allowed, as long as mandatory standards are observed. However, the procurement of non-standard hardware and software will require that the ordering office fund any necessary support services normally provided centrally, e.g., training, maintenance, and Computing Services support. Procurements outside established mandatory standards require additional justification tied to mission and must be approved by the CIO.

#### 1305.5 Training, Maintenance and Other Life Cycle Costs

Often the cost to purchase new hardware or software is small compared to related one-time or continuing costs such as operation, training or maintenance. Other costs that also need to be considered include wiring, furniture, electrical and air conditioning requirements, staffing, and application development. Each procurement request must be preceded by evidence that these sometimes hidden costs have been identified and provided for in planning and funding.

#### 1305.6 Security

Office of Security review and approval is required for IRM systems that will be used to process, store or transmit classified information. This review is needed to ensure that basic controls will be available for the protection of such information.

Office of Security review and approval is also required for systems processing or transmitting unclassified, but sensitive, information (e.g., personnel or medical records) when a Technology Coordinator determines that protective measures are required beyond those proposed or in place.

### 1309 POLICY ON ENERGY EFFICIENT COMPUTER EQUIPMENT

#### 1309.1 SCOPE

This policy applies to all new acquisitions of microcomputers including notebook and other portable computers, monitors and printers acquired domestically. Outside of scope (for now): fax machines, photo copiers,

larger and more powerful computers such as LAN and other file servers, minicomputers, mainframes and super computers.

#### 1309.2 AUTHORITIES

- a. Executive Order 12845, April 21, 1993: Effective October 1993, Federal agencies shall meet EPA's Energy Star efficiency levels.
- b. Energy Policy Act of 1992: GSA must undertake a "program to include energy-efficient products in carrying out their procurement and supply functions." DOE must support, monitor and evaluate a voluntary industry-executed national testing and information program for widely used office equipment.
- c. OMB Office of Federal Procurement Policy Letter 92-4, 11/7/92: Federal agencies must implement "cost-effective procurement preference programs favoring the purchase and use of environmentally sound, energy efficient products and services."
- d. Federal Acquisition Regulation (FAR) SubPart 23.2: Federal agencies must apply energy conservation and efficiency criteria to acquisitions "whenever the results would be meaningful, practical and consistent with agency programs and needs."

#### 1309.3 PROVISIONS

All acquisitions of microcomputers, monitors and printers must meet EPA's Energy Star Computers Program requirements for energy efficiency. For microcomputers, and monitors the specification is 30 watts in standby; for printers the number is 30-45 watts, depending on speed. The identified equipment must either meet Energy Star efficiency levels at all times or include a low power standby feature activated by the manufacturer upon shipment. Users can identify equipment that meets Energy Star requirements by an EPA logo introduced in June 1993.

#### 1309.4 EXCEPTIONS

Only the Director of International Broadcasting can make exemptions to the energy efficiency requirements detailed here. The Director will consider requests for exception on a case by case basis for: commercial availability, cost differential, performance requirements and Broadcasting's mission. These exemptions must be reported to GSA annually.

To obtain an exception prepare a request, citing and providing evidence that one of the above detailed reasons apply.



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PART III COMMUNICATIONS AND RECORDS , A1600 ELECTRONIC RECORDS MANAGEMENT  
POLICY

Section 1600

ELECTRONIC RECORD KEEPING MANAGEMENT PROGRAM

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1602 Scope

1603 Authority

1604 Definitions

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1606 Responsibilities

1607 Electronic Record Format

1608 Requirements and Procedures for Creating Records in Electronic Form

1608.1 Life Cycle Management

1608.2 Creation and Use of Data Files

1608.3 Creation and Use of Text

1608.4 Labeling

1608.5 System Documentation

1609 Ensuring Records Retention

1610 Electronic Indexing

1611 Storage

1612 Disposal

1612.1 Records Authorized for Destruction

1612.2 Records to be Transferred to WNRC or NARA

1613 Judicial Use of Electronic Records

Section 1600

ELECTRONIC RECORD KEEPING MANAGEMENT PROGRAM

1601 PURPOSE

It is expected that an increasing proportion of Broadcasting's official records will be created and maintained with electronic equipment. Section

3102 of title 44, United States Code, requires the head of each Federal Agency to maintain a continuing program for the economical and efficient management of the records of an agency. In accordance with that authority, this chapter:

- a. Establishes the Electronic Record keeping Management Program for the BBG (Broadcasting)
- b. Assigns responsibilities for the administration and implementation of the program.
- c. Provides guidance for implementation of the Electronic Record keeping Program..

#### 1602 SCOPE

The provisions in this Chapter are applicable to all organizational elements, both domestic and overseas.

#### 1603 AUTHORITY

- a. Title 18 U.S.C. 641 and 2071, Crimes and Criminal Procedure.
- b. Title 44 U.S.C. 3102, Federal Records Act of 1950.
- c. Title 36 Code of Federal Regulations (CFR) 1220, Records Management.
- d. Title 36 Code of Federal Regulations (CFR) 1228.188, Machine-readable records.
- e. Title 36 CFR 1234, Electronic Records Management.
- f. Federal Rules of Evidence (Rule 803 (8)).
- g. National Archives and Records Administration's Handbook, Managing Electronic Records.
- h. Electronic Communications Privacy Act (1986), P.L. 99-508.

#### 1604 DEFINITIONS

- a. Accession - The transfer of the legal and physical custody of permanent records from an agency to the National Archives.
- b. Electronic Form - applies to all records created and/or stored on electronic or magnetic media.
- c. Electronic Mail - Also called e-mail. The transmission of memos and messages over a network. Electronic mail systems are implemented in mainframe, mini and personal computer LANs. Users can send mail to a single recipient or broadcast it to multiple users on the system. Sophisticated systems can prompt recipients for a reply if they haven't responded within a certain time frame.

With multitasking workstations, mail can be delivered and announced while the user is working in an application. Otherwise, mail is sent to a simulated postal box in the network server or host computer, which must be accessed by the recipient.

- d. Electronic Records (ER) - are records stored in a form that only a computer can process. Also called machine readable records or Automated Data Processing (ADP) records. Examples of media used to store records include magnetic tapes, disks and drums, video files and optical disks.
- e. Electronic Record keeping - is the creation, maintenance and use, and disposition of records created and/or stored by using a computer.
- f. File Transfer - Movement of data between devices, without any extraction, as complete files.
- g. Formal Transmissions - are official communications which inform, direct, consult, clarify, request (data calls), or seek or grant approval. These are official records and must be retained until authorized for disposal.
- h. Informal Transmissions - are communications equivalent to person-to-person or telephone conversations which do not contain information of continuing value. These are non-record and need not be recorded, or if in paper form, do not require disposal authorizations.
- i. Information System - is the organized collection, processing, transmission, and dissemination of information in accordance with defined procedures, whether automated or manual. It is sometimes called a record system. Electronic records are generally scheduled by information system, whereas non-electronic records are generally scheduled by series.
- j. Life Cycle - of records is the management concept that records pass through three stages: creation, maintenance and use, and disposition.
- k. Non-records - are U.S. Government-owned informational materials excluded from the legal definition of records. These include extra copies of documents kept only for convenience of reference, stocks of publications of processed documents, and library or museum materials intended solely for reference or exhibition.
- l. Records - according to 44 U.S.C. 3301, "includes all books, papers, maps, photographs, machine-readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of

the Government or because of the informational value of data in them".

- m. Scheduling - is the process of developing schedules for the disposition of records, along with disposition instructions for non-record materials.
- n. Vital Records - In accordance with the provisions of Executive Order 11490, the Vital Records Program has been developed to provide for the safe and secure storage of those records that would be essential for the organization and administration of Broadcasting under emergency conditions or in the event of a disaster. Vital records are divided into three categories:
  - a. Records vital to the functioning of Broadcasting and each individual element for the duration of an emergency or for replacement purposes in the event of a destructive disaster.
  - b. Records essential to the preservation of legal rights of the Government and of individual citizens.
  - c. Records essential to the preservation of legal rights of Government employees (MOA III, Ch. 500, Sec. 540).

#### 1605 POLICY

It is policy to provide for efficient, economical, and effective controls over the creation, maintenance, disposition, and preservation of all records maintained on electronic media under Broadcasting's control.

#### 1606 RESPONSIBILITIES

1606.1 The Director, of International Broadcasting is responsible for establishing Broadcasting-wide policy and procedures for the Records Management Program.

1606.2 All Primary Officials at Overseas Establishments, General Counsel, Office Directors, Division and Branch Chiefs are responsible for:

- a. Ensuring compliance with the provision of this Chapter and all other records management practices;
- b. Ensuring electronic records and systems under their jurisdiction are scheduled (e.g., covered by an approved records disposition schedule. See Manual of Operations and Administration (MOA) Part III, Chapter 500, Section 550, "Records Management Handbook "and MOA Part III Chapter 600, "Records Management Overseas)";
- c. Ensuring that practices and procedures are implemented to protect records created or acquired in electronic form from loss, removal, theft, or unauthorized access;

- d. Ensuring that adequate training is provided for the users of each electronic record keeping system in the operation and care of the equipment, software, and media used in the system; and,
- e. Coordinating information needs during the design phase of a new system or a change to a current system with the Office of Computing Services and the head of any office that could be affected by the new or modified system.

1606.3 The Director of the Office of Administration, has overall responsibility to develop and implement a Broadcasting-wide program for the management of all records created, received, maintained, used, or stored on electronic media.

1606.4 The Office of Computing Services is responsible for:

- a. Ensuring that electronic record keeping requirements are addressed during management reviews at critical junctures in the life cycle of major information systems;
- b. Ensuring that electronic record keeping requirements are addressed during the review/approval phase of mid and small-sized information systems;
- c. Ensuring the participation of a records management specialist in required milestone reviews of information systems, when the integrity and preservation of official records are discussed.

1606.7 ADP Managers and Contractors are responsible for ensuring the adequacy of documentation, following authorized disposition schedules, and complying with established security procedures, to prevent unauthorized disclosure of data contained in existing or planned systems.

1606.8 Program Managers (System Owners) will coordinate electronic records system activities with the Office of Administration in order to:

- a. Identify the office of primary responsibility for the records being created;
- b. Determine if the data being created is record or non-record material;
- c. Determine in what form the record will be maintained for its life cycle; e.g., paper, microform, tape, disk, diskette, etc.;
- d. Establish procedures for identifying, cataloging, and labeling records for the life cycle of the record;
- e. Establish an appropriate retrieval system;
- f. Identify appropriate record series and disposal instruction for the files being created within the system;

- g. Ensure that adequate documentation is provided, authorized disposition schedules are followed, and that offices comply with established security procedures.

1606.9 Records Liaison Officers have been appointed at various levels within Broadcasting (see MOA Part III Chapter 500, Section 514.2). The responsibilities of Records Liaison Officers include:

- a. Ensuring the scheduling of electronic record series;
- b. Ensuring the prompt disposal or transfer of electronic records; and,
- c. Conducting inspections of electronic record keeping systems to ensure compliance with this Chapter.

1606.10 Users are responsible for complying with operating procedures established by Computing Services and operating the system in such a manner as to protect the records from damage, destruction, or alteration.

1607 ELECTRONIC RECORD FORMAT The Federal Information Processing Standards (FIPS) Publications should be used in electronic records creation, storage, and transmission.

#### 1608 REQUIREMENTS AND PROCEDURES FOR CREATING RECORDS IN ELECTRONIC FORM

1608.1 Life Cycle Management Prior to initiating any new system development, system owners must consider the full life cycle of the data maintained in the system and take the following steps:

- a. Determine if the data is record or non-record material;
- b. If the data is record material and can be updated, establish periodic time frames for the establishment of an entirely new file and storage of the old file (monthly, quarterly, or annually) to ensure complete files;
- c. Include appropriate disposal authority, instructions, and date for each electronic record file. If no authority is available, a "Request for Records Disposition Authority", (SF 115) is to be submitted to the National Archives and Records Administration (NARA) through the Records Management Officer;
- d. If the records to be maintained in the system contain proprietary information, information about individuals that is retrieved by the individual's name or other identifier such as social security number, include adequate safeguards in the system design to prevent unauthorized access, as spelled out in the Freedom of Information Act, records are subject to the provisions of the Privacy Act of 1974.

#### 1608.2 Creation and Use of Data Files

- a. For electronic records systems that produce, use, or store data files, disposition instructions for the data shall be incorporated into the system's design.
- b. Adequate and up-to-date technical documentation shall be maintained for each electronic records system that produces, uses or stores data files. Elements should follow FIPS PUB 38, "Guidelines for Documentation of Computer Programs and Automated Data Systems,"
  - 1) A narrative description of the system;
  - 2) Physical and technical characteristics of the records, including for each field its name, size, starting or relative position, and a description of the form of the data (such as alphabetic, zoned decimal, packed decimal, or numeric), or a data dictionary or the equivalent information associated with a data base management system which includes a description of the relationship between data elements in data bases;
  - 3) Element responsible for maintaining system, and principal users; and
  - 4) Any other technical information needed to read or process the records (for example, software and version, and hardware platform).

#### 1608.3 Creation and Use of Text Documents

- a. Electronic records systems that maintain the official file copy of text documents on electronic media shall meet the following minimum requirements (NOTE: Most official copies are maintained in paper or microform, so the existence of an electronic copy does not in itself require that all of these requirements be met):
  - 1) Provide a method for all authorized users of the system to retrieve desired documents, such as an indexing or text search system;
  - 2) Provide a level of security that ensures the integrity of documents, that is, prevents unauthorized addition, modification, or deletion.
  - 3) Provide a standard interchange format when necessary to permit the exchange of documents on electronic media between Agency computers using different software/operating systems or the conversion or migration of documents on electronic media from one system to another; and
  - 4) Provide for the disposition of the documents including, when necessary, the requirements for transferring permanent records to NARA.
- b. Before a document is created electronically on electronic records systems that will maintain the official file copy on electronic

media, each document shall be identified sufficiently to enable authorized personnel to retrieve, protect, and carry out the disposition of documents in the system. Appropriate identifying information for each document maintained on electronic media may include: office of origin, file code (item number), key words for retrieval, addressee (if any), signatory, author, date, authorized disposition (coded or otherwise), and security classification (if applicable). System owners must ensure that records maintained in such systems can be correlated with related records on paper, microform, or other media.

1608.4 Labeling - To retrieve information created and stored electronically, the user is dependent upon labels, both external and internal. To the extent allowable by the software, the following information should be included:

- a. Tape - External labels (or the equivalent automated tape management system) for magnetic tapes used to store permanent or unscheduled electronic records shall provide unique identification for each reel, including the name of the organizational unit responsible for the data, system title, and security classification, if applicable. Additionally, the following information shall be maintained for (but not necessarily attached to) each reel used to store permanent or unscheduled electronic records: file title(s); dates of creation; dates of coverage; the recording density; type of internal labels; volume serial number, if applicable; number of tracks; character code/software dependency; information about block size; and reel sequence number, if the file is part of a multi-reel set. For numeric data files, include record format and logical record length, if applicable; data set name(s) and sequence, if applicable; and number of records for each data set.
- b. Diskette (Floppy) - Labels for diskettes should include title, date, software, equipment dependence, and disposition instructions.
- c. Pack - Labels for disk packs will consist of the directory of file names; other labeling information (e.g., record series, date of creation, coverage, etc.) will be part of the records (ADP) layout.

1608.5 System Documentation - System documentation is to be maintained for the life cycle of the records in the system. Included are systems specifications file specifications, code books record layouts, user guides, and output specifications. NOTE: records must continue to be retrievable and usable, regardless of any upgrades or replacements of an automated system, until the authorized disposition date of the records.

#### 1609 ENSURING RECORDS RETENTION

- a. The ease of erasing or changing electronically stored records increases the risk of unauthorized disposal of official documentation. The record status of electronically stored drafts or updates should be re-evaluated as changes are made. Substantial updates (i.e., something which changes intent, policy, procedure, or conclusion) to electronic records constitute new records, while



minor changes may not. When new records are created through substantial updating, the old record must be retained until authorized for disposition.

- b. Some electronic mail systems automatically erase information after the recipient has read it, while others delete the information at specified time intervals. Therefore, personnel should take positive action, at the time they receive electronic messages, to retain any records received in this manner in a medium which will satisfactorily store the record until its disposition date. Many electronic mail messages will not contain enough substance to be considered official records.

1610 ELECTRONIC INDEXING The complexity of the indexing system is dependent upon the volume of records and the length of time they are to be retained. Electronic indexes must include, at a minimum, the subject, date, user, and identification number; e.g., Item Number (also known as file code).

1611 STORAGE Tapes, disks, and diskettes should be stored in compliance with FIPS PUBS. Electronically stored data containing Vital Records (see 1604, Definitions. MOA Part III, Chapter 500, Section 540) are to be copied and stored off site for the protection of the legal and financial rights of the Government, its employees, and the public.

1612 DISPOSAL When information is converted from paper to electronic form, the nature, usefulness, and accessibility of the information change. Therefore, the disposition of the information when maintained in electronic form may differ from the disposition when maintained in paper form. Electronic records derived from paper records should be separately scheduled. Although paper records may already be scheduled, the retention time should be reviewed for earlier disposition at the time the records are converted to electronic form. Electronic records authorized for disposal, i.e., shipped to the Washington National Records Center (WNRC) or NARA, or destroyed, must comply with the following requirements.

1612.1 Records Authorized for Destruction - Electronic records may be destroyed only in accordance with a records disposition schedule approved by the Archivist of the United States, including General Records Schedule (GRS). See GRS 20 and GRS 23. GRS 20 and GRS 23 do not cover all electronic records. Electronic records not covered by items in GRS 20 or GRS 23 may not be destroyed unless authorized by a Standard Form 115 that has been approved by the National Archives and Records Administration (NARA). In carrying out the disposition instruction the following steps should be taken:

- a. Electronic records scheduled for destruction are disposed of in a manner that ensures protection of any sensitive, proprietary, or national security information.
- b. Magnetic recording media previously used for electronic records containing sensitive, proprietary, or national security information are not reused if the previously recorded information can be compromised by reuse in any way. NOTE: Approval from the General

Accounting Office (GAO) must be obtained before any records eligible for destruction can be disposed of if Broadcasting is undergoing an audit. Likewise, if records eligible for destruction have not yet been destroyed and are the subject of a Freedom of Information Request, the records must be kept until such request is resolved.

1612.2 Records to be Transferred to WNRC or NARA - When NARA has determined that records stored on disks or diskettes are to be maintained for a long period of time, the information they contain must be converted to magnetic tape, 3480 class tape cartridges, paper or microfilm {36 CFR 1228.188}.

a. The following applies to tapes scheduled for transfer to NARA.

- 1) The tapes will be on one-half inch 7 or 9 track tape reels, written in ASCII or EBCDIC, with all extraneous control characters removed from the data (except records length indicators for variable length records, or marks designating a datum, word, field, block, or file) blocked no higher than 30,000 bytes per block, at 800, 1600, or 6250 bpi.
- 2) The tapes on which the data are recorded shall be new or recertified tapes (see 36 CFR 1234) which have been passed over a tape cleaner before writing and will be rewound under controlled tension.
- 3) Documentation adequate for servicing and interpreting records that have been designated for preservation by NARA will be transferred with them.  
This documentation shall include, but shall not necessarily be limited to:
  - a) A completed Standard Form 277, Computer Magnetic Tape File Properties, or its equivalent.
  - b) Where it has been necessary to strip data of extraneous control characters, the documentation specifications defining the data elements and their values must match the new format of the data.

b. The following applies to 3480 class tape cartridges scheduled for transfer to NARA.

- 1) 3480 class tape cartridges must meet the American National Standard based on the IBM format. The magnetic tape and cartridge for information interchange must be 18-track, parallel, 12.65 mm (1/2 inch), and 1491 cpm {37,871 cpi}.
- 2) All maintenance requirements of 36 CFR 1234.28(g) apply to 3480 class tape cartridges.
- 3) NARA will copy the contents of 3480 class tape cartridges at the time of accessioning and return them to the agency unless

the agency indicates that it does not want the cartridges returned.

1613 JUDICIAL USE OF ELECTRONIC RECORDS - Electronic records may be admitted in evidence to Federal courts for use in court proceedings (Federal Rules of Evidence 803(8)) if trustworthiness is established by thoroughly documenting the record keeping system's operation and the controls imposed upon it. If the only record is electronic, the following procedures are required to ensure the legal admissibility of that record:

- a. Document that similar kinds of records generated and stored electronically are created by the same processes each time and have a standardized retrieval approach.
- b. Substantiate that security procedures prevent unauthorized addition, modification, or deletion of a record and ensure system protection against such problems as power interruptions.
- c. Identify the electronic media on which records are stored throughout their life cycle, the maximum time span that records remain on each storage medium, and the NARA-approved disposition of all records.
- d. Establish trustworthiness of records by ensuring that:
  - 1) The date of the record can be determined;
  - 2) The date of alterations is automatically recorded by the system;
  - 3) It is evident that the document was authorized to be issued ("signed") by an appropriate official.
- e. Coordinate all of the above with the Office of the General Counsel (GC) and the Records Management Staff.

#### ELECTRONIC RECORDS STANDARDS

The National Institute of Standards and Technology (NIST) has issued the following Federal Information Processing Standards Publications (FIPS PUBS) that are particularly relevant to records creation, storage, and transmission using personal computers or other electronic office equipment. (Note: FIPS PUBS with an asterisk are mandatory standards that are implemented in the FIRMR and 41 CFR 201.13)

1. FIPS PUB 38 Guidelines for Documentation of Computer Programs and Automated Data Systems.
2. FIPS PUB 46-1 Data Encryption Standard.
3. FIPS PUB 48 Guidelines on Evaluation of Techniques for Automated Personal Identification.
4. FIPS PUB 54-1 Computer Output Microform (COM) Formats and Reduction Ratios, 16 mm and 105 mm.

5. FIPS PUB 65 Guidelines for ADP Risk Analysis.
6. FIPS PUB 73 Guidelines for Security of Computer Applications.
7. FIPS PUB 74 Guidelines for Implementing and Using the NBS Data Encryption Standard.
8. FIPS PUB 81 DES Modes of Operation.
9. FIPS PUB 82 Guideline for Inspection and Quality Control for Alphanumeric Computer-Output Microform.
10. FIPS PUB 83 Guideline on User Authentication Techniques for Computer Network Access Control.

#### GENERAL RECORDS SCHEDULE 20

##### Electronic Records

This schedule provides disposal authorization for certain electronic records and specified hard-copy (paper) or microform records that are integrally related to the electronic records.

This schedule applies to disposable electronic records stored on magnetic media by Federal agencies in central data processing including ones operated for agencies by contractors. It covers records created by computer operators, programmers, analysts, and systems administrators in order to store and maintain computer files in such facilities; certain master files, including some that are components of database management systems; and certain files created from master files for specific purposes. Items covering disposable electronic records produced by end users in office automation applications (e.g., word processing files, certain text files, and databases developed on personal computers in support of administrative functions) are included in General Records Schedule 23, Records Common to Most Offices. GRS 20 and 23 do not cover all electronic records. Electronic records not covered by items in GRS 20 or GRS 23 may not be destroyed unless authorized by a Standard Form 115 that has been approved by the National Archives and Records Administration (NARA).

The records covered by several of the items in this schedule are authorized for erasure or deletion when no longer needed. NARA could not establish a more definite retention that would be appropriate in all applications. Items 2a and 1a (in part) of this schedule apply to hard-copy or microform records used in conjunction with electronic files. Item 1 also covers printouts produced to test, use, and maintain master files. Items 10 and 11 of this schedule should be applied to special purpose programs and documentation for disposable electronic records regardless of the medium in which such documentation and programs exist.

1. Files created in central ADP facilities, ADP Management

a. Electronic files or records created solely to test system performance, as well as hard-copy printouts and related documentation for the electronic files/records. DELETE/DESTROY WHEN NO LONGER NEEDED.

b. Electronic files or records used to create or update a master file, including, but not limited to, work files, valid transaction files, and intermediate input/output records. DELETE AFTER INFORMATION HAS BEEN TRANSFERRED TO MASTER FILE AND VERIFIED.

c. Electronic files and hard-copy printouts created to monitor system usage, including, but not limited to, log-in files, password files, audit trail files, system usage files, and cost-back files used to assess charges for system use. DELETE/DESTROY WHEN NO LONGER NEEDED IN ACCORDANCE WITH SOUND BUSINESS PRACTICE AND STANDARD OPERATING PROCEDURES.

## 2.. Input/Source Records.

a. Non-electronic documents or forms designed and used solely to create, update, or modify the records in an electronic medium and not required for audit or legal purposes (such as need for signatures) and not previously scheduled for permanent retention in a NARA-approved records schedule. DESTROY AFTER THE INFORMATION HAS BEEN CONVERTED TO AN ELECTRONIC MEDIUM AND VERIFIED, OR WHEN NO LONGER NEEDED TO SUPPORT THE RECONSTRUCTION OF, OR SERVE AS THE BACKUP TO, THE MASTER FILE, WHICHEVER IS LATER.

b. Electronic records, except as noted in item 2c, entered into the system during an update process, and not required for audit and legal purposes. DELETE WHEN DATA HAVE BEEN ENTERED INTO THE MASTER FILE OR DATABASE AND VERIFIED, OR WHEN NO LONGER REQUIRED TO SUPPORT RECONSTRUCTION OF, OR SERVE AS BACK-UP TO, A MASTER FILE OR DATABASE, WHICHEVER IS LATER.

c. Electronic records received from another agency and used as input/source records by the receiving agency, EXCLUDING records produced by another agency under the terms of an interagency agreement, or records created by another agency in response to the specific information needs of the receiving agency. DELETE WHEN DATA HAVE BEEN ENTERED INTO THE MASTER FILE OR DATABASE AND VERIFIED, OR WHEN NO LONGER NEEDED TO SUPPORT RECONSTRUCTION OF, OR SERVE AS BACK-UP TO, THE MASTER FILE OR DATABASE, WHICHEVER IS LATER.

d. Computer files or records containing uncalibrated and unvalidated digital or analog data collected during observation or measurement activities or research and development programs and used as input for a digital master file or database. DELETE AFTER THE NECESSARY DATA HAVE BEEN INCORPORATED INTO A MASTER FILE.

## 3. Master Files, (Including Master Files that are Components of Database Management Systems) Relating to Administrative Functions

And GRS 1 Master files that:

a. replace, in whole or in part, administrative records scheduled for disposal under one or more items in GRS 1-16, 18, 22, or 23; and b.

consist only of the same information as is contained in all or portions of the disposable records it replaces or duplicates; EXCLUDING those that replace or duplicate the following GRS items: GRS 1, items 21, 22, 25f; GRS 12, item 3; 8, item 5. DELETE AFTER THE EXPIRATION OF THE RETENTION PERIOD AUTHORIZED FOR THE DISPOSABLE HARD-COPY FILE OR WHEN NO LONGER NEEDED, WHICHEVER IS LATER.

#### 4. Data Files Consisting of Summarized Information

Records that contain summarized or aggregated information created by combining data elements or individual observations from a single master file or database that is disposable under a GRS item or is authorized for deletion by a disposition job approved by NARA after January 1, 1988, EXCLUDING data files that are:

- a. created as disclosure-free files to allow public access to the data; or
- b. created from a master file or data-base that is unscheduled, or that was scheduled as permanent but no longer exists or can no longer be accessed; which may not be destroyed before securing NARA approval. DELETE WHEN NO LONGER NEEDED FOR CURRENT BUSINESS.

#### 5. Records Consisting of Extracted Information

Electronic files consisting solely of records extracted from a single master file or database that is disposable under GRS 20 or approved for deletion by a NARA approved disposition job, EXCLUDING extracts that are:

- a. produced as disclosure-free files to allow public access to the data; or
- b. produced from a master file or data-base that is unscheduled, or that was scheduled as permanent but no longer exists or can no longer be accessed; or
- c. produced by an extraction process which changes the informational content of the source master file or database; which may not be destroyed before securing NARA approval. For print and technical reformat files see items 6 and 7 respectively. DELETE WHEN NO LONGER NEEDED FOR CURRENT BUSINESS.

#### 6. Print File

Electronic file extracted from a master file or database without changing it and used solely to produce hard-copy publications and/or printouts of tabulations, ledgers, registers, and reports. DELETE WHEN NO LONGER NEEDED.

#### 7. Technical Reformat File

Electronic file consisting of data copied from a master file or database for the specific purpose of information interchange and written with varying technical specifications, EXCLUDING files created for transfer to the National Archives. DELETE WHEN NO LONGER NEEDED.

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#### 8. Security Backup File

Electronic file consisting of data identical in physical format to a master file or database and retained in case the master file or database is damaged or inadvertently erased.

a. File identical to records scheduled for transfer to the National Archives. DELETE WHEN THE IDENTICAL RECORDS HAVE BEEN TRANSFERRED TO THE NATIONAL ARCHIVES AND SUCCESSFULLY COPIED, OR WHEN REPLACED BY A SUBSEQUENT SECURITY BACK-UP FILE.

b. File identical to records authorized for disposal in a NARA-approved records schedule. DELETE WHEN THE IDENTICAL RECORDS HAVE BEEN DELETED, OR WHEN REPLACED BY A SUBSEQUENT SECURITY BACK-UP FILE.

#### 9. Finding Aids (or Indexes)

Electronic indexes, lists, registers, and other finding aids used only to provide access to records authorized for destruction by the GRS or a NARA-approved SF 115, EXCLUDING records containing abstracts or other information that can be used as an information source apart from the related records. DELETE WITH RELATED RECORDS OR WHEN NO LONGER NEEDED, WHICHEVER IS LATER.

#### 10. Special Purpose Programs.

Application software necessary solely to use or maintain a master file or database authorized for disposal in a GRS item or a NARA-approved records schedule, EXCLUDING special purpose software necessary to use or maintain any unscheduled master file or database or any master file or database scheduled for transfer to the National Archives. DELETE WHEN RELATED MASTER FILE OR DATABASE HAS BEEN DELETED.

#### 11. Documentation.

a. Data systems specifications, file specifications, code books record layouts, user guides, output specifications, and final reports (regardless of medium) relating to a master file or database that has been authorized for destruction by the GRS or a NARA approved disposition schedule. DESTROY OR DELETE WHEN SUPERSEDED OR OBSOLETE, OR UPON AUTHORIZED DELETION OF THE RELATED MASTER FILE OR DATABASE.

b. Computer center copies of records relating to system security, including records documenting periodic audits or review and recertification of sensitive applications, disaster and continuity plans, and risk analysis, as described in OMB Circular No. A-130. DESTROY OR DELETE WHEN SUPERSEDED OR OBSOLETE.

[NOTES: (1) Documentation which relates to permanent or unscheduled master files and databases is not authorized for destruction by the GRS. (2) See item 1a of this schedule for documentation relating to system testing.]

#### 12. Downloaded and Copied Data

Derived data and data files which are copied, extracted, merged or calculated from other data, when the original data is retained.

a. Derived data used for ad hoc or one-time inspection, analysis or review, if the derived data is not needed to support the results of the inspection, analysis or review. DELETE WHEN NO LONGER NEEDED.

b. Derived data which provide user access in lieu of hard copy reports which are authorized for disposal. DELETE WHEN NO LONGER NEEDED.

c. Metadata or reference data, such as format, range or domain specifications, which is transferred from a host computer or server to another computer for input, updating, or transaction processing operations. DELETE FROM THE RECEIVING SYSTEM WHEN THE INPUT OPERATION IS COMPLETED.

[NOTE: See item 5 for other extracted data.]

## GENERAL RECORDS SCHEDULE 23

### Records Common to Most Offices

This schedule provides for the disposal of certain records common to most offices in Federal agencies. It covers administrative subject files; facilitative records such as suspense files, tracking and control records, calendars, and indexes; and transitory documents; as well as certain types of records created in electronic form on stand-alone or networked micro and mini computers. This schedule does not apply to any materials that has been determined to be non-record or to materials such as calendars or work schedules claimed as personal.

Office Administrative Files described under item 1 are records retained by an originating office as its record of initiation of an action, request, or response to requests for information. This item may be applied only to separate administrative files containing such records as copies of documents submitted to other offices for action including budget feeder documents, purchase orders, training requests. Item 1 may not be applied to files that also contain program records, and it may not be applied by an office that receives and takes action on documents submitted by other offices.

#### 1. Office Administrative Files

Records accumulated by individual offices that relate to the internal administration or housekeeping activities of the office rather than the functions for which the office exists. In general, these records relate to the office organization, staffing, procedures, and communications; the expenditure of funds, including budget records; day-to-day administration of office personnel including training and travel; supplies and office equipment.

Destroy when 2 years old, or when no longer needed, whichever is sooner.



Services and equipment requests and receipts; and the use of office space and utilities. They may also include copies of internal activity and workload reports (including work progress, statistical, and narrative reports prepared in the office and forwarded to higher levels) and other materials that do not serve as unique documentation of the programs of the office.

[NOTE: This schedule is not applicable to the record copies of organizational charts, functional statements, and related records that document the essential organization, staffing, and procedures of the office, which must be scheduled prior to disposition by submitting an SF 115 to NARA.]

## 2. Word Processing Files

Documents such as letters, messages, memoranda, reports, handbooks, directives, and manuals recorded on electronic media such as hard disks or floppy diskettes:

a. When used to produce hard copy which is maintained in organized files. Delete when no longer needed to create a hard copy.

b. When maintained only in electronic form, and duplicate the information in and take the place of records that would otherwise be maintained in hard copy providing that the hard copy has been authorized for destruction by the GRS or a NARA- approved SF 115.

Delete after the expiration of the retention period authorized for the hard copy by the GRS or a NARA-approved SF 115.

## 3. Administrative Databases

Databases that support administrative or housekeeping functions, containing information derived from hard copy records authorized for destruction by the GRS or a NARA-approved SF 115.

a. When hard copy records are retained in order to meet record keeping requirements.

Delete information in the database when no longer needed.

b. When the database takes the place of hard copy records.

Delete after the expiration of the retention period authorized for the hard copy file, or when no longer needed, whichever is later.

c. Hard copy printouts created for short-term administrative purposes. Destroy when no longer needed.

## 4. Electronic Spreadsheets

Spreadsheets that are recorded on electronic media such as hard disks or floppy diskettes:

a. When used to produce hard copy which is maintained in organized files. Delete when no longer needed to update or produce hard copy.

b. When maintained only in electronic form.

Delete after the expiration of the retention period authorized for the hard copy by the GRS or a NARA-approved SF 115. If the electronic version replaces hard copy records with differing retention periods and agency software does not readily permit selective deletion, delete after the longest retention period has expired.

#### 5. Schedules of Daily Activities

Calendars, appointment books, schedules, logs, diaries, and other records documenting- meetings, appointments, telephone phone calls, trips, visits, and other activities by Federal employees while serving in an official capacity, created and maintained in hard copy or electronic form, EXCLUDING materials determined to be personal.

a. Records containing substantive in- formation relating to official activities, the substance of which has not been incorporated into official files, EXCLUDING records relating to the official activities of high government officials (see note).  
Destroy or delete when 2 years old.

[NOTE: High level officials include the heads of departments and independent agencies; their deputies and assistants; the heads of program offices and staff offices including assistant secretaries, administrators, and commissioners; directors of offices, bureaus, or equivalent; principal regional officials; staff assistants to those aforementioned officials, such as special assistants, confidential assistants, and administrative assistants; and career Federal employees, political appointees, and officers of the Armed Forces serving in equivalent or comparable positions. Unique substantive records relating to the activities of these individuals must be scheduled by submission of an SF 115 to NARA.]

b. Records documenting routine activities containing no substantive information and records containing substantive information, the substance of which has been incorporated into organized files.  
Destroy or delete when no longer needed.

#### 6. Suspense Files

Documents arranged in chronological order as a reminder that an action is required on a given date or that a reply to action is expected and, if not received, should be traced on a given date.

a. A note or other reminder to take action.  
Destroy after action is taken.

b. The file copy or an extra copy of an outgoing communication, filed by the date on which a reply is expected. Withdraw documents when reply is received. (1) If suspense copy is an extra copy, destroy immediately. (2) If suspense copy is the file copy, incorporate it into the official files.

#### 7. Transitory Files.

Documents of short-term interest which have no documentary or evidential value and normally need not be kept more than 90 days. Examples of

transitory correspondence are shown below. Destroy when 3 months old, or when no longer needed, whichever is sooner.

a. Routine requests for information or publications and copies of replies which require no administrative action, no policy decision, and no special compilation or research for reply.

b. Originating office copies of letters of transmittal that do not add any information to that contained in the transmitted material, and receiving office copy if filed separately from transmitted material.

c. Quasi-official notices including memoranda and other records that do not serve as the basis of official actions, such as notices of holidays of charity and welfare fund appeals, bond campaigns, and similar records.

#### 8. Tracking and Control Records.

Logs, registers, and other records in hard copy or electronic form used to control or document the status of correspondence, reports, or other records that are authorized for destruction by the GRS or a NARA-approved SF 115.

Destroy or delete when no longer needed.

#### 9. Finding Aids (or Indexes).

Indexes, lists, registers, and other finding aids in hard copy or electronic form used only to provide access to records authorized for destruction by the GRS or a NARA-approved SF 115, EXCLUDING records containing abstracts or other information that can be used as an information source apart from the related records.

Destroy or delete with the related records or sooner if no longer needed.

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PART III COMMUNICATIONS AND RECORDS , A1600 ELECTRONIC RECORDS MANAGEMENT  
POLICY

Section 1650

Electronic Mail Policy

1651 Scope

1652 Purpose

1653 Authorities

- 1653.1 Federal Records Act
- 1553.2 Freedom of Information Act (FOIA)
- 1653.3 Privacy Act of 1974
- 1653.4 NSDD 145

1654 Policy

- 1654.1 General
- 1654.2 Prohibited Messages
- 1654.3 Records Management

1655 E-Mail Messages Deemed as Records

1656 E-Mail Messages Not Deemed as Records

1657 Storage of E-Mail Messages

1658 Accessibility

1659 Standards

SECTION 1650

ELECTRONIC MAIL POLICY

## 1651 Scope

The provisions in this chapter are applicable to all elements, both domestic and overseas.

## 1652 Purpose

This chapter prescribes interim policy, procedures and responsibilities for the creation, use, maintenance and disposition of Electronic Mail Communications.

## 1653 Authorities

1653.1. Federal Records Act (44 U.S.C. 2101 et seq., 2901 et seq., 3101 et seq., 3301 et seq.) - requires, among other things, that all government employees preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of Broadcasting.

1653.2. The Freedom of Information Act (FOIA) (5 U.S.C. 552, as amended) - sets forth the requirements that certain agency information be available for public inspection and copying, and establishes and enables the enforcement of the right of any person to obtain access to Broadcasting records.

1653.3. The Privacy Act of 1974 (5 U.S.C. 552a, as amended) - governs the creation, safeguarding and disclosure of personal records (such as those pertaining to education, financial transactions, medical history, and criminal and employment history) containing the name or identifying number of an individual.

1653.4. NSDD 145 National policy on telecommunications and automated information systems security requires encryption of materials classified for national security purposes.

## 1654 Policy

The following policies govern Electronic Mail (E-Mail) use in Broadcasting.

### 1654.1 General

a. E-mail may be used to transmit official business messages and data/documents among personnel located domestically or overseas. It may also be used to transmit official business messages between Broadcasting and external organizations such as other government agencies, private voluntary organizations, contractors, vendors, grantees, and universities.

b. E-mail may be used only for Broadcasting business. For purposes of this policy, Broadcasting business will be broadly interpreted to include communications with colleagues. Penalties for other use may include any of the following: loss of E-mail privileges, billing the employee for the

cost to the government of the unofficial use, and other disciplinary actions up to and including dismissal.

d. At the discretion of each Office Director, a limit on the number of addressees for each E-mail message can be established.

#### 1654.2 Prohibited Messages

E-mail may not be used for messages or information subject to protection under the provisions of the Privacy Act. Medical records are an example of privacy-protected information. (See MOA Part III, Section 581.1.)

National security classified, Limited Official Use and unclassified sensitive material must not be transmitted via E-mail. These forms of messages must go through the Diplomatic Telecommunications System. (For further definitions see MOA on Security.)

#### 1654.3 Records Management

E-mail is subject to the same Federal legal records requirements as telegraphic traffic and correspondence. When creating an E-mail message that can be considered an official record, the same thought should go into its creation, content and potential distribution as goes into the preparation of all other written documents, such as memoranda, letters or cables. Official records contain adequate and proper documentation of the organization, functions, policies, decisions, procedures, and they document essential transactions of Broadcasting. There will be no routine review of electronic messages by systems administrators, management, or other third parties.

#### 1655 E-mail Messages Deemed as Records

By law, all personnel are responsible for preserving federal records, which are defined by the Federal Act 44 (USC, Chapter 33, Section 3301) to include documentary materials, regardless of medium, which:

- a. are made or received by Broadcasting under federal law or in connection with public business; and
- b. are "appropriate for preservation as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government, or because of the informational value of data in them."

Under FRA regulations (36 CFR 1222.38), records "appropriate for preservation" include those which:

- c. document the formulation and execution of basic policies and decisions and the taking of necessary actions;
- d. document important meetings;
- e. facilitate action by officials and their successors in office;

f. permit a proper scrutiny by the Congress or other duly authorized agencies of the Government;

g. protect the financial, legal, and other rights of the government and of persons directly affected by the Government's actions; and otherwise

h. document the activities of Broadcasting.

Bearing in mind the above guidance, as well as the limitation on the use of E-mail referenced earlier, E-mail messages which may constitute federal records include:

i. E-mail providing substantive input to basic policy decision or statements. This could include drafts of documents which contain unique information, such as annotations or comments, that explain the formation or execution of policies, decision, actions or responsibilities.

j. E-mail documenting oral exchanges by policy-level officials, such as meetings or telephone conversations, during which policy was discussed or formulated or other activities were planned, discussed or transacted.

1656 E-Mail Messages NOT deemed as records:

a. routine business communications between employees or with colleagues outside Broadcasting that could occur over the telephone;

b. information which is already recorded elsewhere and is forwarded along from one employee to another;

c. information on dates, places or times of meetings, or other shared information;

d. responses to questions that could normally be answered by telephone and would not be documented with a memorandum.

For further information on the distinction between record and non-record material, please contact the Records Management Staff.

If there are questions regarding privacy issues or the release of information to the public, please contact the Freedom of Information/Privacy Act Unit in the Office of Administration.

1557 Storage of E-Mail Messages

a. Offices shall set up procedures to erase E-mail messages after 30 days on all file servers and other shared hardware platforms.

b. Employees may retain E-mail messages indefinitely on their assigned microcomputers, but these messages are subject to all federal regulations. Refer to the section on Privacy below.

c. Until a method of electronic storage can be designed, E-mail messages that meet the definition of a records must be printed on paper along with the transmission information. Each creator of an E-mail message shall

decide what to archive according to the records disposition authority that provides and describes disposition instructions by records series. In making this decision, all personnel should exercise judgment in the same manner as they would in determining whether to retain and file paper records. The printing of E-mail messages is an interim measure pending the issuance of final E-mail guidance by the National Archives and Records Administration (NARA).

#### 1658 Accessibility

Reasonable efforts will be made to ensure confidentiality and privacy of E-mail communications. However, employees are reminded that:

- a. messages that they prepare may be forwarded by the recipient to others without their knowledge;
- b. system and other managers with special access privileges may have to access the text of messages for legitimate government purposes. However, casual and non-authorized reading of other peoples' messages by these or any other individuals is prohibited and will be dealt with stringently.
- c. Specific reviews may be requested by law enforcement officials, the Inspector General or other appropriate authorities. Messages may also be subject to disclosure under provisions of the Freedom of Information Act. Federal policy on protecting messages is being formulated by the Office of Management and Budget and NARA.

#### 1559 Standards

E-mail standards are covered in MOA, Part III, Section 1600, Electronic Records-keeping Management Program.



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PART III COMMUNICATIONS AND RECORDS , A1700 DATA MANAGEMENT POLICY  
Chapter 1700

DATA MANAGEMENT POLICY

1701 Purpose

1702 Scope

1703 Data Definition

1704 Data Sharing Problems

- 1704.1 Hidden Data
- 1704.2 Incompatible Data
- 1704.3 Data Redundancy
- 1704.4 Inaccurate Data

1705 Basic Data Management Policy

1707 Data Administration and the Data Administrator

1708 Database Administration and the Database Administrator

Section 1700

Data Management Policy

1701 Purpose

This policy establishes a basic structure for assisting end-users to share data. This policy shall be modified and/or amended in the future to accommodate additional data related issues.

1702 Scope

This policy adheres to the MOA, Part III, Chapter 1100 Information Systems Management Policy. This policy applies to all elements, domestic and overseas, that are involved in the creation, acquisition, use, and management of data in the course of developing, enhancing, or operating information systems. This policy broadly articulates the rationale for sharing data throughout Broadcasting and establishes the basic implementation infrastructure. "Step-by-step" procedures describing "how" personnel will interact with each other will be provided in separate instructions.

#### 1703 Data Definition

Data are facts about a person, place, thing, idea, or event. Data exists in element or in text format or a combination of each. The data element format is characterized by specific data facts about a person (e.g., address, phone number social security number), place, thing, idea, or event. Data in text format includes reports, articles, and other forms of descriptive documentation. A combination of data element and text format would include cables, fax and other graphics. In these cases, facts about the documentation are part of the same package (e.g., the data "name", "organization," and "date" are part of a cable or fax).

Data is not synonymous with information. Information is a product (i.e., reports) that results from the processing and presentation of data to provide intelligence or insight necessary to support the actions and decisions of Broadcasting's managers.

All data , regardless of its form, machine-readable or not, is a resource and needs to be managed.

#### 1704 Data Sharing Problems

Although computers and types of applications have changed within Broadcasting, problems in application development have not. Many of these problems relate to sharing data. Some of these problems are:

1704.1 Hidden Data - Data that could be shared are not easily identified and, therefore, not easily obtained.

1704.2 Incompatible Data - Systems have been developed without data structure guidelines. As a result, data formats differ and data from different applications cannot be easily integrated and shared.

1704.3 Data Redundancy - Since major elements may develop information systems independently, many systems contain the same data. This results in multiple costs of developing and maintaining the same data.

1704.4 Inaccurate Data - Without editing standards, accuracy of the data cannot be assured.

#### 1705 Basic Data Management Policy

In order to mitigate these problems and promote data sharing, Broadcasting has determined that "Data" is a resource that is critical to the success of fulfilling its mission and meeting its goals and objectives. All data, within Broadcasting, shall be construed to be owned by Broadcasting at large, and to be a common, sharable resource. All data shall be managed to maximize its sharing and usage by as many elements as possible. Broadcasting will seek out and exploit data sharing opportunities to eliminate conflicting or redundant policies and procedures, and redundant and unproductive work. Management will foster, encourage, and require cooperative and sharing attitudes to eliminate obstacles to information sharing. Standards and procedures will be established for defining the meaning and representation of data so that it can be captured, maintained, and accessed in sharable forms to maximize its benefit while minimizing its cost.

#### 1707 Data Administration and the Data Administrator

Data Administration - Data Administration is the function for centralized management of an organization's data. The Data Administrator (DA) works closely with management to develop and administer policies and procedures for the organization, protection, documentation, audit and efficient utilization of data and its associated resources. The DA is chartered to manage data as a valuable organizational resource. The DA's primary objectives are to encourage and facilitate data and information sharing, to promote data consistency and standardization throughout Broadcasting, and to improve the quality, accuracy, and integrity of information and shared data.

#### 1708 Database Administration and the Database Administrator

Database Administration - Database Administration is the function for the physical design, implementation, and management of databases in accordance with Data Administration policies, procedures and standards. Database Administration is concerned primarily with managing databases that are in development or operational. The Database Administrator (DBA) works closely with the DA to develop and control the definition, organization, access and documentation of databases.

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PART III COMMUNICATIONS AND RECORDS , A1800 INFORMATION RESOURCES  
STANDARD SETTING POLICY  
CHAPTER 1800

INFORMATION TECHNOLOGY STANDARDS POLICY

Section 1800

1801 Purpose and Scope

1802 The Need For Standards

1802.1 Standards Categories

1802.1.1 Mandatory Standards

1802.1.2 Supported Standards

1803 Process For Establishing Standards

1803.1 Roles and Responsibilities

1803.2 Procedures for Establishing Standards

1803.2.1 Proposals for Standards

1803.2.2 Employee Evaluation Teams

1803.2.3 Reviews and Approvals

1803.3 Publication

1804 Compliance

1804.1 Violation of Mandatory Standards

1804.2 Compliance with Supported Standards

Section 1800

INFORMATION TECHNOLOGY STANDARDS POLICY

1801 Purpose and Scope - This policy establishes the process for setting standards for all areas of Information Technology Resources, including hardware, software, telecommunications, and operating procedures. Information Technology standards are established under the direct authority and approval of the Chief Information Officer (CIO).

1802 The Need For Standards - Broadcasting has many diverse elements with widely differing responsibilities. While these elements often must employ unique information technology methodologies and systems in meeting these challenges, there remains the critical need to share information. Accordingly, information technology standards are designed to ensure that various elements have the technical flexibility they require and still ensure all necessary system inter-operation and information exchange.

The standards permit Broadcasting to focus resources on information technology matters of common use and concern and to develop hardware and software systems that can be supported readily within Broadcasting.

1802.1 Standards Categories - Two categories of standards are established: (1) Mandatory Standards and (2) Supported Standards.

1802.1.1 Mandatory Standards - Mandatory standards allow the sharing of essential information. They establish the minimum requirement to ensure that information creation and interchange can be achieved among all systems within Broadcasting. These standards apply to all offices and systems. Deviations from mandatory standards can only be approved by the CIO.

1802.1.2 Supported Standards - Supported Standards are established to ensure cost-effective implementation and operation of technology support such as training and maintenance. With the proliferation of computer technology, support has become a critical issue. Standards are established to ensure the cost effectiveness of Broadcasting's investment in the support apparatus. Supported standards also provide employees an opportunity to share information readily.

Developing systems and/or purchasing hardware and software outside of the Supported Standards is allowed as long as Mandatory Standards are met. However, the element purchasing outside of the Supported Standards will be unable to obtain assistance such as training, maintenance, and assistance from the Office of Computing Services. The element will need to make arrangements to maintain all non-standard software. When transmitting a document to another office within Broadcasting, employees must ensure that it conforms to Supported Standards.

Supported Standards, some of which may be product-specific, will be announced Broadcast wide and support elements, such as the Office of Computing Services and the Training Division will direct their resources to supporting these standards.

1803 Process for Establishing Standards

1803.1 The Office of Contracts will review all draft Standards to ensure compliance with Federal Acquisition Regulations (FAR). Specifically,

Contracts will ensure adequate rationales are in place to justify any competitive restrictions contained in the proposed standards. When required, Contracts will request the concurrence of the Office of the General Counsel.

The CIO, in consultation with the Office of Computing Services, is responsible for approving all standards.

1803.2 Procedures for Establishing Standards - The procedure for establishing information technology resource standards is described below. The process is the same for both mandatory and supported standards.

1803.2.1 Proposals for Standards - Computing Services will review standards annually, in the third quarter (April - June). This group will propose changes to the standards based on various factors such as: new business requirements, resource allocation, both funds and staff, and industry changes. This group will determine the priority order for making the revisions to the standards. This list of priorities will be submitted to the CIO for approval.

In addition to the annual review, Computing Services will handle any requests to establish or revise standards at any time.

1803.2.2 Employee Evaluation Teams - Working with Computing Services, the CIO will form evaluation panels when necessary to assist with the selection of new standards, such as in the case of a new e-mail package. These panels will have employees with various skills to provide a cross section (from different elements), and vertical slice (different grade levels, job classifications and skill sets) of employees. These panels will help develop evaluation criteria and perform tests. A recommendation will be made by the panel. After review, a team recommendation will be prepared by Computing Services and submitted for approval to the CIO.

1803.2.3 Reviews and Approvals - The Office of Contracts will review all draft standards to ensure compliance with procurement regulations. The final standard will then be forwarded to the CIO for approval.

1803.3 Publication - After CIO approval has been obtained, Computing Services will publish the standards.

#### 1804. Compliance

1804.1 Violation of Mandatory Standards - The Evaluation Panel will address cases where mandatory standards are not followed. The Panel will identify issues surrounding the violation, discuss alternative solutions and take corrective action after reaching consensus. In cases where no consensus is reached, the Panel will present alternatives to the CIO. The CIO, will render a decision and a course of action that will be followed.

1804.2 Compliance with Supported Standards - Offices that wish to use products that are not Broadcasting supported standards shall discuss the matter with Computing Services to determine if there are any potential operational problems. Once it is determined that operations will remain normal, the proposing office, will discuss the matter at a meeting of the

Evaluation Panel. This discussion is to share information and is not intended as a form of approval. Offices may use products other than supported standards.

In cases where office elements act before holding these preliminary discussions, the Evaluation Panel will recommend a course of action to prevent future non-compliance with the policy. In cases where the corrective action is unsuccessful, the Panel will make recommendations to the CIO.

The CIO, will render a decision and a course of action that will be followed.

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PART IV ADMINISTRATIVE SERVICES, 200 ADMINISTRATIVE SERVICES (DOMESTIC)



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PART IV ADMINISTRATIVE SERVICES, 200 ADMINISTRATIVE SERVICES (DOMESTIC)  
Section 250

ADMINISTRATIVE SUPPLIES AND EQUIPMENT

251 Requisitioning Authority

252 Definitions

255 Ordering Nonexpendable Property

- 255.1 Categories Requiring Separate Requisitions
- 255.2 Preparing Request for Supplies/Services
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- 255.6 Procedures for Obtaining Expendable Office Supplies

256 Office Furniture Use Standards

- 256.1 Purpose
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257 Typewriters

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258 Repairing and Replacing Equipment

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259 Disposing of Surplus Equipment and Supplies

- 259.1 Action by Using Offices

## Section 250

### ADMINISTRATIVE SUPPLIES AND EQUIPMENT

#### 251 REQUISITIONING AUTHORITY

Basic authority to request administrative supplies, services, and equipment is restricted to officers of the rank of division chief, or higher. Other officials may requisition supplies, services and equipment only if specifically authorized on a Signature Card.

#### 252 DEFINITIONS

a. Administrative Supplies are purchased from allotments and consist of both expendable and non-expendable supplies, services, and equipment required for the administrative support of program operations.

b. Expendable Property (office supplies and forms, mechanical and electrical replacement parts and supplies) is property normally consumed in usage, or of insufficient value to justify the maintenance of property accountability records subsequent to issuance.

c. Nonexpendable Property (office furniture and equipment and mechanical and electronic equipment) is property not normally consumed in usage, and of sufficient value to justify the maintenance of property accountability records.

#### 255 ORDERING PROPERTY

255.1 Categories Requiring Separate Requisitions - Submit a requisition for each of the following categories:

a. File cabinets, including safe combination files. Requisitions for filing cabinets are subject to special economy measures. Each request for additional file equipment will be surveyed by the Records Management Staff in accordance with MOA III-514.

b. Nonexpendable property other than file cabinets, including special office machines, executive equipment, and furniture.

#### 255.2 Preparing Form Request for Supplies/Services

a. Give as complete a description as possible of the items ordered. In the case of technical administrative equipment specific vendors may be suggested. However, the Office of Administration is responsible for determining the source of supply and requesting offices are not to negotiate with prospective vendors or commit Broadcasting in any manner to make the required purchase from a specific vendor.

b. Requisitions not prepared in accordance with these instructions will be returned to the requesting office with a memorandum for correction and resubmission or cancellation.

255.3 Reviewing Requests - The Office of Administration will review all requisitions to determine whether substitution may be made. Requisitions for nonexpendable property will be reviewed and decisions made based on need, current property utilization in the requesting office, and, availability of funds.

255.4 Receipt of Order - When items ordered on requisitions are delivered, an authorized employee signs, dates, and returns, a copy of the requisition to the employee delivering the material. Also, he or she notes the receipt date on a copy, and files the copy in the completed requisition file until no longer required for reference purposes.

255.5 Items Out-of-Stock - The following action will be taken on out-of-stock items.

If a requisition can only be partially filled, the notations "Temporarily out of Stock - Reorder" or "Canceled -Unavailable" will be made on a copy of the form, and it will be sent to the requisitioning office together with the delivered items to act as notification of the cancellation of the specified items from the particular requisition.

#### 255.6 Procedures for Obtaining Expendable Office Supplies

Broadcast elements will have an allocation (not an allotment) of a maximum amount up to which they can obligate funds for covered expendable office supplies/forms. Certification of funds availability will be obtained centrally when placing an order for expendable supplies utilizing funding in an administrative appropriation.

The central point of control for tracking use of the supply funds is in the Facilities Management Division. Certification of funds availability on requisitions (or other commitment/obligating documents) will be provided by a Facilities Officer. Copies of all final procurements/ordering documents should be provided to the Facilities Officer so that the central allotment of supply funds can be maintained.

Persons ordering supplies are encouraged to take advantage of the GSA ADVANTAGE ordering system to conserve the use of funding available for expendable supplies. Orders using GSA ADVANTAGE and by credit card will be processed in the same manner as described above. If the cost on the requisition differs from the total cost of the order after it is placed with the vendor, please inform the Facilities Officer of the new total.

#### MANDATORY SOURCE ITEMS

The Jarvis-Wagner-O'Day (JWOD) Act (Public Law 92-28) stipulates that all supplies and services produced by UNICOR, the National Industries for the Blind (NIB), and the National Industries for the Severely Handicapped (NISH) are classified as Mandatory Source Items. This means that if they meet the requirements of the ordering office, by law they cannot be purchased from an alternative source. (As a general rule, NIB/NISH

produce office supply items: pens, folders, paper, post-it notes, etc., while UNICOR manufactures office furniture/seating, signs, brushes, brooms, mops, etc.) All requisitions will be reviewed to determine if items being ordered from commercial sources are those produced by UNICOR, NIB, and/or NISH. Should office needs require items be purchased from commercial sources (that are not on GSA schedule) please ensure the provisions covered in section 8.706 of the Federal Acquisition Regulations pertaining to purchase exceptions are met.

## 256 OFFICE FURNITURE USE STANDARDS

### 256.1 Purpose

The quantity and types of office furniture and furnishings shall be assigned to individuals based on the following standards. These standards will provide the minimum essential requirements to support functions and programs. Assignment of lower levels or lesser quantities is authorized.

### 256.2 Quantity

The quantity of furniture assigned shall be limited to that prescribed in CFR 41 Subpart 101.

### 256.3 Use Standards

a. Executive Office Furniture - traditional and modern wood office furniture under Federal Supply Schedule FSC Group 71, Parts IIA and IIC. This furniture shall be limited to personnel in the Senior Executive Service (SES), Senior Foreign Service (SFS) and GS-16 and above or their equivalent. Staff assistants whose duties are in direct support of these personnel and are located in contiguous space are authorized the same level of furniture, but only in the quantities appropriate to their grade. Exceptions will be considered for approval by the Director, Office of Administration.

b. Middle Management Office Furniture - unitized wood furniture and related items under Federal Supply Schedule FSC Group 71, Part II, Section B. This furniture shall be limited to personnel at the GS-13 through 15 level or equivalent.

c. General Office Furniture - contemporary steel, wood, and general steel office furniture listed in the GSA Supply Catalog. This furniture shall be assigned to personnel at the GS-12 level or equivalent and below. Assignment will be based on functional requirements.

d. ADP Support Furniture - includes tables, work surfaces, machine surfaces, storage cabinets and related items under Federal Supply Schedule FSC Group 71, Part III, Section N. This furniture will be assigned to accommodate automated office requirements based on functional needs.

e. Modular Office Furniture - consists of interconnecting panel assemblies and all items under Federal Supply Schedule FSC Group 71, Part

II, Section G. This furniture is designed to support office automation equipment and is to be used in open plan offices to provide flexibility and reduce space utilization. Requirements for this furniture with projected costs greater than \$10,000 must have documented layout and justification provided, for approval by the Director, Office of Administration.

Use of modular furniture will be authorized with space utilization that supports the concept of open planning.

#### 256.4 Deviation From Standards

a. Deviation from the use standards in paragraph 256.3 will be made on an individual basis and must have the approval of the Director, Office of Administration.

b. Specialized Furniture to be utilized in reception areas, libraries, technical areas, etc., will be assigned based on functional requirements. This furniture must have a documented layout and justification provided, for approval by the Office of Administration.

#### 256.5 Procurement of New Furniture:

a. Procurement of new furniture may be made only if the required furniture cannot be obtained:

(1) From Broadcasting-owned, unassigned inventory, or

(2) From excess of other agencies, including substitution or adapting excess items to requested items, whether the excess items are unused, rehabilitated, or in used condition, or

(3) By reassigning furniture that is being used by persons not entitled to it, provided that substantial costs will not be incurred for rehabilitation and other related services.

b. Requests for furniture must include:

(1) The name of the employee to whom the furniture will be assigned and the grade level of the position occupied,

(2) Explanation of need; and,

(3) Certification that no similar furnishings, which are excess, are available within their organizational element.

#### 257 TYPEWRITERS

##### 257.1 Responsibility for Determining Typewriter Requirements -

a. The Office of Administration has full responsibility for determining typewriter requirements and for operating the program for acquiring, using, and disposing of typewriters.

b. The Office of Administration reviews each requisition for a new or replacement typewriter and the justifications presented therefor in the

light of overall needs and resources and of the priorities and standards set forth below. The Office of Administration will continually survey requirements for typewriters.

## 258 REPAIRING AND REPLACING EQUIPMENT

### 258.1 Repairs

a. Services Available - The Office of Administration services requests for repairs to office machines and furniture - desks, chairs, typewriters, and other types of mechanical office equipment such as time clocks, numbering machines, electric staplers, perforators, and dictating and transcribing equipment. "On-the-spot" repairs to office machines and furniture are made whenever feasible.

b. Requesting Repairs - Employees should telephone requests for equipment repairs to the Office of Administration (see Functional Directory of telephone directory for appropriate telephone listings under "Repairs.")

258.2 Replacement - The Office of Administration controls the property replacement program, and arranges for the exchange of worn equipment for new or reconditioned items. Age, condition, and individual use of each piece of property are considered in determining replacement requirements.

## 259 DISPOSING OF SURPLUS EQUIPMENT AND SUPPLIES

Administrative property excess to the needs of Broadcasting is reported to the General Services Administration, which makes it available to other Federal agencies in lieu of new purchases. Similarly, when practicable, Broadcasting meets its personal property needs by obtaining excess property from other Federal agencies through GSA.

### 259.1 Action by Using Offices -

a. Each employee should ensure the maximum utilization of property assigned to him or her. Employees should report to their Administrative Officers all property excess to their needs.

b. Administrative Officers should return to the Office of Administration all nonexpendable property excess to the needs of their offices. Either list the excess items under the heading "Return to Stock" on the next requisition, or submit a separate requisition for pickup service. Do not place excess property in the corridors, and be sure that all drawers and cabinets are emptied.

c. Before submitting requisitions for additional nonexpendable property, Administrative Officers should survey the offices in their organizational element to see if the required items can be supplied by reassignment of property on hand. See paragraph 256.3 for reassignment of executive furnishings.

d. The Office of Administration conducts continuous surveys to locate excess property available for reassignment. When it finds property excess

to the needs of an organizational element it informs the Administrative Officer who either reassigns the equipment to an element where it is needed or returns it to stock for reissue. Whenever possible, the Office of Administration fills requisitions by furnishing excess property items rather than by purchasing new property.

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PART IV ADMINISTRATIVE SERVICES, 200 ADMINISTRATIVE SERVICES (DOMESTIC)  
Section 260

SHIPPING EQUIPMENT AND SUPPLIES

261 Coverage and Procedures

261.1 Responsibilities

261.2 Methods of Shipment

261.3 Procedures

Section 260

SHIPPING EQUIPMENT AND SUPPLIES

261 COVERAGE AND PROCEDURES - Shipping equipment and supplies to overseas establishments throughout the world involves a complex variety of traffic operations. Instructions in this Section apply to the traffic operations most commonly employed by Broadcasting.

261.1 Responsibilities

a. Shipments By Domestic Offices - The Office of Engineering provides support for the transportation scheduling, shipping and receiving of equipment and technical supplies to and from transmitting stations, overseas establishments, other broadcasters, etc. This support does not include "mail room" functions associated with small packages suitable for handling by the U.S. Postal Service or courier services.

b. Shipments From Overseas Establishments To New York Service Depot - Elements that authorize shipment of equipment or materials from an overseas establishment to the New York Service Depot must:



(1) Simultaneously send the authorization to the overseas establishment to ship such equipment or materials, and a copy of the authorization to the Service Depot.

(2) Issue advance written instructions to the Service Depot concerning disposition of the equipment or materials, i.e., whether (and where) it is to be forwarded, stored, or disposed of. Instructions must include the name and telephone number of the person authorizing the return.

261.2 Methods of Shipment - The method of shipment is determined by giving consideration to the urgency of need, cost of transportation, size and weight, commodity being shipped and destination.

a. For Domestic Shipments - Air freight, motor freight, rail freight, small package express, and all forms of mail.

b. For Overseas Shipments - Air freight, ocean freight, sea pouch, air pouch, small package express, APO/FPO air mail and parcel post.

The support provided by the Office of Engineering, Network Support Division utilizes a combination of U.S. Government facilities and commercial transportation agents. Currently, the Brooklyn Warehouse is used as a transit point for shipments en route to, or returning from, overseas locations. Plans are to continue to use the Brooklyn facilities as long as they are operational through a MOU with the Department of State. The Network Support Division will arrange transportation via all modes from the Washington area, and, through commercial freight forwarders, can provide worldwide services including packing, crating, diplomatic pouch and container shipments.

Shipping expenses related to activities of the Office of Engineering will be covered by the budget of the Broadcasting element requesting shipping services.

## 261.2 Procedures

The Network Support Division will be responsible for shipping equipment and supplies for Broadcasting elements except for shipments that are small enough to be sent through the U.S. mail and do not require any special packing and/or handling.

To initiate the shipment, the requesting element will provide the Network Support Division with the following information:

- a. The priority for the shipment: routine, urgent, or emergency.
- b. A requisition.
- c. A fund cite to pay for the shipping costs.
- d. A point of contact and telephone number.
- e. The quantity and description of the material.
- f. The address where the material is to be sent.
- g. The location of the material to be shipped.
- h. Any special instructions that the Network Support Division needs to be aware of in order to properly ship the material.

Once Network Support receives a funded requisition, a staff member will pick up the material from the requesting office (if required) and have the material packed and shipped to the location specified on the requisition.

The Network Support Division will forward shipping information to the requester upon receipt from the freight forwarder. NOTE - IT IS THE REQUESTERS RESPONSIBILITY TO PROVIDE THE SHIPPING INFORMATION TO THE SITE RECEIVING THE MATERIAL.

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PART IV ADMINISTRATIVE SERVICES, 400 SPACE AND FACILITIES  
Section 410

OFFICE SPACE

411 Requesting Office Space

412 Planning Space Occupancy

- 412.1 Obtaining Services of Facilities Division
- 412.2 Checking Furniture and Equipment Needs
- 412.3 Carpeting

413 Moving Arrangements

- 413.1 Minor Moves
- 413.2 Major Moves
- 413.3 Packing Supplies and Marking Equipment

414 Notices Concerning Office Moves

415 Work Space Management Plan

416 Conference Rooms

417 Building Maintenance and Repairs

Section 410

OFFICE SPACE

411 REQUESTING OFFICE SPACE

The Office of Administration, administers all space assigned to Broadcasting by the Public Buildings Service, General Services Administration (GSA). To request allocation of office space, managers should submit a Request for Supplies/Services, through their Administrative Officer to the Office of Administration. Include the following information:

- a. The type of work to be performed in the space;
- b. The numbers and grades of employees who will be occupying the space;
- c. Any contemplated changes in operation, personnel, etc., that may require a future expansion;
- d. Any other pertinent information that will assist in evaluating the needs of the requesting office.

#### 412 PLANNING SPACE OCCUPANCY

412.1 Obtaining Services of a Space Manager - The services of a space manager from the Office of Administration are available to prepare layouts for the effective utilization of existing or newly allocated space. The space manager consults with appropriate officials of the organizational element to which the space is assigned to determine operational needs. He or she then prepares and submits to the requesting office, for approval, scale drawings of the new space layout showing actual positioning of all major pieces of equipment, telephones, furniture, etc. To avoid costly changes, all operating officials concerned should be consulted before final approval is given for a proposed layout.

These drawings, as approved by the organizational element, are used for making the office move.

#### 412.2 Checking Furniture and Equipment Needs -

- a. As soon as the space and equipment layout drawings are approved, the equipment as shown on the layout is checked against the furniture and equipment already assigned. Any additional furniture or equipment needed in the new location must be requisitioned in the usual manner, to be delivered to the new location when the move has been made.
- b. Similarly, all furniture and equipment in excess of requirements in the new space must be reported on a separate requisition. The contents must be completely removed by the originating office from all desks, cabinets, tables, etc., referred to in the requisition. This requisition must be prepared sufficiently in advance of the move to allow for the furniture and equipment to be picked up before the move takes place, but no later than 2 working days before the move date. Excess furniture and equipment must not be left in vacated space or moved into hallways.

412.3 Carpeting - The Office of Administration is responsible for determining the disposition of carpeting when office moves are made.

#### 413 MOVING ARRANGEMENTS

413.1 Minor Moves - Requests for moving small amounts of furniture and for other minor moves within an organizational element can be made by the originating office contacting its Administrative Office. The Administrative Officer may contact the appropriate facilities officer by telephone or submit a requisition.

413.2 Major Moves - After space and equipment layouts have been approved, the facilities officer makes all arrangements for major moves excluding telephone installations and major ADP systems. The Administrative Officer of the office moving will make arrangements with the Mail and Telephone Branch for telephone installations. The telephone specialist will coordinate the installation date with the facilities officer. The Administrative Officer of the office moving will make arrangements with Computing Services for the move of computers. The facilities officer will provide movers for relocating minor ADP equipment, i.e., monitors, terminals, PC's and printers. Approved space and equipment layouts are followed without deviation since movers, telephone installers, and electricians are not authorized to make any changes or alterations in the plans.

413.3 Packing Supplies and Marking Equipment - The facilities officer arranges for the necessary moving boxes to be delivered to the office in advance of the moving date, and furnishes tags for marking boxes, furniture and equipment. The contents of filing cabinets, and bookcases with doors need not be emptied for a move from one room to another or from one building to another in the same locality (with the exception of breakables). The instructions below must be carefully followed by the moving office so that moves may progress rapidly and without unnecessary interruptions or delays:

- a. Cartons must be packed so that contents do not extend above the top edge of a carton. Do not place cartons on top of furniture. All cartons must be unpacked promptly. Empty cartons will be collected as soon as the move is completed with no request required.
- b. Tag each moving box, office machine, and item of furniture individually. Tags must show the name of the person to whom assigned, room number, and the building to which the items are to be moved.
- c. Number file cabinets, transfer cases, and supply cabinets consecutively in the order in which they are to be placed as shown on the equipment layout.
- d. Draw up tightly the sliding retainers in file drawers, record and transfer cases. It is not necessary to secure drawers of file cases and desks by cord, tape or wire.

- e. Pack small items in cartons. Carefully seal all containers of liquid. Remove from desks, tables, or other insecure places all containers of liquids and breakable items and pack securely in boxes.
- f. The moving of employee personal items (i.e., plants) are the responsibility of the employee or originating office. Prior arrangements may be made for moving such items with the facilities officer but Broadcasting will not be responsible for damages to such items.
- g. Papers, books, etc., may be left in desk drawers if they will not be damaged when the desks are placed on end.
- h. Empty supply cabinets, heavily loaded or poorly constructed file cabinets, book cases without doors, and the top drawer of map and chart cases, and pack the contents in boxes.
- i. Tag all typewriters, calculators, and similar equipment and place on top of desks. Do not leave typewriters and other office machines in the typewriter compartments of desks. Do not place office machines in cartons.
- j. Tag all computer monitors, terminals, PC's and printers and place in machine stands. Do not place ADP equipment in cartons.
- k. Tag, but do not pack, all mirrors, pictures, desk lamps, and glass desk tops. Mirrors and pictures suspended from moldings will be taken down by the movers.
- l. Remove the pins, markers, or posted material from maps, charts, and bulletin boards, or place temporary covers over them.

#### 414 NOTICES CONCERNING OFFICE MOVES

It is the responsibility of the element Administrative officer to notify Labor and Employee Relations and to publish a notice of a major move, if necessary. Notices to Labor and Employee Relations must be provided prior to the scheduled move date, allowing sufficient time for that office to formally notify the union and solicit union comments. This is done in a memo through the Director of Administration to Labor and Employee Relations. Once formally notified, the union has ten full working days to provide comments. The space layout of the office realignment is to be included.

#### 415 WORK SPACE MANAGEMENT PLAN

The Office of Administration prepares an annual Work Space Management Plan for submittal to the Office of Management and Budget (OMB). The plan, submitted as part of the budget process, provides estimated office space utilization rates in assigned buildings (within the United States). In preparation of this plan, the Office of Administration conducts an annual census of employees who require a workstation in Broadcasting assigned space.

#### 416 CONFERENCE ROOMS

Requests for conference rooms must be submitted to the respective controlling office(s) located in each assigned building. Refer to MOA Part IV, Section 433, for approved uses of conference rooms, auditoriums, etc. in Broadcasting occupied space.

When reserving the conference rooms, offices must furnish the following information.

- a. Date, time and anticipated duration of the conference;
- b. Identification of the participating group;
- c. Name and phone number of the person requesting the reservation.

#### 417 MAINTENANCE AND REPAIRS

Major Repairs and Improvements - Request major building repairs and improvements such as installation or removal of partitions, installation of electrical outlets, or painting by submitting a requisition to the Office of Administration. Your request will be reviewed by the Resource Management Committee in order to identify funding. The Office of Administration will notify you of approval/disapproval.



**Broadcasting Administrative Manual**  
**TITLE IV ADMINISTRATIVE SERVICES, 400 SPACE AND FACILITIES**  
**Section 420 PARKING SPACES**

**420 SCOPE**

This section of the BAM addresses Agency policies and procedures for assigning parking spaces in Washington, D.C. facilities and covers Agency employees, other Federal employees, and non-government employees.

**421 AUTHORITIES**

421.1 The General Services Administration (GSA) prescribes the policies and procedures that Federal agencies must follow in assigning parking spaces for U.S. Government-owned or leased vehicles. (See 41 CFR §101.20-104-1/2 and 41 CFR §102-74.305.) Parking spaces not required for official needs may be used for employee parking. Following GSA regulations, the Agency periodically reallocates BBG-controlled parking spaces.

421.2 As cited in 41 CFR §101.20-104-1 and 41 CFR §102-74.305, parking spaces are assigned in the following order of priority:

**Priority 1:** Government-owned and leased vehicles.

**Priority 2:** Severely disabled employees.

**Priority 3:** Executive personnel and persons who work unusual work hours.

**Priority 4:** Vanpool/Carpool vehicles.

**Priority 5:** Other privately owned vehicles of employees, on a space available basis.

**422 DEFINITIONS**

422.1 The following guidelines are used in assessing permit applications:

422.1a **Severely Disabled Employee Parking.** Agency employees with physical disabilities or handicaps may apply to the Facilities Management Division (E/OA) in the IBB's Office of Engineering and Technical Services for a disability parking permit. All applications for a disability parking permit will require sufficient documentation before a permit is issued. Sufficient documentation is a copy of the employee's approved application, from the jurisdiction in which the employee's vehicle is registered, for either of the following: (i) the disability license plate or (ii) the disability placard. If an employee is unable to provide the required documentation (i.e., a copy of his/her approved application), the employee can meet the requirement for sufficient documentation as follows: As to the license plate, the employee can show the current vehicle registration card confirming that the license plate was issued to the employee. As to the placard, the employee can show either a current placard that bears the employee's name or, if the placard does not bear the employee's name, a current placard and a current identification document that the issuing jurisdiction provides to the placard holder that clearly establishes the identity of the person to whom the placard was issued.

Severely handicapped Agency employees (i.e., persons with permanent or temporary severe disabilities) shall receive a temporary permit upon application. Severely handicapped employees awaiting a permanent disability permit will receive preferential consideration for the first permanent disability permit that the Agency can make available. Should there be more than one severely disabled employee waiting for a permanent disabled parking permit, the Agency will assign permits in the order of application dates (i.e., the first permit goes to the employee with the earliest application date, and so forth). Employees who have a permanent disability license plate or a

permanent disability placard and who have satisfied the supporting-documentation requirements described herein, shall retain a valid temporary permit while awaiting a permanent permit.

Permits for employees with a temporary disability license plate or temporary disability placard will expire on the expiration date of the temporary license plate or temporary placard. Disability parking permits must be renewed on a schedule to be determined by the Agency, but no more frequently than on an annual basis.

**422.1b Executive personnel and persons who work unusual work hours.** Executive passes will be issued to Federal employees with management responsibilities and duties or to persons who work unusual hours, who, in the judgment of the IBB Director or his/her designee, require assignment of parking privileges.

**422.1c Vanpool/carpool.** A vanpool/carpool consists of two or more regular riders. A regular rider is one who rides in the same automobile with the driver to the Agency parking lot on most work days throughout the entire period the parking permit is used. Intermittent vanpool/carpool members should not be listed as regular riders. Allocations to vanpools/carpools are based on a specified numerical point system defined in section 425. Once all available spaces have been allocated, the Facilities Management Division will place applicants on a waiting list as further discussed in section 431. Points are not given for riders who do not supply complete information. Agency parking permits will be issued to vanpools/carpools in the order of the highest aggregate point totals.

**422.1d Other Privately Owned Vehicles.** If additional spaces are available after distribution to the priority allocations (official vehicles, severely disabled employees, executive personnel and persons who work unusual work hours, and vanpools/carpools), the Facilities Management Division will issue permits to privately owned vehicles based on the Agency employee's seniority using total years of Agency service.

#### **423 RESPONSIBILITIES**

**423.1** The Facilities Management Division (E/OA) in the IBB's Office of Engineering and Technical Services is responsible for managing and overseeing the Agency's parking facilities.

**423.2** The IBB Director or his/her designee assigns parking privileges to executive personnel and to persons who work unusual work hours.

#### **424 APPLICATION PROCESS FOR AGENCY PARKING PERMITS**

**424.1** All employees interested in obtaining a parking space at the Cohen Building or Switzer Building must complete a permit application available in the Facilities Management Division or on the IBB Intranet. Employees are reminded that parking permits are not automatically renewed and must be resubmitted annually.

**424.2** Employees applying for a daytime parking permit cannot participate in the Public Transportation Assistance Program (PTAP).

**424.3** Employees must hand deliver applications to the Facilities Management Division, Room G-074, Cohen Building, by the designated due date. Each year, the Facilities Management Division will notify employees of this designated due date at least 30 calendar days before application deadline through the electronic IBB notices system. No exceptions to the due date will be accepted. Employees who submit parking applications after the due date will be placed on a "waiting list" as described in section .

424.4 Employees must complete the application form in its entirety; missing information or signatures will result in the rejection of the application. Each vanpool/carpool member must include the telephone number, name, and signature of his/her supervisor on the application form. The supervisor's signature constitutes certification that, to the best of the knowledge of the supervisor, the information provided on the application is correct.

424.5 Severely disabled employees or new executive personnel may submit an application at any time. Granting of additional parking permits for these employees may result in the revocation of the lowest priority permit holders. In such a situation, the Facilities Management Division will notify the lowest priority permit holder in writing. The lowest priority permit holder will return the parking permit to the Facilities Management Division within seven calendar days of receipt of notification.

424.6 Employees may express a preference for underground parking in the Cohen Building where a tandem parking system (i.e., one car parked behind the other) is used. Such parking will be granted in order using the point allocation process specified in section 425. Employees must have work hours compatible with the tandem parking scheme.

424.7 The Facilities Management Division will verify all application information before issuance of a parking permit. This same verification process may be applied at any time while the permit is in use.

#### **425 RANKING OF APPLICATIONS--POINT ALLOCATION**

425.1 To rank vanpool/carpool applications, the Facilities Management Division will apply the following point system:

- Full-time Agency employee: 6 points
- Other Federal employee: 3 points
- Non-Government employee: 1 point

Each full-time Agency employee in the vanpool/carpool will receive 6 points; other Federal employees in the vanpool/carpool will receive 3 points; and each non-government employee in the vanpool/carpool will receive 1 point. The Facilities Management Division will issue parking permits for vanpools and carpools based on the highest total of points received.

425.2 To break ties, the Facilities Management Division will use the following criteria in the priority ordering shown:

- Total number of Agency employees in the vanpool/carpool.
- Total number of vanpool/carpool members.
- Total years of Federal service of each vanpool/carpool member.

425.3 Once all available spaces have been allocated, the Facilities Management Division will place applicants on an Agency waiting list. (See section 431 on the waiting list process.)

425.4 The Agency will grant serial (numbered) vanpool/carpool parking permits to vanpools/carpools that qualify according to the point structure described above. The Agency will allocate serial parking permits sequentially according to rank order. Two or more vanpools/carpools may be issued a joint daytime parking permit if their work hours do not overlap.

425.5 Vanpool/carpool permits will be issued to the primary member of the vanpool/carpool. Primary members must be Agency employees. The primary member is responsible for ensuring that all Agency parking policies and procedures are followed.

425.6 The primary member must notify the Facilities Management Division in writing within seven calendar days of any change in the status of listed vanpool/carpool members, i.e., the addition, deletion, or substitution of a rider. If changes occur, the vanpool/carpool may retain the permit only if the total points do not fall below the level of the highest scoring applicant on the Agency parking permit waiting list.

425.7 The Facilities Management Division will notify the primary member of the vanpool/carpool if the parking permit must be surrendered. The primary member must return the parking permit within seven calendar days of receipt of notification. Failure to notify the Facilities Management Division of changes in vanpool/carpool status could result in disciplinary action and suspension of parking privileges.

#### **426 AFTER HOURS PARKING PERMITS**

426.1 Each employee will receive one After Hours Parking Permit upon completion of the Request for After Hours Parking Permit form. The request will include the employee's name, organizational unit, office telephone number, office email address, and whether or not it is a new or replacement permit.

426.2 Employees may apply for an After Hours Parking Permit at any time.

426.3 After hours parking spaces will be occupied on a first-come/first-served basis for all eligible employees.

426.4 Normally, After Hours Parking Permits will be honored for daytime parking on all Federal holidays and when the Office of Personnel Management closes the Federal Government. The Facilities Management Division will notify the guards. Exceptions will, to the maximum extent possible, be announced by house-wide email the day preceding the closure.

426.5 Lost or damaged After Hours Parking Permits will be replaced upon completion of a new Request for After Hours Parking Permit form.

426.6 The Agency may require employees to update their request form and/or may reissue any After Hours Parking Permits as necessary.

#### **427 USE OF PARKING PERMITS**

427.1 **Display of Permits.** Parking permits must be clearly displayed in the front window of their vehicle or hung from the rear view mirror, depending on the type of permit issued.

427.2 **Use of Certain Restricted Spaces.** Regular parking permits authorize parking in spaces not marked as "Reserved," "Disabled," or "HHS." Only disabled permit holders are allowed to park in the designated disabled spaces.

#### **428 TRANSFERING PERMITS**

428.1 The Agency parking permit is **non-transferable**. Only permit holders and employees listed on vanpool/carpool applications may use Agency parking permits. Vanpools/carpools may,

however, include alternate riders for limited periods such as when approved members are on annual leave.

**428.2 Lost parking permits.** Employees who misplace or lose their Agency parking permits should immediately report the loss in writing to the Facilities Management Division. The report should explain the circumstances surrounding the loss of the permit. If the permit appears to have been stolen or if evidence of fraud is found, the Facilities Management Division will refer the case to the appropriate authorities for investigation. If a lost permit is found, employees are asked to notify the Facilities Management Division immediately and return the replacement parking permit.

#### **429 REVOCATION OF PARKING PERMITS**

429.1 Employees determined to be in violation of Agency parking policies will be subject to disciplinary action.

429.2 Employees will be subject to the following provisions:

- a. Parking permits may be revoked for just cause. An employee will be given two weeks advance notice of parking permit revocation during which time the employee will have the opportunity to explain the circumstances.
- b. Falsification of information on applications will result in the denial or suspension of parking privileges on Federal facilities for at least one year.
- c. Employees who are found in violation of any of the procedures or policies set forth in this section of the Broadcasting Administrative Manual will be subject to having their vehicle ticketed and/or towed in accordance with the *Negotiated Labor Management Agreement between the Broadcasting Board of Governors and the American Federation of Government Employees Local 812*, Article 33, Sections 1, 3, 4, 5, and 6.
- d. Individuals who have violated an established Agency parking policy such as unauthorized parking in Agency facilities or fraudulent use of parking permits may have their Agency parking permits revoked for the rest of the time covered by the permit and will be ineligible to be counted as primary members or members of vanpools/carpools for an additional period of one year.
- e. Parking permits of employees found to be members of other government or private industry vanpools/carpools may be revoked.

#### **430 MOVING OF VEHICLES OWING TO PARKING RESTRICTIONS**

430.1 When an employee is unable to move his/her vehicle from the Cohen or Switzer Building parking lot as required by a parking lot restriction because of an unexpected emergency or because the employee could not be released due to work requirements, the employee will contact the Facilities Management Division by telephone, and an extension of time will be granted until the employee can move the vehicle.

#### **431 WAITING LIST APPLICATIONS**

431.1 Owing to the limited number of parking spaces available, some employees who apply for parking permits may not receive them immediately. Individuals who qualify for Agency parking permits but for whom spaces are not available will be placed on an Agency parking application waiting list and will receive parking permits once they become available.

431.2 The Facilities Management Division will maintain the parking application waiting list. Additional applications received during the year will be added to the waiting list, and all outstanding applications will be re-ranked in accordance with the procedure outlined in section 425.

431.3 As parking becomes available, the Agency will issue permits based on the current, ranked waiting list. Individuals may determine their position on the waiting list by contacting the Facilities Management Division on 202-203-4001.

#### **432 PERMIT HOLDERS**

432.1 The names, telephone numbers, and duty hours of vanpool/carpool permit holders will be published on the Agency Intranet. Position titles will be published for all executive permits.

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PART IV ADMINISTRATIVE SERVICES, 400 SPACE AND FACILITIES  
Section 430

USE OF GOVERNMENT BUILDINGS

431 Public Buildings Service Regulations

432 Access to Buildings

433 Allocation and use of Space in Buildings

433.1 Auditoriums, Conference Rooms, Etc.

433.2 Bulletin Boards

433.3 Closing and Locking Offices

434 Trash Disposal

434.1 Classified Materials

434.2 Other Waste Materials

434.3 Recyclable Materials

435 Federal Energy Usage Report

435.1 Purpose

435.2 Effective Date

435.3 Procedures

Section 430

USE OF GOVERNMENT BUILDINGS

431 PUBLIC BUILDINGS SERVICE REGULATIONS

The regulations in this Section governing the use of buildings are based on the regulations of the Public Buildings Service, General Services Administration. The regulations on the access to and use of such

buildings incorporate requirements of the Office of Security for the protection of information, property, and personnel.

#### 432 ACCESS TO BUILDINGS

In the Cohen and Switzer buildings during security hours (nights, weekends and holidays), only the main entrances on "C" Street are operational. When entering any controlled building, personnel must present appropriate identification, normally an employee identification card. During security hours 6:30 p.m. - 6:30 a.m. all personnel entries and departures will be recorded at the security desk. If the employee has an automated ID card, it will be used to activate the card reader installed at the access/egress point.

#### 433 ALLOCATION AND USE OF SPACE IN BUILDINGS

The Office of Administration, controls the allocation and use of space in buildings occupied by Broadcasting.

##### 433.1 Auditoriums, Conference Rooms, Etc.

a. Approved Uses - Listed below are some of the approved uses of Broadcasting-controlled auditoriums, conference rooms and other meeting places.

(1) Meetings to carry out the assigned functions of Broadcasting.

(2) Meetings of recognized Federal employee groups and organizations, including retired Federal employee groups when comprised of Broadcasting employees or under their control.

(3) Meetings conducted by or actively participated in by Broadcasting employees, when approved by the Director or his or her designee.

(4) Presentation to the public of lectures, film showings, etc. by Broadcasting at which employees participate in their official capacities, or by a recognized employee group.

(5) Meetings which would not adversely affect the interests of the Government when authorized by the Director or his or her designee.

b. Prohibitions - Meeting places may not be used for:

(1) Meetings or performances sponsored or conducted by any organization, individual, or activity practicing or advocating discrimination based on race, creed, age, color, sex, or national origin.

(2) Meetings or activities having a partisan political, sectarian, or similar nature or purpose.

(3) Meetings or activities for the purpose of advocating or influencing action on legislation.



(4) Meetings or activities sponsored or conducted by or for commercial enterprises for profit-making purposes.

433.2 Bulletin Boards - The following types of notices or information bulletins only may be posted on bulletin boards:

- a. Official business notices Broadcasting.
- b. Requests for funds for welfare, health, or other purposes, approved by the Director
- c. Notices to Federal employees by concessionaires and employee welfare organizations.
- d. Personal notices of employees, such as the sale of an employee's home or items of personal property, requests for car-pool participation, etc.

433.3 Closing and Locking Offices - Before leaving the office at the end of the work day, employees must close the windows (if appropriate) and turn off all lights and electrical equipment. It is not necessary to lock offices during off-duty hours when there are adequate safeguards for the proper storage of classified materials. When it is necessary to lock offices to protect materials, Security will make necessary arrangements with the head of the office.

#### 434 TRASH DISPOSAL

434.1 Classified Materials - Regularly scheduled collections of classified materials to be destroyed are made by the Office of Administration in coordination with the Office of Security. Special arrangements can be made to have unusually large quantities of classified waste material picked up.

434.2 Other Waste Materials - Do not place glass or other sharp instruments in waste-paper containers nor leave them on top of desks where they can be knocked off and broken. Wrap such items securely and place beside the wastepaper container marked "for disposal." Do not leave candy, fruit, or like items in desks overnight unless they are in solidly closed containers.

434.3 Recyclable Materials - Regularly scheduled collections of recyclable materials are made by contractors of the General Services Administration or building owners. Employees shall place recyclable materials in boxes provided. Boxes shall be placed on desk tops, near trash cans, or other noticeable locations for regular collections.

#### 435 FEDERAL ENERGY USAGE

435.1 Purpose - Federal reporting on activities relating to energy efficiency is required by the Energy Policy and Conservation Act of 1992; the National Energy Conservation Policy Act (as amended by PL 99-272 and PL 100-615); and Executive Orders 12003 and 12759. Accordingly, the Office of Administration must report quarterly to the Department of

Energy on domestic and overseas energy consumption, and provide annual information on costs and progress toward meeting reduced usage mandates.

Three types of fuel and electricity usage data are required:

a. Buildings & Facilities Operation. All domestic locations will be reported by GSA, and all overseas locations by the State Department. In both cases, transmitting stations are excepted (see item 3, below).

b. Vehicle and Equipment Operation. All elements operating federally owned and leased vehicles at domestic locations will report quarterly and annual usage of specified types of fuel , including fuel for Alternative Fueled Vehicles (AFV's).

c. Process Energy/Operations. Transmitting Stations located in the United States and overseas have been designated "energy intensive operations". DOE requires a separate report on energy consumption at these locations (see 435.3.b) .

435.2 Effective Date - Annual statistics were required by DOE beginning with FY 89. Quarterly reports began with the first quarter of FY 90.

435.3 Procedures - Elements will submit quarterly data to the Office of Administration - within 15 calendar days of the end of each quarter. While fuel costs are not included in the quarterly report, they should be collected quarterly by elements to simplify year-end reporting. The annual report must be submitted within 30 days of the end of the fiscal year. The Office of Administration will convert the submissions into a single report for Broadcasting.

a. DOE form F 6200.2 is used to report quarterly usage. In the second section, Vehicle and Equipment Operation, all elements, including transmitting stations, will enter pertinent consumption data. The report is due to the Office of Administration within 15 calendar days of the end of each fiscal quarter.

b. Annual energy costs are to be reported to the Office of Administration which will transmit them to The Department of Energy. Figures for gross square feet of floor area are required only for the transmitting stations.

c. Efforts to reduce energy usage should be presented in a narrative attached to the elements annual reports.

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PART IV ADMINISTRATIVE SERVICES, 400 SPACE AND FACILITIES  
Section 440

TELEPHONE SERVICES

441 General

442 Use of Telephone

- 442.1 Responsibility of User
- 442.2 Transferring Misdirected Incoming Calls
- 442.3 Official Long-Distance Telephone Calls
- 442.4 Installation Services
- 442.5 Advisory Services

443 Telephone Directory

- 443.1 Publication
- 443.2 Obtaining Directory

444 Authorized Use of the Telephone System

- 444.1 Use of Government Telecommunication Services
- 444.2 Authorized Use of the Telephone System on Official Business
- 444.3 Authorized Use of the Telephone System on Personal Business
- 444.4 Abuse by Employees
- 444.5 Prohibitions
- 444.6 Responsibilities

Section 440

TELEPHONE SERVICES

441 GENERAL

Except for technical broadcast related telecommunications services handled directly by Broadcast Operations and all telephone services for

Office of Cuba Broadcasting, the Office of Administration provides for telephone services including installation and maintenance of telephone equipment and telephonic communication consultation service.

#### 442 USE OF TELEPHONES

442.1 Responsibility of User - Each employee having a telephone on his or her desk is responsible for assuring it is used only for official business. Pay telephones are available in all buildings for the use of employees making personal calls. Personal calls that must be made during working hours may be made if the call is consistent with the criteria in 444.2 (c) and 444.3 (a). telephone numbers must not be used in private advertisements or for similar unofficial use. General information regarding the use of telephones is found in the Telephone Directory.

442.2 Transferring Misdirected Incoming Calls - Upon receipt of a misdirected incoming call from outside Broadcasting, ascertain the proper office to handle the call by checking the Functional or Organizational section of the Directory. After informing the caller of the proper extension, transfer the call by depressing the telephone switch-hook once, dial the number and hang up.

#### 442.3 Official Long-Distance Telephone Calls

a. When Used - Official long-distance telephone calls will be made only to transmit or obtain information when the official making the call determines that less expensive means of communication such as letters or fax or e-mail are impractical and the situation is of such urgency as to warrant the additional expense. Collect calls will be accepted for official business only. The head of each organizational element is responsible for assuring that long-distance calls by personnel in the element are made for official purposes and only when essential.

b. Planning Conversations - Make long-distance calls brief. Have necessary material (documents, notes, etc.) organized before placing the call in order to complete the conversation as quickly as possible.

c. Placing Domestic Long-Distance Calls - Place all official long-distance telephone calls to points in the contiguous United States, Alaska, and Hawaii via the Federal Telecommunication System (FTS 2000). All calls to Canada and the Caribbean Islands (except Puerto Rico and the U.S. Virgin Islands which are served by FTS 2000) must dial 9 + 1 + 10 digit number. Commercial facilities may be used only in emergencies when a call cannot be completed immediately via FTS 2000 or to obtain information of a commercial telephone number in a distant location. The Telephone Directory contains complete instructions on the use of FTS 2000. Additional information on the use of the FTS 2000 system can be obtained from the Office of Administration.

d. Placing Calls to Overseas Locations - To place a direct dial overseas call, dial 9 + 011, country code, city code and the number. In order to contact the International Operator for assistance in placing overseas calls to locations that cannot be direct dialed, the prefix 9 + 0 + 0 should be used.

442.4 Installation Services - Submit a Request for Supplies/Services, to the Office of Administration for installation of additional telephone equipment or changes in location of present equipment. Request must be signed by an authorized official of the requesting office. Under no circumstances will telephone equipment be removed from the furniture to which it is attached or changed in any manner unless the change is authorized by the Office of Administration and the work done by a regular telephone company technician.

442.5 Advisory Services - The services of a telephone analyst are available from the Office of Administration. To obtain these services submit a requisition stating the problem in detail.

#### 443 TELEPHONE DIRECTORY

443.1 Publication - The Telephone Directory is issued periodically by the Office of Administration.

a. Each office head must notify the Office of Administration through their Administrative Office, of any changes that affect the information listed in the Directory. Submit personnel changes on a Locator Card.

b. Employees should refer any corrections, omissions, or deletions required in the Directory to their supervisor. Employees should also suggest to their supervisors any changes in the functional section of the Directory that may become necessary.

c. Send changes to be made in the Functional Directory to the Office of Administration. Each element will be furnished a copy of its listing in the Organizational Directory for updating.

443.2 Obtaining Directory - New employees requiring copies of the Telephone Directory should make such requests to their Administrative Officer. Administrative Officers may request additional Directories by submitting a requisition to the Office of Administration.

#### 444 AUTHORIZED USE OF THE TELEPHONE SYSTEM

444.1 Use of Government Telecommunication Services - The government telecommunications system intracity network is to be used only to conduct official business, i.e., if the call is necessary in the interest of the government. The government system is to be used for placement of calls instead of a commercial toll network to the maximum extent practicable. Where use of the government system is not practicable, a commercial toll network may be used if the call is necessary in the interest of the government. The head of each organizational element is responsible for the proper management of telephone usage within his/her jurisdiction.

444.2 Authorized Use of the Telephone System on Official Business -

a. The use of the telephone system (both the government and the commercial systems) in the continental United States, Alaska, and Hawaii is limited to the conduct of official business. Such official business

calls may include personal emergency or convenience calls as specified in (c) below and calls that are necessary in the interest of the government.

b. Use of the telephone system is hereby authorized as being necessary in the interest of the Government if such use satisfies the following criteria:

(1) It does not adversely affect the performance of official duties by the employee or the office.

(2) It is of reasonable duration and frequency, and

(3) It reasonably could not have been made at another time.

c. The following are examples of circumstances that constitute authorized use, when consistent with the above criteria:

(1) Calls to notify family, doctor, etc., when an employee is injured on the job.

(2) An employee traveling on Government business is delayed due to official business or transportation delay and calls to notify family of a schedule change. Wherever possible, the employee should use a government telephone for the call, but may use a commercial toll network if a government telephone is not available and may claim reimbursement for the call when submitting a travel voucher in accordance with MOA IV 655 j and the Travel Reimbursement Manual paragraph C 26.

(3) An employee traveling for more than one night on Government business in the U.S. makes a brief call to his or her residence (but not more than an average of one call per day). Wherever possible, the employee should use a government telephone for the call, but may use a commercial toll network if a government telephone is not available and may claim reimbursement for the call when submitting a travel voucher in accordance with MOA IV 655 j and the Travel Reimbursement Manual paragraph C 26.

(4) An employee traveling overseas on Government business is permitted to make one five-minute telephone call to his or her residence after he or she has been in travel status for at least seven calendar days and in seven day increments after that. The employees may claim reimbursement for calls when submitting a travel voucher in accordance with MOA IV 655 j and the Travel Reimbursement Manual paragraph C. 26.

(5) An employee is required to work overtime without advance notice and calls within the area from which the employee regularly commutes, to advise his or her family of the change in schedule or to make alternate transportation or child care arrangements.

(6) Brief local calls (within the commuting area) to speak to the spouse or minor children (or those who care for them, e.g., schools or day care centers) to see how they are.

(7) Brief local calls to a local government agency, a physician, or locations within the local commuting area that can only be reached during the working day.

(8) Brief local calls to arrange for emergency repairs to his or her residence or automobile.

#### 444.3 Authorized Use of the Telephone System on Personal Business

a. Personal calls that must be made during working hours may be made over the commercial long distance network if the call is consistent with the criteria in 444.2 (b) and is:

(1) Charged to the employee's home telephone number or other non-government number (third number call);

(2) Made to an 800 toll-free number;

(3) Charged to the called party if a non-government number (collect call); or

(4) Charged to a personal telephone credit card.

b. No other calls, on the commercial or government system, may be placed except in circumstances identified in 444.2 (b) and (c) even if the employee intends to reimburse the government for the cost of the call.

444.4 Abuse by Employees - Abuse of the Government Telephone System, including abuse of the privileges in Section 444.2, may result in disciplinary action. Employees should be particularly sensitive to the use of Government telephone facilities under the conditions outlined in section 444.2. Such calls should be made during lunch break or other off-duty periods, if possible.

444.5 Prohibitions - The following practices are prohibited. A willful violation may result in a criminal, civil or administrative action, including suspension or dismissal. (See 22 CFR 10.735-207).

a. Use of the following services, equipment or facilities for other than official business, except emergency calls and calls which are determined necessary in the interest of the government, as provided in section 444.2 (b):

(1) Federal Telecommunications Systems (FTS).

(2) Government-provided long distance telephone service other than FTS, or,

(3) A commercial network where Broadcasting pays for the call.

b. Use of any Broadcasting-provided telephone service, equipment or facility for calls that significantly interfere with the conduct of official business.

c. Making an unauthorized telephone call with the intent to later reimburse the government.

d. Listening in or recording of telephone conversations except as authorized by law.

e. Use of telephone call detail data in other than an authorized fashion.

f. Using Broadcasting telephone numbers in private advertisements.

444.6 Responsibilities - The Office of Administration has the capability to provide a listing of all commercial long distance telephone calls. The listing details all calls by telephone number within an element, usually to the Branch level, so heads of Offices can exercise oversight and control telephone usage in their elements.

a. Heads of Offices and Services- The head of each organizational element is responsible for the proper management of telephone usage within his/her jurisdiction.

b. Manager and Supervisors - Managers and supervisors should review the long distance listing to ensure that telephones are being used for official business.

c. Employees and Contractors - Each employee or contractor having access to a telephone is responsible for its use only for official business as defined in this section.



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PART IV ADMINISTRATIVE SERVICES, 400 SPACE AND FACILITIES  
Section 450

PERSONAL PROPERTY

- 451 Safeguarding Personal Property
  - 451.1 Precautionary Measures
  - 451.2 Reporting Losses Due to Theft
- 452 Lost and Found Personal Property
  - 452.1 Found Articles
  - 452.2 Lost Articles

Section 450

PERSONAL PROPERTY

451 SAFEGUARDING PERSONAL PROPERTY

451.1 Precautionary Measures - To prevent the loss or theft of personal property on Government premises, employees should adopt the following precautionary measures:

- a. Do not leave money, jewelry, purses, or other valuables on, in, or under your desk while you are away from the office.
- b. Do not leave money or other valuables in your desk overnight.
- c. Do not leave your coat hanging near the corridor door where it would be easily accessible to intruders.
- d. Do not leave valuables, such as car keys, wallets, or personal papers in your coat pockets.

e. When you leave your office and cannot carry your purse with you, lock it up in a safe or cabinet or leave it in the care of a coworker.

f. Carefully secure in a safe any collected funds, such as charitable collections, hospitalization funds, or other money.

451.2 Reporting Losses Due to Theft - If an item of personal property is missing and may have been stolen, report the loss immediately to the Office of Security by telephone.

#### 452 LOST AND FOUND PERSONAL PROPERTY

452.1 Found Articles - Deliver property found in Cohen and Switzer Buildings both during and after duty hours to the GSA Guard Desk in the Cohen Building. In each instance, the finder will be given a receipt for the delivered property. If after 30 days the owner has not claimed the property the finder may claim it.

452.2 Lost Articles - Report personal property lost in the Cohen and Switzer buildings to the GSA Guard Desk in the Cohen Building. If there is reason to suspect theft, notify the Office of Security. (See 451.2 above).

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PART IV ADMINISTRATIVE SERVICES, 400 SPACE AND FACILITIES  
Section 460

SAFETY PROGRAM  
(Occupational Safety and Health)

461 Legal Authorities - Federal Safety Programs

462 Safety Policy

463 Applicable Regulations - Domestic or Overseas Accidents

463.1 Domestic Locations

463.2 Overseas Locations

463.3 Radio Transmitting Stations

463.4 Safety and Health Provisions for Employees

464 Accident Reporting Requirements

464.1 Reports by Employees and Supervisors

465 Safety Organization and Responsibilities

465.1 Office of Administration

465.2 Heads of Staff Offices

465.3 Safety Officer

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466 Safety Committees

466.1 Unit Occupational Safety and Health Committee

466.2 Occupational Safety and Health Committee

467 General Safety Instructions and Guidelines for All Employees

468 Regulation of Smoking in Broadcasting Occupied Space

468.1 Purpose and Policy

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469 Federal Hazard Communication Program

469.1 Purpose and Policy

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469.3 Safety Organization and Responsibilities

## EXHIBITS

460A - Safety Program Organization

460B - Domestic Safety Program - Unit Safety Officers and Advisors

460C - Safety Program Organization for Transmitting Stations

460D - Safety and Health Provisions for Employees

## Section 460

### SAFETY PROGRAM

(Occupational Safety and Health-OSH)

#### 461 LEGAL AUTHORITIES - FEDERAL SAFETY PROGRAMS

a. Section 19, Occupational Safety and Health Act of 1970 (84 Stat. 1590), requires the head of each agency to establish and maintain a comprehensive occupational safety and health program consistent with the safety standards promulgated under Section 6 by the Secretary of Labor for businesses affecting interstate commerce.

b. Title 5, Section 7902, United States Code, authorizes the President to establish by Executive Order a safety advisory council composed of representatives of Federal agencies and labor organizations representing employees to serve as an advisory body to the Secretary of Labor in carrying out a Federal safety program.

c. Executive Order 12196, (February 26, 1980), entitled Occupational Safety and Health Programs for Federal Employees, details the specific responsibilities of each agency head in establishing and maintaining this comprehensive program. It also provides, in part, that the Secretary of Labor shall provide advisory services, conduct annual program evaluations, and establish and maintain a safety management information system.

d. The Code of Federal Regulations, Title 29, Part 1960, entitled Safety and Health Provisions for Federal Employees, contains the program guidelines issued by the Secretary of Labor to assist Federal agencies in developing a safety program suitable to their mission, size and organization.

#### 462 SAFETY POLICY

The Occupational Safety and Health Program, herein called the Safety Program, seeks to reduce and prevent employee injuries and property losses caused by needless accidents. Toward the achievement of these goals, it is policy to provide safe and healthful working spaces and

conditions that conform with the General Industry Standards (OSHA 2077, Vol. 1, Occupational Safety and Health, Part 1910) or other applicable standards that are approved, issued, or authorized by the Secretary of Labor. Constant observance of and adherence to safety principles and standards by heads of establishments, supervisors, and employees is essential to achieve program objectives. See MOA VII-173.2 for justifying purchases of safety or protective equipment, etc.

#### 463 APPLICABLE REGULATIONS - DOMESTIC OR OVERSEAS ACCIDENTS

463.1 Domestic Locations - The contents of this Section apply to domestic locations and to all employees in domestic elements. It is administered by the Safety Officer. Reports of domestic accidents must be submitted on Supervisor's Report of Accident, or SF-91, Operator's Report of Motor Vehicle Accident, or both (see paragraph 464 below).

463.2 Overseas Locations - The Safety program overseas is administered by the Safety Director, Department of State, in accordance with the joint regulations in 6 FAM 600, Safety and Civil Defense Programs. Reports of overseas accidents are forwarded to the Department of State through the Embassy or consulate on Form DS-1663 and/or SF-91.

463.3 Radio Transmitting Stations - The Transmitting Station Instruction TSI Manual issued by the Office of Engineering and Technical Services, contains accident reporting and safety procedures which supplement the applicable MOA or FAM reference above. Also see Exhibit 460C.

463.4 Safety and Health Provisions for Employees - The procedural requirements and employee rights which shall be observed in implementing the OSH program are based on this regulation; applicable provisions of any collective bargaining agreement covering employees; Safety and Health Provisions for Employees, Exhibit 460D; and 29 C.F.R. Part 1960 - Basic Program Elements for Federal Employee OSH Programs and Related Matters, which provides the Department of Labor guidelines on this subject.

#### 464 ACCIDENT REPORTING REQUIREMENTS

The accident reports described below are used by safety officers in developing appropriate remedial actions that would minimize or prevent the recurrence of similar accidents. They also provide statistical information used in evaluating the progress of the safety program and in comparison with other organizations. See MOA V-A 505 for employee instructions regarding the Federal Employees Compensation Act forms which are also required for any injury incurred in the performance of duty. Filing of the latter protects both the immediate and future compensation rights of the employee, should complications develop.

See 6 FAM 600 for overseas locations.

##### 464.1 Reports by Employees and Supervisors

a. Supervisor's Report of Accident, is required for every domestic accident resulting in an injury to an employee regardless of severity. Supervisors submit the form via the appropriate Unit Safety or

Administrative Officer to the Safety Officer, for accident evaluation and reporting purposes.

b. Form SF-91, Operator's Report of Motor Vehicle Accident, must be prepared by the employee operating a U.S. Government-owned, rented or leased motor vehicle, or a private vehicle used for official business that is involved in an accident. The completed SF-91 will be submitted through the employee's immediate supervisor and Unit Safety Officer for review and forwarding to the Office of Administration. When appropriate, Form SF-94, Statement of Witness, should accompany the SF-91. If the SF-94 is unavailable, the statement of the witness may be handwritten or typed. (See MOA IV-750, Motor Vehicles, and MOA V-A 505, Compensation for Work Injuries).

c. Serious Accidents - Any employment accident which is fatal to one or more employees, which results in the hospitalization of five or more employees, or which involves property damage of \$100,000 or more must be immediately reported by telephone to the Safety Officer, for his or her report to the Secretary of Labor, which is due within 2 working days of the accident (Safety and Health Provisions for Federal Employees, Department of Labor, Regulation and Procedures Subpart B, 29 CFR 1960.8).

465 SAFETY ORGANIZATION AND RESPONSIBILITIES (See Exhibits 460A, 460B and 460C).

465.1 The Office of Administration is responsible for implementing the Safety Program and designates a member of the staff as Safety Officer. The latter manages the program.

465.2 Heads of Staff Offices

a. Designate the administrative or other officer as Unit Safety Officer, to be responsible for applying the Safety Program within all work places controlled by the Office or Service. At domestic locations outside the Washington, D.C., and New York City areas, the head of the establishment has Unit Safety Officer responsibilities unless otherwise delegated.

b. Review safety reports submitted by the Unit or Safety Officer, and forward any program recommendations to the Safety Officer.

465.3 The Safety Officer

a. Designate a Safety Officer - New York City and Miami who will perform appropriate duties of the Safety Officer within those areas.

b. Advise and assist Unit Safety Officers in applying the program within areas under their control.

c. Maintain liaison with the Occupational Safety and Health Administration; the Safety Director, Department of State; and employee representatives.

d. Obtain technical or professional assistance as needed to advise and assure safe working conditions.

e. Arrange for the procurement and distribution of promotional and educational safety materials for establishments within the United States and cooperate with the Department of State in the procurement of such materials for overseas activities.

f. Publicize Federal Safety Program goals within Broadcasting.

g. In cooperation with the Office of Personnel , arrange for general or specialized safety instruction for personnel as appropriate.

h. Analyze, assemble, and issue data concerning accident experience and prepare reports for the Department of Labor and other departments and agencies as appropriate.

i. Represent Broadcasting on the Metropolitan Washington Field Federal Safety Council and maintain appropriate liaison with other Federal agencies concerning safety matters.

j. Represent the Broadcasting on the Occupational Safety and Health Committee.

465.4 Unit Safety Officer - As appropriate, a Unit Safety Officer will -

a. Implement the Safety Program within all locations and spaces controlled by the particular Office or Service in accordance with this section.

b. Document safety hazards disclosed by periodic inspections with an employee representing the premises. Investigate hazards reported by employees or others at the time reported. Determine, expedite, and follow through with corrective measures to eliminate the hazard. Contact the Safety Officer whenever advice or assistance is needed.

c. Assure that on-the-job orientation of new employees and transferees includes appropriate safety and fire prevention instructions. Arrange for additional specialized safety instruction as necessary or advisable.

d. Attend meetings of the Safety and Health Committee whenever the matters to be discussed warrant the Unit Officer's participation or when requested by the Chairperson or employee representative. (See paragraph 466.2 below).

e. Receive, evaluate, and discuss with the employee and his/her immediate supervisor any accident reported for the purpose of determining corrective actions that would tend to prevent such accidents in the future.

465.5 Supervisory Personnel - Supervisory personnel are responsible for training employees in on-the-job safety and insuring that applicable safety standards (see paragraph 462, above) are observed in all areas under their immediate control. (Also see Exhibit 460D.)

465.6 Employees - All employees have a personal responsibility to -

- a. Prevent accidents and fires; and
- b. Report any potential or actual safety or health hazard. (See paragraph 467a below.)

#### 466 SAFETY COMMITTEES

The following Committees assist the Unit and Safety Officers in developing and implementing occupational safety and health measures.

466.1 A Unit Safety and Health Committee may be organized in those instances where a Unit Safety Officer has been designated, consistent with the Safety Program Organization charts in Exhibit 460A, 460B and 460C and the applicable provisions of any collective bargaining agreement covering employees.

- a. At minimum, the Committee will consist of:
  - (1) a management representative;
  - (2) a representative of the employees from the labor organization holding exclusive recognition at the particular location; and
  - (3) the Unit Safety Officer or designee.

Additional representatives may be appointed upon nomination by and with the concurrence of the three initial representatives. A Unit Committee will meet at least once a year or upon the request of a representative.

b. A Unit Committee has responsibilities in connection with the processing of any proposed standard submitted at its location, and may be delegated other fact-finding or inspection responsibilities. Members of the Unit Safety and Health Committee should read and be familiar with both management and employee rights.

466.2 The Occupational Safety and Health Committee provides a forum where general or specific safety and environmental health issues may be discussed and resolved. Its membership consists of:

- a. a representative from the labor organization holding exclusive recognition for the (WG) technicians unit;
- b. a representative from the labor organization holding exclusive recognition for all other (GS and WG) employees;
- c. a representative from the labor organization holding exclusive recognition for the Foreign Service unit; and
- d. one representative each from:
  - (1) The Office of Personnel
  - (2) Broadcasting, Facilities Management Division.



The Committee is chaired by an elected chairperson. Other employees or consultants, if requested by a representative, may attend Committee meetings with the concurrence of the Chairperson. The Committee will meet on a bi-monthly basis and may submit recommendations in writing to the Director, Office of Administration, who is the Designated Safety and Health Official. Recommendations approved by the latter will be effected within the Safety Program by the appropriate Unit office. Special meetings may be called by the Chairperson as necessary or when requested by two representatives.

#### 467 GENERAL SAFETY INSTRUCTIONS AND GUIDELINES FOR ALL EMPLOYEES

a. Report safety hazards immediately to your supervisor. However, they may be reported directly to;

- (1) the Unit Safety Officer for your area;
- (2) your administrative officer; or
- (3) the Broadcasting Safety Officer

The latter should be advised whenever delays are encountered in eliminating a hazard.

b. Your ideas and suggestions to implement safety are encouraged and should be discussed with your supervisor or Unit Safety Officer. They may be submitted to the Employee Suggestion Program, if preferred.

c. Factors such as haste, carelessness, absent-mindedness, preoccupation, anger, or being overly tired often are attributed as underlying causes of many accidents. The continuous exercise of due care and the observance of established safety principles at all times will minimize or avoid accidents to yourself as well as to others.

d. Statistics over a period of years show that most injuries to employees result from accidents in the following reporting categories, in this order:

- Falls of persons
- Hitting against a material or object
- Injuries while handling material or equipment
- Struck by falling objects
- Hit by flying particles
- Injuries by hand tools
- Injuries by machinery
- Injuries by vehicles

e. The observance of good housekeeping practices in offices and other areas minimizes the likelihood of accidents to employees or property.

f. Do not store flammable volatile liquids, explosives, dangerous chemicals, or nitrate films in buildings except under special conditions

as approved by the General Services Administration. Always obey "No Smoking" signs.

g. Place oily cloths, waste, or other flammable material in special metal containers provided for that purpose.

h. Carefully wrap broken glass, razor blades, and other objects having sharp edges before placing them in wastebaskets for disposal. Do not handle or attempt to dispose of florescent lighting tubes.

i. Obtain approval from the Office of Administration before using personally-owned electrical appliances (hot plates, percolators, etc.) or electrified wall and Christmas tree decorations.

#### 468 REGULATION OF SMOKING

##### 468.1 Purpose and Policy -

a. Purpose - The Smoking Policy prescribes the scope and method for controlling smoking in buildings occupied by Broadcasting in the United States.

b. Policy - It is the policy of Broadcasting, as part of its responsibility to provide a safe and healthful workplace, that smoking will be banned.

c. Scope - This policy applies to all domestic locations managed, owned and/or occupied by Broadcasting employees, contractors or visitors.

Overseas installations/stations will develop smoking policies which are based on the domestic policy, but which will consider cultural norms at each installation.

##### 468.2 Definitions

a. Smoking is the use or carrying of a lighted tobacco product, including a cigar, cigarette or pipe.

##### 468.3 Compliance

a. Employees should comply voluntarily and courteously with the requirements outlined in this policy. It is the obligation of all employees to be mindful and considerate of their co-workers. Employees who do not comply may be subject to disciplinary action.

b. Supervisors must deal with violations of this policy as they would with similar matters of conduct; that is, through appropriate guidance, warnings and, as necessary, progressive disciplinary sanctions suited to the seriousness and frequency of the misconduct.

c. To the maximum extent feasible, disputes over this agreement should be resolved through informal discussions at the lowest level possible, and, if necessary, between representatives of Broadcasting and the employee union(s), prior to the initiation of a formal grievance process

or a disciplinary action. Any disputes regarding the interpretation or application of the policy which are not resolved informally may be raised as grievances under the appropriate grievance procedures: Article XXIII of the AFGE Negotiated Agreement for AFGE civil service bargaining unit employees; 3 FAM 660 for Foreign Service employees; Article XIII of the VOA Negotiated Agreement for AFSME bargaining unit employees; and MOA VA-560 for supervisors, managers and other non-bargaining unit employees.

#### 469 FEDERAL HAZARD COMMUNICATION PROGRAM

##### 469.1 Purpose and Policy

a. Purpose - The Federal Hazard Communication Program prescribes the scope and method for providing employees information and training on the safe use and handling of hazardous chemicals to which they are, or may be, occupationally exposed.

b. Policy - It is the policy of Broadcasting, as part of its responsibility to provide a safe and healthful workplace, to provide all employees who are or may be exposed to hazardous chemicals, with information and training concerning the physical and health hazards associated with the chemicals in their work area.

c. Authority - Title 29, Code of Federal Regulations, Subpart 1910:1200 and 29 CFR Part 1960, effective November 25, 1985.

d. Scope - This policy applies to all areas managed and or occupied by Broadcasting employees, contractors or visitors. Overseas locations, with the exception of Transmitting Stations, will meet program requirements under provisions of the Safety program administered by the Safety Director, Department of State, in accordance with the joint regulations in 6 FAM 600, Safety and Civil Defense Programs. Broadcast Engineering will provide information and training to all appropriate personnel in Transmitting Stations.

##### 469.2 Definition

A hazardous chemical, as defined for Federal Hazard Communication Program purposes, is "any chemical which is a physical hazard or a health hazard."

##### 469.3 Safety Organization and Responsibilities

a. The Designated Safety and Health Official, is responsible for implementing the Federal Hazard Communication Program, and designates the Safety and Occupational Health Manager to implement and manage the program.

b. Heads of Staff offices will designate a staff member to be responsible for the training of employees and the collection and display of required materials in the workplace.

c. The Safety Manager will consult with the Designated Safety Official for guidance in implementing the Program; advise and assist Unit Safety

Officers in applying the program within spaces under their control; and obtain technical or professional assistance as needed to train agency trainers.

d. Unit Safety Officers will implement the program within all locations and spaces controlled by the particular Office in accordance with this section. Also, they will ensure on-the-job training for all new employees and transferees, with written program materials as appropriate.

e. Supervisory Personnel are responsible for seeing that employees receive on-the-job training in the Federal Hazard Communication Program and that all requirements of the program are met in the areas under their control.

f. Employees are responsible for attending training and implementing the knowledge gained from the program to prevent accidents, and reporting any actual or potential safety or health hazards to their Supervisors.

#### EXHIBIT 460D

#### Safety and Health Provisions for Employees

1960.15 Purpose and Scope

16 Designated Safety and Health Official (DSAHO)

17 Safety and Health Committee

18 Posting of Notice; Availability of Act and Details of the Safety and Health Program

19 Duties of Officials and Employees

20 Safety and Health Training Guidelines

21-24 (Reserved)

#### PROCEDURES FOR INSPECTIONS AND ABATEMENTS

1960.25 Purpose, Scope and General Provisions

26 Safety and Health Inspectors; Frequency of Inspection

27 Conduct of Inspection

28 Advance Notice of Inspections

29 Representatives of Officials in Charge and Representatives of Employees

30 Consultation with Employees

31 Reports by Employees of Unsafe or Unhealthful Working Conditions

32 Imminent Danger

33 Notices of Unsafe or Unhealthy Working Conditions

34 Correction of Unsafe or Unhealthy Working Conditions

35-39 (Reserved)

#### OCCUPATIONAL SAFETY AND HEALTH STANDARDS

1960.40 Purpose and Scope

41 Procedures for Adoption of Standards

42 Initial Adoption of Agency Standards

43 Adoption of Different and/or Supplementary Standards

44 Conflicting Standards

45 Emergency Standards  
46 Access to Standards  
47-49 (Reserved)

#### FEDERAL SAFETY AND HEALTH COUNCILS

1960.50 Purpose and Scope  
51-59 (Reserved)

29 CFR 1960.15

#### Purpose and Scope

a. The regulations and procedures in this Exhibit are based upon the safety program guidelines issued by the Secretary of Labor to assist Federal agencies in establishing and maintaining an effective Occupational Safety and Health Program. It is suggested that the regulations be read in conjunction with the Secretary's guideline paragraphs which contain additional explanatory material. In some instances the regulations incorporate by reference specific paragraphs in the guidelines

b. The Occupational Safety and Health (OSH) Program is administered by the Office of Administration pursuant to guidelines received from the Department of Labor. Health services programs such as health units, medical exams, health monitoring procedures, maintenance of medical records, etc., contribute to the successful implementation of the OSH program but are separately administered by the Office of Personnel pursuant to guidance from the Office of Personnel Management or the Department of State.

#### 1960.16 Designated Safety and Health Official

The Director, Office of Administration is the Director's designated Safety and Health Official. The Safety Officer reports directly to that Official on all safety and health matters. Unit Safety Officers at principal locations within the United States receive program guidance from the Safety Officer and submit reports to that officer. General program goals and objectives include the prevention of needless accidents by locating and eliminating hazards. Promotional activities are keyed to encourage employee involvement and safety awareness themes. Specific goals and priorities, seeking the reduction of recurring and similar accidents or illnesses, are reviewed and revised annually. Program effectiveness is judged by comparison of quarterly and annual statistics and close liaison with safety personnel and committees comprising both management and employee representatives. Program funding is requested and justified based upon an annual evaluation of safety and health objectives together with staff requirements to implement an effective program.

#### 1960.17 Safety and Health Committees

Employee representatives participate with management personnel in Unit Occupational Safety and Health Committees (see MOA IV 466.1 and 466.2). The booklet, "Occupational Safety and Health for the Federal Employee"

contains pertinent sections of the Act of 1970, the Executive order, and regulatory material, and is on file with each Unit Safety Officer for official use and employee reference. Additional copies may be ordered from OSHA or through the Safety Officer.

#### 1960.18 Posting of Notice; Availability of Act and Details of the Safety and Health Program

The official OSHA poster (OSHA 2219) will be displayed at principal locations in a conspicuous place where notices are customarily posted. Pertinent information will be added. The applicable safety standards will be available in records maintained by the Unit and safety officers. The organization of the Safety Program is described in MOA IV 460. Also see Exhibits 460A, 460B, 460C, and 460D.

#### 1960.19 Duties of Officials and Employees

The Secretary of Labor's guidelines are adopted as regulations and shall be so interpreted and applied. The employee safeguards mentioned in Procedures for Inspections and Abatements shall be observed. The grievance procedures detailed in MOA V-A-567 or 3 FAM 660 may be utilized to secure any right granted by Section 19 of the Occupational Safety and Health Act of 1970, Executive Order 12196, and/or the OSH Program. In addition, all non-supervisory employees serving on Civil Service or Wage Board appointments and covered by negotiated agreements may grieve under negotiated grievance procedures of the union holding exclusive recognition for the unit in which the dispute arises.

#### 1960.20 Safety and Health Training Guidelines

It is policy to provide introductory occupational safety and health training as well as general or specialized instruction appropriate to the position, the needs of the employee, or the special tasks to be accomplished. This policy extends to employees at all levels including officers, supervisors, representatives of employees, and employees.

#### 1960-21-24 (Reserved)

### PROCEDURES FOR INSPECTIONS AND ABATEMENTS

#### 1960.25 Purpose, Scope and General Provisions

The Secretary of Labor's guidelines, including subparts a, b, c d, e, f, and g, shall be utilized for reference purposes in fulfilling the intent and objectives of this Subpart. Information requested by the Secretary of Labor about training needs or special problems that might occur in inspection or abatement activities shall be cleared through the Safety Officer.

#### 1960.26 Safety and Health Inspectors; Frequency of Inspection

Paragraphs (a, b, c, and d) of the Secretary's Guidelines shall be observed to the extent that the circumstances of the individual establishment permit. Workplaces shall be inspected at least annually and

more frequently where there is an increased risk of accident, injury, or illness due to the nature of the work performed. Inspections shall be made by a person having sufficient training and/or experience in the safety and health needs of the workplaces involved to adequately carry out the duties of an inspector. An inspector shall be accompanied by one or more representatives of employees and, where feasible, one or more management representatives when making the annual inspection. Where an employee(s) of another agency or private industry is to conduct the inspection, a management representative as well as an employee representative shall accompany the inspector. Appropriate security clearance requirements shall be observed at all times.

#### 1960.27 Conduct of Inspection

Paragraphs a, b, c, d, e, and f of the Secretary of Labor's Guidelines shall be observed when conducting an inspection at a Broadcasting location. Any unsafe or unhealthy working condition(s) disclosed shall be discussed by the inspector or inspection team with the responsible management official(s) and the representative(s) of employees.

#### 1960.28 Advance Notice of Inspections

In general, the Secretary's Guideline paragraphs state that advance notice of an inspection should not be given to the official in charge of an establishment except in the specific exceptions mentioned. One exception is where advance notice is necessary to assure the presence of representatives of employees and management. Even then, the notification should preferably not be given more than 24 hours in advance. Unit safety officers for the media services, staff offices, and independent establishments should observe the intent and spirit of the Guidelines to the extent feasible and practical at any location under their control. However, Guideline paragraphs a and b are adopted as regulations, together with the exceptions, for any inspection conducted: (1) by a safety officer who is not a resident officer or employee at the site or (2) by any inspector who is not an employee of Broadcasting. In all of the above cases, if advance notice of an inspection is given to the official in charge of an establishment, the representative(s) of employees must also be notified.

#### 1960.29 Representatives of Officials in Charge and Representatives of Employees

A safety and health officer or inspector employed by Broadcasting or another Federal agency, or obtained from private industry, will be in charge of any authorized inspection and may seek information from any employee, employee representative, supervisor, or management official during the course of the inspection. A representative of the official in charge of the establishment and a representative of the employees shall be given an opportunity to accompany the inspector and to provide any information they deem essential. The inspector may also select additional representatives from both management and the employees to accompany the inspection team if determined beneficial. Different representatives may be selected by the inspector during each phase of the inspection as necessary. Management and employee representatives on the Unit Safety

Committee may fulfill some or all of the above requirements during an inspection.

#### 1960.30 Consultation with Employees

Safety and health inspector should consult with employees to the extent deemed necessary for the conduct of an effective and thorough inspection. Similarly, any employee has the right to bring to the attention of the inspector any unsafe or unhealthy working condition which is believed to exist in the workplace.

#### 1960.31 Reports by Employees of Unsafe or Unhealthful Working Conditions

(a) An oral report of an unsafe or unhealthful working condition to the responsible supervisor and/or the Unit Safety Officer will usually assure prompt analysis and response. However, pending the outcome of the oral report, an employee may also file a written report and/or use the grievance procedures in MOA V-A-567 or 3 FAM 660, or where applicable, the negotiated agreement of the exclusive bargaining representative.

(b) A written report requesting an inspection of workplaces should set forth with reasonable particularity the grounds for the report, and should be signed by the employee or the representative of employees. The report should preferably be addressed to the Unit Safety Officer, but may be sent directly to the Safety Officer or the Safety and Health Official, if the employee prefers. If so requested in the report, the name of the employee as well as any other employees mentioned will not be disclosed except to authorized representatives of the Secretary of Labor. Imminent danger situations should be reported in person or by telephone to the immediate supervisor, the Unit Safety Officer, or the Safety Officer, and later reduced to writing if preferred or requested.

(c) The officer receiving the written report shall determine within five working days whether there are reasonable grounds to believe that the alleged unsafe or unhealthful working condition exists. If so determined, an inspection shall take place as soon as possible. The Secretary of Labor's Guidelines will be observed if it becomes necessary to give the inspector the name of an employee who requested anonymity. Imminent danger situations shall be determined on a priority basis and, if believed to exist, an immediate inspection will be arranged.

(d) Inspections initiated pursuant to a report of an unsafe or unhealthful workplace need not be limited to matters referred to in the report. Employees or employee representatives may notify the inspector of any other such conditions believed to exist either prior to or during the inspection.

(e) An employee or employee representative filing a written report (see [b] above) shall be notified in writing whenever a determination is reached that there are no reasonable grounds to believe that an unsafe or unhealthful working condition exists or whenever an inspection fails to disclose such a condition. The employee then has the right to request a prompt and informal review by the responding officer, setting forth in writing the reasons why the determination should be reconsidered.



Successive rights for a determination and subsequent review exist through the Unit Safety Officer, the Safety Officer, and the Safety and Health Official. In each instance the employee's report or request for reconsideration as well as each determination or review shall be in writing. A determination by the Safety and Health Official will prevail unless changed during a subsequent review (see paragraph [g] below).

(f) A Unit Safety Committee, the Safety Committee or a subcommittee may be utilized as the designee of the Safety and Health Official for the purpose of developing facts and/or recommendations in connection with any oral or written report alleging an unsafe or unhealthy working condition. Where appropriate, and always when so requested, the official will preserve the confidentiality of the originator(s) and other names within the report.

(g) An employee or employee representative who is dissatisfied with any final in-house determination made by the Safety and Health Official may contact in writing the Office of Federal Agency Safety Program (OFASP), Occupational Safety and Health Administration, U.S. Department of Labor, Washington, D.C. 20210, describing in detail the entire processing of the report of the alleged unsafe or unhealthy working condition (s) and setting forth his/her objections thereto. A copy must also be provided simultaneously to the Safety and Health Official. Consult the Secretary of Labor's Guidelines for OFASP actions and retention of records by agencies.

#### 1960.32 Imminent Danger

The text of the Secretary of Labor's Guidelines shall apply in the handling of imminent danger situations. Whenever a Unit Safety Officer or the designee acting as assistant concludes that conditions or practices exist which could reasonably be expected to cause death or serious physical harm before the danger can be eliminated through the normal abatement procedures (see 1960.33 and 1960.34), he/she should inform the affected employees and official in charge of the establishment of the danger. The official so notified should undertake immediate abatement and the withdrawal of any employees not necessary to eliminate the dangerous condition(s). If assistance is needed, the Safety Officer and/or the Safety and Health Official shall be notified immediately. The Safety and Health Official should inform the Secretary of Labor as soon as time permits of any imminent danger which cannot be promptly and completely abated. The Unit and Occupational Safety and Health Committee should be informed of all relevant actions.

#### 1960.33 Notices and Unsafe or Unhealthy Working Conditions

(a) Notices of unsafe or unhealthful working conditions discovered upon inspection by a safety inspector or safety committee shall describe with particularity the nature of the condition(s) and include a reference to the OSHA standard involved.

The notice should also list a reasonable date for the abatement of the condition as determined in consultation with the Unit Safety Officer and the responsible administrative officer(s). A copy of the notice should be

sent to the head of the individual establishment and to the Unit Occupational Safety and Health Committee.

(b ) If the above notice is issued as a result of a report filed pursuant to 1960.31 (b) above, a copy shall also be sent to the person who made the report.

(c) Upon receipt of a notice issued in accordance with (a) above, the head of the establishment, through the designated Unit Safety Officer, should immediately post an unedited copy of that notice at or near each place the unsafe or unhealthful working condition exists. See the Guideline paragraph for alternate posting locations when necessary.

(d) Each notice should remain posted until the condition has been abated.

#### 1960.34 Correction of Unsafe or Unhealthful Working Conditions

(a) The official in charge of an establishment and the employee serving as Administrative Officer have primary responsibility for the correction of unsafe or unhealthful working conditions brought to their attention by any means. Where a notice has been issued pursuant to 1960.33, abatement should be accomplished within the time set forth in the notice.

(b) Reinspection of unsafe or unhealthful working conditions shall be made by the Unit Safety Office or designee to determine that the correction has been made. If not made or if the corrections were not carried out in accordance with an abatement plan submitted pursuant to paragraph (c) below, the Unit Safety Officer should inform the Administrative Officer, the head of the establishment, and the Safety Officer.

(c) Unsafe or unhealthful conditions, which in the judgment of the establishment's administrative officer cannot be abated within 30 working days, should be documented in an abatement plan. The plan should contain an explanation of the circumstances of the delay, a proposed timetable for the abatement, and a summary of the steps taken in the interim to protect employees. The plan should be submitted to the Unit Occupational Safety and Health Committee and to the Safety Officer for appropriate comment and assistance. If the estimated abatement time is more than 60 working days, the head of the element shall forward one copy of the plan to the Unit Committee and two copies to the Safety Officer for transmittal to the Secretary of Labor. Changes in an abatement plan require submission of a new plan in accordance with the provisions of this section.

1960.35-39 (Reserved)

### OCCUPATIONAL SAFETY AND HEALTH STANDARDS

#### 1960.40 Purpose and Scope

Refer to 29 CFR, Part 1960 (Basic Program Elements for Federal Employee OSH Programs and Related Matters) for purpose and scope of standards and

the responsibilities of the Secretary of Labor under Executive Order 12196.

#### 1960.41 Procedures for Adoption of Standards

##### (a) Purpose

This section details procedures for the promulgation and adoption of a standard either in lieu of an existing OSHA standard or to supplement OSHA standards because they do not cover a working condition encountered within Broadcasting.

##### (b) Adoption of OSHA and Emergency Temporary Standards

As noted in 1960.42, Broadcasting has adopted OSHA standards and automatically adopts OSHA standards as issued which apply to Broadcasting operations, and in paragraph 1960.45 has provided for the implementation of any applicable emergency temporary standard as issued by the Secretary of Labor or the Safety and Health Official.

##### (c) General

Any person may petition the Secretary of Labor to promulgate, modify, or revoke an OSHA standard (see OSHA, Vol. 1, General Industry Standards, paragraph 1910.3 for details). This direct approach to the Secretary should be considered whenever issuance as a nationwide OSHA standard would improve safety and health conditions at other establishments as well as Broadcasting. Where a unique working condition(s) or operation(s) exists only at Broadcasting locations, a standard promulgated for use within Broadcasting is appropriate. In any event, a standard proposed for use only within Broadcasting cannot be implemented without the prior approval of the Secretary of Labor unless it is an emergency temporary standard issued by the Safety and Health Official.

##### (d) Promulgation and Approval Procedure for a Broadcasting Standard

###### (1) Employees

One or more employees, employee representatives, supervisors, or officers may submit a proposed safety standard to the individual establishment's Unit Safety Committee. The proposal should be submitted in triplicate and must contain (1) the substance of the proposed standard, (2) its effects if adopted, and (3) the reason for the proposal. A proposed standard may also be initiated by a Unit or Occupational Safety and Health Committee. It may be withdrawn by its originator(s) at any time prior to its possible adoption by notifying the Unit Safety Committee in writing and sending a copy to the Safety Officer.

###### (2) Unit Occupational Safety and Health Committee and Safety Officer

Upon receipt of a proposed standard by a Unit Safety Committee, one copy shall be forwarded to the Safety Officer. After a feasibility study and comparison with previously adopted standards, the Safety Officer will acknowledge its receipt to the Unit Committee involved and to the

proposal's originator. Any pertinent information and comments will be included. If the proposed standard is received from a Radio Transmitting Station, the Transmitting Station Safety Advisor, the Office of Engineering will participate in the above study and be a point of clearance for the reply to the Unit Committee.

### (3) Unit Occupational Safety and Health Committee

After receipt of the acknowledgment and comments from the Safety Officer, the Unit Committee and the originator(s) of the proposed standard should proceed to resolve any remaining questions as to its feasibility and wording. Unless withdrawn (see paragraph [a] above re notification), the Unit Committee will then proceed to evaluate the proposed standard and may appoint a sub-committee to assist as necessary. The Unit Committee, after reviewing the need, effects, advantages and disadvantages, etc., of the proposed standard, shall submit comments and recommendations in writing to the Safety Officer with a copy to the proposal's originator(s).

### (4) Safety Officer

Upon receipt of a Unit Safety Committee's recommendations with respect to the proposed standard, the Safety Officer will send a copy to each member of the Occupational Safety and Health Committee for review prior to the next meeting. If additional research is considered necessary, the Safety Officer and/or, when appropriate, the Transmitting Station Safety Advisor, will consult appropriate contacts within or without Broadcasting. When sufficient information has been assembled, the Safety Officer as Chairperson will call a meeting of the Safety and Health Committee members to discuss and vote upon the proposed standard.

### (5) Occupational Safety and Health Committee

When a proposed safety standard is on the agenda, the Committee members by majority vote shall resolve to: (1) submit the recommendation of the majority together with any dissenting opinions to the Occupational Safety and Health Official for a decision endorsing or rejecting the proposed standard, or (2) postpone submission pending further research or developments reportable at each subsequent Committee meeting until resolved.

### (f) Safety and Health Official

The Safety and Health Official (Director, Office of Administration,) upon receipt of the Committee's recommendations, may cause additional studies to be initiated as deemed necessary but will, as soon as feasible, make an official determination endorsing or rejecting the proposed standard. Notification of the action taken together with the reasons therefore will be provided to the Chairperson of both Committees and to the proposal's originator.

(1) If the proposed standard is endorsed by the Official, a letter of transmittal will be prepared to the Secretary of Labor requesting approval for adopting the proposal as a Broadcasting or OSHA standard, as deemed appropriate.

(2) If the proposed standard is rejected by the Official, that determination may be appealed within 30 working days by its originator(s) directly to the Official by submitting a statement of facts and reasons in writing justifying its reconsideration.

(3) A determination by the Official pursuant to the above appeal shall be conclusive and all parties concerned will again be notified. However, that determination does not preclude any right granted under grievance procedures (consult Labor and Employee Relations for details) or the Occupational Safety and Health Act of 1970 and Executive Order 12196 (consult Safety Officer, or Office of Federal Safety Programs, Department of Labor, Washington, D.C. 20210) to exercise any right(s) granted under those procedures, legislative enactment, or Executive Orders.

(g) Safety Officer

When the Secretary of Labor's decision is received (see [f-1] above), the Safety Officer will again notify all Committee members and the proposal's originator. If approved to become a standard, it will be published as such by Broadcasting for retention in the safety files of each establishment and for notation copies of OSHA's General Industry Standards, Vol. 1, containing the standards otherwise prevailing. If rejected by the Secretary of Labor, no further action or appeal is anticipated.

#### 1960.42 Initial Adoption of Standards

(a & b) Broadcasting has adopted OSHA standards as issued on a continuing basis which are applicable to the working conditions encountered by its employees. They may be found in 29 CFR 1910 or in Occupational Safety and Health Subscription Service, Volume 1, General Industry Standards and Interpretations (OSHA 2077). Subparts A, D, E, G, H, I, J, K, L, N, O, P, Q, R, (Telecommunications - 1910,268-275), S and Z contain standards applicable within some or all of Broadcasting's operations.

(c) (Does not apply.)

(d) Not pertinent at this time. (Broadcasting does not traditionally adopt standards as, and only as, part of job operation descriptions or technical manuals.)

#### 1960.43 Adoption of Different and/or Supplementary Standards

(a & b) Standards drafted to replace an OSHA standard or to cover working conditions for which no OSHA standard exists require consultation with the Secretary of Labor before adoption. (See 1960.41)

#### 1960.44 Conflicting Standards

(a) Employees within the United States will observe OSHA and/or any other standard adopted by Broadcasting. Employees overseas are under the safety program and standards adopted by the State Department safety program. The OSHA standards apply by law only within the United States but should be

observed overseas to the extent feasible unless either the host country or the Department of State requires compliance with other standards or regulations.

(b) Where a legal requirement exists to comply with the standards of another Agency, (such as GSA's regulations as to buildings or fire safety) and such standards conflict with a Broadcasting standard, the heads of both agencies and the Secretary of Labor will be notified of the conflict so that it may be resolved.

(c) Appropriate employee representatives will be informed of any activities undertaken pursuant to this section.

#### 1960.45 Emergency Standards

(a) Emergency temporary OSHA standards issued by the Secretary of Labor shall be immediately effective without change and any employees exposed to the unsafe or unhealthful working condition involved shall receive the protection provided for in such standard. Each standard will remain effective until replaced by a permanent standard.

(b) The Safety and Health Official may issue an emergency temporary standard whenever he/she deems such action necessary for the protection of employees from grave dangers. Employee representatives and the Secretary of Labor will be immediately notified of such action.

#### 1960.46 Access to Standards

(a) The Secretary of Labor shall be notified on a quarterly basis of the final adoption, revision, modification, or revocation of any standard taken within the current quarter and copies will be made available upon request.

(b) See Guideline instructions as to the rules to be followed when references are to be incorporated in a standard.

#### 1960.47-49 (Reserved)

### FEDERAL SAFETY AND HEALTH COUNCILS

#### 1960.50 Purpose and Scope

To the extent that the workload permits, participation by appropriate officers, supervisory personnel, and representatives of employees in local Federal Safety and Health Council meetings is authorized and encouraged to facilitate the exchange of ideas between members from Federal activities in the area.

#### 1960.51-59 (Reserved)

International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

Material within this Manual of Operations and Administration may no longer be current. To ensure having the most current policy or procedure, please contact the Agency office responsible for the subject matter, e.g., information about performance appraisal, staffing, or compensation should be directed to the Office of Human Resources. For assistance in determining which office to contact, please contact Cathy Brown or Renee Tyrance-Gauff of the Analysis and Administration Division on (202) 203-4664 or feel free to email this staff at [cabrown@bbg.gov](mailto:cabrown@bbg.gov) or [crgauff@bbg.gov](mailto:crgauff@bbg.gov).

MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART IV ADMINISTRATIVE SERVICES, 400 SPACE AND FACILITIES  
Section 470

OCCUPANT EMERGENCY PROGRAM

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- 471.2 Policy

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475 Occupant Emergency Organization

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#### 477 Handicapped Occupants

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#### 478 Employees' Responsibilities

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#### Section 470

### OCCUPANT EMERGENCY PROGRAM

#### 471 PURPOSE AND POLICY

471.1 Purpose - The Occupant Emergency Program prescribes the scope and method for immediate, positive, and orderly action to safeguard life and property during facility/occupant emergencies.

471.2 Policy - This program will be fully implemented through the development of an Occupant Emergency Plan and the establishment of an Occupant Emergency Organization at each location where Broadcasting is the primary tenant. Broadcasting will participate in a similar organization upon the request of another agency having responsibility as primary tenant.

472 AUTHORITY - The Occupant Emergency Program is prescribed by the Administrator, General Services Administration, under authority of Section 205(c), 63 Stat 390 (40 U.S.C. 486). GSA provides implementing regulations in 41 CFR 101-20.5 (Public Contracts and Property Management). This program also adheres to Homeland Security Presidential Directive (HSPD)-5

#### 473 APPLICABILITY

473.1 Domestic - The provisions of this section apply to all personnel occupying space in Federally-owned or leased buildings at locations in the United States. The Director, Office of Administration, provides guidance and administration.



473.2 Overseas Locations - The Uniform Foreign Affairs Regulations, 6 FAM 600, Safety and Civil Defense Programs, apply to all overseas establishments. The Department of State has overall responsibility for implementing and coordinating these programs for personnel at overseas locations.

473.3 Radio Transmitting Stations - The Transmitting Station Instructions (TSI) Manual issued by the Office of Engineering shall require the head of each domestic or foreign-based radio transmitting station to comply with 473.1 or 473.2 above, whichever is appropriate, in developing emergency preparedness procedures.

#### 474 DEFINITIONS

474.1 Occupant Emergency Program is a facility/occupant response program to reduce or eliminate loss of life, injury, and destruction of property during a short term emergency.

474.2 Occupant Emergency Plan is a written set of instructions developed to provide an immediate response to emergency situations which pose a threat to life or property.

474.3 Occupant Emergency Organization is the emergency response organizations comprised of tenant employees of a Broadcasting occupied building who are designated to perform the requirements established by the Occupant Emergency Plan.

474.4 Emergency is a term which involves bombing, bomb threats, civil disturbances, fires, explosions, tornadoes and other natural or human-caused disasters. The term does not include emergency preparedness as it applies to civil defense matters, such as potential or actual enemy attack.

474.5 Primary Occupant is the Federal agency having the largest number of employees working in a building or facility. This determination is usually based upon each agency's space requirements.

474.6 Designated Official is the official of the primary occupant agency assigned the responsibility for developing and implementing the occupant

emergency plan. In Washington, D.C., the Director, Office of Administration, is the Designated Official for all buildings where Broadcasting is the primary occupant agency. At all other domestic locations where Broadcasting is the primary occupant agency, the highest ranking official is the Designated Official.

474.7 Occupants is a term to describe both visitors and resident Federal employees working in a building or facility.

474.8 Occupant Agency is another term to describe a resident Federal agency other than the primary occupant agency assigned to a building or facility.

475 OCCUPANT EMERGENCY ORGANIZATION - The occupant emergency program is designed so that occupants can help themselves in an organized manner to prevent or minimize injury, loss of life and/or property in compliance with the provisions of HSPD-5. The Organization shall consist of such officers and teams as may be required to execute the Emergency Plan. The structure of the Organization should take into consideration the building configuration, the number of persons involved, and the nature of the emergency operations required. Members of the Organization may include:

475.1 Designated Official - The Designated Official is the highest ranking official with responsibility for developing and implementing the occupant emergency plan; for establishing and maintaining the occupant emergency organization; and for ensuring the designees of the organization are trained to perform the functions of the plan (See paragraph 476.1).

475.2 Occupant Emergency Coordinator - The Occupant Emergency Coordinator is responsible for implementing the overall plan of action. Duties include: selecting, training, and organizing an adequate staff for conducting emergency operations; and for supervising the activities of the Occupant Emergency Organization. The Coordinator reports to the Designated Official and keeps the persons apprised of events during an emergency (See paragraph 476.4).

475.3 Damage Control Coordinator - The Damage Control Coordinator is responsible for controlling utilities during an emergency, to assist in bomb searches, and for rescue service when required. The Damage Control Coordinator supervises the activities of the Damage Control Team.

475.4 Damage Control Team - Under the direction of the Damage Control Coordinator, the Damage Control Team is responsible for controlling utilities during an emergency, to assist in bomb searches, and for rescue service when required. During emergencies, members report to the Damage Control Coordinator at the Command Center or other designated location.

475.5 Floor Warden - The Floor Warden controls and expedites the planned movement of floor occupants, including handicapped persons, and coordinates the bomb search of occupant space. The Floor Warden supervises the activities of the following floor team members:

- a. Stairway Monitor - The Stairway Monitor ensures that stairway routes are safe for purposes of evacuation and assists occupants in gaining access to the stairway.

- b. Elevator Monitor - The Elevator Monitor ensure that elevators are not used by occupants to evacuate the building and assists in evacuating disabled persons from the building when directed by the Floor Warden.

- c. Handicap Monitor - A Handicap Monitor is assigned to each occupant with a handicap who may require assistance during an emergency. The Handicap Monitor will remain with the disabled person until physically out of the building.

475.6 Medical Coordinator - The Medical Coordinator is responsible for training and equipping emergency personnel to perform first aid and for supervising medical staff-help operations during an emergency until professional medical personnel arrive.

475.7 Technical Advisors - Designated technical advisors may include: Security Officer, Safety Officer, Building Manager (Lessor), etc. Under the control of the Occupant Emergency Coordinator, Technical Advisors will provide professional assistance where needed.

#### 476 RESPONSIBILITIES

476.1 Designated Official - The designated Official's responsibilities are:

- a. Developing, implementing and maintaining a current occupant emergency

plan.

b. Establishing, staffing and maintaining the occupant emergency organization with personnel from Broadcasting and any other occupant agency(s) .

c. Ensuring that designees of the organization are trained to perform the functions of the plan.

476.2 Office of Administration - Is responsible for:

a. Developing, maintaining and implementing the Occupant Emergency Plan.

b. Assisting and advising the Designated Official in establishing an Occupant Emergency Organization and providing guidance in documenting the emergency plan.

c. Maintaining liaison with the Federal Protective Service and Building Managers of the General Services Administration for the purpose of advising and assisting offices in administering the Occupant Emergency Program.

d. Maintaining a copy of the Occupant Emergency Plan established at each location where Broadcasting is the primary occupant Agency or where Broadcasting is included in the emergency plan of another primary occupant agency.

e. Conducting an annual review of emergency plans and organizations to ensure that they are current and adequate.

f. Advising heads of organizational elements in Washington, D.C., regarding their responsibility for organizing or participating in the Occupant Emergency Program at buildings other than the Cohen and Switzer Buildings.

g. Providing training guidance information on facility/occupant emergencies to the heads of various establishments.

476.3 Directors and Heads of Offices - Directors and Heads of Offices are responsible for:

a. Ensuring that a sufficient number of their employees participate as members of the Occupant Emergency Organization (Floor Wardens, Stairwell Monitors, etc.) in the Occupant Emergency Plan.

b. Having the highest ranking official, at a location, assume the position and duties of the Designated Official when their employees constitute the majority of Federal government employees.

c. Insuring that their employees participate in the Occupant Emergency Program when they constitute a minority of Federal government employees at a government-owned or leased building.

476.4 Occupant Emergency Coordinators - At any location where Broadcasting is the sole or primary tenant, the highest ranking official will appoint, by written memorandum, an Occupant Emergency Coordinator (OEC) who will be responsible for all aspects of facility protection, including any emergency situation that threatens loss of life or property. The appointment is to be maintained on a current basis and a copy of each successive memorandum of appointment will be forwarded to the Office of Administration. The OEC's responsibilities include:

a. Establishing an Occupant Emergency Plan

(1) The OEC will draft an Occupant Emergency Plan. Assistance may be obtained from the Office of Administration, the Regional Office of the Federal Protective Service, and the GSA Building Manager for the space occupied.

b. Establishing an Occupant Emergency Organization

(2) After the Plan has been completed, the OEC obtains approval form the Regional Office of the Federal Protective Service and then submits the Plan for final approval to the head of the organizational element. A copy of the approved Plan should be forwarded to the Office of Administration, for record purposes.

(3) If specialized training is needed for members of the Occupant Emergency Organization, training requests should be submitted by the OEC to the head of the organizational element and/or the Chief, Training Division. Training assistance may be available from the Federal Protective Service, local fire department, etc.

c. Implementing the Plan - The Emergency Coordinator will:

(1) Ensure basic provisions of the Plan are disseminated to all persons employed in the building.

(2) Provide occupants with names of wardens designated to particular areas.

(3) Publicize the location of fire alarm boxes and provide instructions on their use.

(4) Coordinate arrangements for and direct fire alarm drills. These drills should be conducted with the approval and cooperation of the head of the organizational element and the building manager or owner.

(5) Ensure emergency and fire regulations are enforced. Supplemental instructions and reminders should be issued to building employees.

(6) Exercise command responsibilities over emergency situations, including fire, and issue instructions for the evacuation of the building.

d. The Occupant Emergency Coordinator will maintain liaison with:

(1) Principal officers of tenant agencies to resolve problems which may arise in the selection and training of tenant agency employees to serve in the Occupant Emergency Organization;

(2) GSA representatives (Federal Protective Service and Buildings Manager) in preparing and obtaining approval for the Occupant Emergency Plan;

(3) The head of the organizational element as to the capability and preparedness of the Occupant Emergency Organization.

e. Duties During An Emergency

(1) Fire Emergency - Upon the sounding of the fire alarm, the Occupant Emergency Coordinator and all members of the Emergency Organization will immediately cover their assigned posts and direct the movement of personnel in accordance with the Emergency Plan.

(2) Other Emergencies - Natural disasters such as hurricanes, floods, storms, etc., and other disasters such as explosions, civil disturbances,

escape of lethal gases, etc., may necessitate utilization of the Emergency Organization. In the event of such emergency, the Occupant Emergency Coordinator will receive instructions from the head of the establishment or the responsible organization element(s) as designated in the Plan for his or her particular building; or lacking specific instruction, will follow the procedures listed in the Emergency Plan.

(3) Source of Information During an Emergency -The Occupant Emergency Coordinator, after carrying out the prescribed or authorized procedures at the onset of a fire or other emergency, will provide continuing guidance and information to the wardens pending termination of the emergency.

#### 477 HANDICAPPED OCCUPANTS

477.1 Identification of Handicapped Occupants - The Handicap Program Manager, Office of Equal Employment Opportunity and Civil Rights, shall identify employees who, because of a handicap, will require assistance during an emergency situation listed in 474.4. These employees shall become known to the Handicap Program Manager by referral from the Office of Personnel, supervisors, other employees and in some instances by personal observation. The Handicap Program Manager will interview the employee concerned to ascertain the extent of disability involved. In cases where the Handicap Program Manager is satisfied that the employee does have a disability that would prevent or hinder their use of stairs to evacuate the building in an emergency, the Occupant Emergency Coordinator shall be made known of the handicapped employee's identity.

477.2 Occupant Emergency Coordinator - The Occupant Emergency Coordinator (OEC), upon notification from the Handicap Program Manager that an employee has been identified as a Handicapped Occupant, shall supply the appropriate Floor Warden with the name and work location of the Handicapped Occupant. In addition, the OEC shall identify an employee to be assigned to that Handicapped Occupant as a Handicap Monitor during an emergency. A current list of Handicapped Occupants, their monitors and floor Wardens will be provided to the Handicap Program Manager by the OEC.

477.3 Floor Wardens - Upon receipt of the name of a Handicapped Occupant and the Handicap Monitor, the Floor Warden will become familiar with these individuals and insure that his/her identity is known to them. A current list of each floor's Handicapped Occupants and their monitors shall be maintained by the appropriate Floor Warden. If in doubt about the need for assistance, the Floor Warden should request clarification from the OEC.

#### 478 EMPLOYEE'S RESPONSIBILITIES

478.1 Employees Assigned Occupant Emergency Duties - All employees assigned duties as part of the Occupant Emergency Plan shall immediately proceed to their stations and perform their responsibilities upon hearing the fire alarm or when notified by an appropriate member of the Occupant Emergency Organization.

478.2 Employee Discovering a Fire - Any employee discovering a fire should immediately pull the nearest fire alarm box and stand by to direct the warden or guard to the fire. If this is not possible, notify a member of the Occupant Emergency Organization by whatever means are available.

478.3 Handicapped Employees - Upon notification of an emergency situation, Handicap Occupants shall comply with the directions of their Handicap Monitor or Floor Warden.

478.4 All Other Employees -

a. Become aware of locations for fire alarm boxes, fire extinguishers and stairwells.

b. During an emergency follow these rules:

(1) If time permits, store (not file) classified material in filing cabinets and lock all cabinets containing classified material. Good judgment prevails; if in a danger area, evacuate the space immediately.

(2) Close windows immediately. Turn out all unnecessary lighting and electrical items. Close door upon leaving office.



(3) Take personal belongings with you (purse, coats).

(4) Avoid crowding or undue haste. Descend stairs with special care.  
Follow instructions of the wardens.

(5) Proceed promptly and calmly to the building exit.

(6) When out of the building, move at least 100 feet away from the building.

(7) Do not re-enter the building until authorized by the Occupant Emergency Coordinator or Designated Official.

International Broadcasting Bureau  
Manual of Operations & Administration

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MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART IV ADMINISTRATIVE SERVICES, 400 SPACE AND FACILITIES  
Section 480

LOCATION OF PERMANENT OFFICES OR OTHER FACILITIES

481 Purpose

482 Legal Requirement

483 Definition

484 Procedures

Section 480

LOCATION OF PERMANENT OFFICES OR OTHER FACILITIES

481 PURPOSE - This Section describes the procedures to be followed when Broadcasting contracts for permanent offices or other facilities in the U.S. (fifty States and the District of Columbia) through lease, purchase, or construction.

482 LEGAL REQUIREMENT - Section 901(b) of the Agriculture Act of 1970 (P.L. 91-524) as amended requires the heads of all executive departments and agencies to establish and maintain policies and procedures giving first priority to the location of new offices and other facilities in rural areas as defined in 7 U.S.C. Section 1926(a) (7) (B).

483 DEFINITION - For the purpose of this instruction a facility will be an "installation" as defined in GSA inventory instructions, i.e., an installation may consist of land, buildings, other structures and facilities, or any combination thereof. Installations may vary in size and may be a national forest, national park, hydroelectric project; or on

the other hand, may be a single office, warehouse building, or an unimproved site.

484 PROCEDURES - As a part of its standard operating procedures, the Office of Administration takes into consideration the requirements of P.L. 91-524, as well as all other pertinent factors, prior to final decision on location of Broadcasting facilities in the U.S.

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PART IV ADMINISTRATIVE SERVICES, 400 SPACE AND FACILITIES

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PART IV ADMINISTRATIVE SERVICES, 500 APPROVAL OF TDY TRAVEL  
Section 510

INTRODUCTION

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- 511.2 Applicability

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- 513.3 Authorization of Travel
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514 Approval and Clearance of Travel

- 514.1 Approval of Travel
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516 Authority to Sign Travel Authorizations

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## Section 510

### INTRODUCTION

#### 511 SCOPE

511.1 Contents of Section - This Section contains statements of policy, procedures, and explanatory material and instructions governing temporary duty (TDY) travel in the United States and abroad by Civil Service employees. It also contains approval requirements applicable to Foreign Service employees performing temporary duty travel originating in the U.S., and describes the procedures for processing documents covering such travel. (For additional instructions pertaining to travel, transportation and storage of effects of Foreign Service employees see 6 FAM 100.)

511.2 Applicability - Temporary duty travel PAID FROM WASHINGTON ALLOTMENTS is performed by:

- a. Civil Service employees (including paid experts and consultants).
- b. Foreign Service employees assigned to positions in the United States.
- c. Foreign Service employees incident to directed TDY travel to the United States.
- d. Experts, consultants, and other categories without compensation (WOC).
  - (1) Private persons required to travel for the purpose of conferring upon Government matters may be regarded as WOC without being inducted into Government service.
- e. Certain prospective employees, as follows:
  - (1) Prospective employees who are to be appointed to positions excepted from Civil Service laws and regulations and the Classification Act may be transported to the place of employment for interviews before hiring.
  - (2) The Government may not pay the travel or per diem expenses to ascertain the qualifications of prospective employees to hold positions subject to Civil Service laws and regulations except as permitted by personnel laws, regulations, guidelines or agreements with the Office of Personnel Management.
  - (3) Broadcasting may pay candidates for Senior Executive Service positions travel expenses incurred incident to pre-employment interviews.
  - (4) Prospective employees in categories (1), (2) and (3) above may be treated as WOCs for the purpose of paying their travel or per diem expenses.
- f. Members of the Broadcasting Board of Governors.
- g. Advisory Board for Cuba Broadcasting.

## 512 LEGAL AND REGULATORY AUTHORITIES

The Federal Travel Regulations (FTR) have full force and effect for all temporary duty travel performed by personnel listed in paragraph 511.2a above. Personnel referred to in paragraphs 511.2b and c travel under the provisions of the Uniform Foreign Affairs Regulations (6 FAM 100). The legal basis for paying per diem for official travel to the members of the Broadcasting Board of Governors and the Advisory Board for Cuba Broadcasting and experts, consultants, and other categories serving without compensation (WOC) is contained in Public Law 80-402, Section 801(6); Public Law 87-256, Section 106(e); PL 97-446, Section 306(c); Public Law 79-600, Section 5; Public Law 98-111, Section 5(e); and 41 CFR 101-6.1033(d), as amended, respectively.

## 513 DEFINITIONS

513.1 Amendment - A supplementary travel authorization which authorizes changes in the original travel plan. Prepared before travel commences.

513.2 Approval of Travel - Certification by a Broadcasting official that the travel is essential and that the purpose cannot be achieved by more economical means.

513.3 Authorization of Travel - Verification by an official listed in paragraph 516 below that the travel authorization has been filled out correctly and completely, that the planned travel is in conformance with regulations, and that all necessary justifications or approvals are attached.

513.4 Certificate of Approval - A supplementary travel authorization which authorizes travel or changes thereto. Prepared after travel is completed.

513.5 Clearance of Travel - Acknowledgment by officials or elements that they are aware of the planned travel and know of no factors or circumstances that would preclude the trip.

## 514 APPROVAL AND CLEARANCE OF TRAVEL

### 514.1 Approval of Travel -

a. Broadcasting officials are authorized to approve domestic and overseas travel and to sign the Authorization of Official Travel. In doing so, they certify that the travel is essential and the purpose cannot be achieved by other means.

b. Additional approval and clearance requirements are outlined in MOA IV sections 520 through 590.

c. All travel by consultants must be approved by the Director of International Broadcasting or his/her designee, whether travel is specified under the consultant's contract or results from other arrangements. Consultants are defined as "individuals offering services of a purely advisory nature on an intermittent or temporary basis, who

are considered to have knowledge and special abilities that are not generally available within Broadcasting."

d. Those who approve foreign and domestic travel are personally responsible for assuring that an absolute minimum number of travelers is authorized to travel to a given event, conference or project. Elements initiating the travel request are responsible for obtaining the appropriate approval and clearances before travel authorizations are submitted to the final signatory in the Office of Administration.

514.2 Travel Approval Criteria - Approving officials should consider the following criteria before approving travel:

a. Is the proposed trip directly and specifically related to the Broadcasting and the requesting element's mission? Does the travel authorization clearly and comprehensively explain it?

b. Will you be able to document adverse effects on the program effectiveness and/or administrative efficiency of the office or post if the trip is not carried out by the proposed traveler in the time frame requested?

c. Does the purpose of the trip require the presence of the proposed traveler to do the job? Can the trip's objectives be accomplished by someone else already at the destination or going there in the same general time frame as the planned trip?

d. Would the proposed travel withstand audit, in terms of purpose, length, cost, number of travelers, etc.?

514.3 Approval and Limitation on Conference and Summit Travel - Plans for representation at international conferences and summits shall be coordinated by the Chief of Staff and approved by the Director of International Broadcasting.

514.4 Pooling of Media Coverage - Elements should discuss plans with each other and make a strong effort to pool resources wherever possible in order to optimize coverage at minimum cost.

#### 515 FORM USED IN REQUESTING, APPROVING AND AUTHORIZING TRAVEL

Authorization of Official Travel, is used for domestic and overseas TDY travel by staff and individuals referred to in paragraph 511.2 above. Space has been provided in Blocks M and N for recording approval and clearances. An Authorization of Official Travel should be issued prior to the beginning of travel unless circumstances prevent such prior authorization.

#### 516 AUTHORITY TO SIGN TRAVEL AUTHORIZATIONS (BLOCK Q )

516.1 Chief, Administrative Operations and designated members of his/her staff and Broadcasting Administrative Officers may authorize domestic and overseas travel, including transportation of household effects in connection with a transfer of personnel, in Block Q of the travel



authorization form. Other officials have been delegated certain authorities to authorize travel as indicated in paragraph 516.2.

#### 516.2 OTHERS

a. The Station Manager, the Deputy Station Manager, and/ or Administrative Officers of Domestic Transmitting Stations may authorize travel of their respective staffs within a radius of 500 miles of the home stations and between home stations and Washington, D. C.

b. The Chiefs of the New York, Northeast, Southeast, Midwest, Southwest, and West Coast News Bureaus may authorize domestic travel for special events purposes.

#### 517 DEVIATING FROM APPROVED ITINERARY

Deviations from the approved itinerary, period of travel, or purpose of the trip will be allowed only when authorized by appropriate Broadcasting Officials. When such deviations occur, an amendment to the originally approved Form Authorization of Official Travel, is required. An amendment should be issued prior to the performance of travel. If the circumstances in a particular case prevent such prior amendment, a certificate of approval should be issued as soon as possible.

#### 518 TRAVEL WITHIN WORKWEEK

Public Law 89-301 (5 USC 6101(b)(c)) provides that travel shall, to the maximum practicable, be scheduled within an employee's scheduled workweek. When an employee is required to travel outside his or her scheduled duty hours under circumstances which do not entitle him or her to overtime pay or compensatory time off, the official who orders the travel must record the reasons for ordering the travel during non-duty hours and must furnish the employee a copy upon request. (See MOA V-A 242.4c for circumstances in which hours of travel are treated as hours of work in determining entitlement to overtime compensation.)

#### APPROVAL OF DOMESTIC AND INTERNATIONAL TDY TRAVEL

The following officials are authorized to approve domestic and overseas TDY travel by members of their respective elements (Block M of Travel Authorization, Form):

Director, International Broadcasting, VOA Director, Chief of Staff, Television Director, Engineering Director, Chief, News Division, Director, Office of Cuba Broadcasting, Executive Director, Broadcasting Board of Governors.

#### INSTRUCTIONS FOR PREPARING AUTHORIZATION OF OFFICIAL TRAVEL

##### A. Authorization Number and Date

Fill in the seven-digit number assigned by the appropriate administrative section. The date should be the day the number is assigned.

If canceling an authorization, repeat the Travel Authorization (TA) number, adding a hyphen and the letter X, followed by the date the cancellation is prepared.

#### Amendment Number and Date

An amendment is prepared when travel requirements change after the original TA has been issued but before travel has commenced or while in a travel status.

Repeat the original TA number and date on line A. Use the same number on the next line, adding a hyphen and an alphabetical letter, and the date the amendment is prepared. Amendments start with the letter A and follow in sequence (B, C, D, etc.).

If canceling an amendment, the letter X should follow the lettered amendment being canceled.

#### B. Certificate of Approval Number and Date

A certificate of approval is prepared when:

1. Travel has been completed but no authorization has been issued. Fill in the seven-digit number assigned by your administrative section. The date should be the day the number is assigned.

2. An authorization was issued before travel began, but travel requirements changed and no amendment was prepared. Travel has been completed. Repeat original TA number and date on line A. On line B, use the same TA number, adding a hyphen and double alphabetical letters. Start with AA and follow in sequence (BB, CC, DD, etc.).

#### C. Name

Insert last name, first name, and middle initial.

#### D. Official Station

Post of assignment of the traveler.

#### E. Organization

Office symbol of the traveler or name of the traveler's organization.

#### F. Status

Place an X in the appropriate space, designating whether the traveler is Civil Service (GS), Foreign Service (FS), or Foreign Service National (FN). If the traveler falls into the "Other" category, specify the status (Consultant, GM, SES, etc.).

#### G. Regulations

FS and FSN employees are governed by 6 FAM (Foreign Affairs Manual). GS employees and other individuals performing TDY travel are governed by the FTR (Federal Travel Regulations).

#### H. Itinerary

Starting with the origin city, list the cities/states or cities/countries on the itinerary. When feasible they should be listed in the order in which they will be visited. For the convenience of the traveler, per diem rates should be inserted.

#### I. Travel Dates

Fill in the dates on which travel begins and ends.

#### J. Purpose of Travel

1. CATEGORY: Select the category from reverse side of the travel authorization form and insert on line J1.

2. DESCRIPTION: Describe the specific purpose of travel. Should there be more than one purpose in each city, or should the purpose vary from one city to another, state each one accordingly. Vague purposes like "consultation" should be avoided. Instead, the nature of the consultation should be described.

3. CHECK THE APPROPRIATE BLOCK on line J3 if Category 5 or 10a was selected under J1 above.

#### K. Authorized Expenditures

The travel authorization must contain justification for certain expenditures. Use a separate sheet of paper if more space is needed.

##### 1. Excess Baggage (JUSTIFICATION REQUIRED)

Fill in the required amount and underline the units of measure (pounds, kilos or units). On international flights, 22 pounds of excess baggage are automatically authorized and need not be entered on the travel authorization. Only the excess over 22 pounds must be entered and justified.

##### 2. Taxicabs

Place an X in this space if taxicabs are required. Justification for use of taxis is necessary only when Taxicabs and Use of POV (items 2 and 5) are both marked with an X.

##### 3. Hire of Automobile (JUSTIFICATION REQUIRED)

Place an X in this space if hire of auto will be necessary. If the auto is needed in more than one city, specify in the justification which cities require the rental and why.

#### 4. Mixed Mode of Travel (JUSTIFICATION REQUIRED)

Place an X in this space only if the traveler will have to use a combination of air and surface carriers.

#### 5. Use of POV (privately-owned vehicle) (JUSTIFICATION REQUIRED IF MILEAGE IS CHECKED)

If an X is placed next to 5, "a" (cost comparative) or "b" (mileage) must also be marked with an X.

Cost comparative is checked when travel by POV is authorized for personal convenience. Reimbursement is limited to the lesser amount of:

- The cost of direct automobile travel at the standard Government mileage rate, including tolls; or
- The cost of direct air travel, including per diem and transportation to and from terminals.

Mileage is checked when travel by POV is authorized for the convenience of the Government, via the most direct route at the standard Government mileage rate, plus necessary bridge, road or tunnel tolls. Fill in the rate of reimbursement (CPM: cents per mile).

#### 6. Actual Subsistence Expense Basis (JUSTIFICATION AND APPROVAL REQUIRED)

See MOA IV 562 for conditions under which travel on an actual subsistence expense basis may be approved. The traveler must submit justification in memorandum form to the appropriate official see MOA IV 564. When approved, attach the memorandum to the travel authorization and list the city and amount in Block K6.

Actual subsistence in the conterminous U.S. (CONUS) may not exceed 300% of the per diem rate. Outside the CONUS actual subsistence may not exceed 300%. The reimbursement for M&IE shall not exceed 300% of the applicable M&IE rate (rounded to the next higher dollar).

Meals and miscellaneous expenses must be itemized on the travel voucher when travel is authorized on an actual subsistence expense basis. Receipts are required for lodging and for individual meals over \$75 before tip.

#### 7. Hire of Room for Official Use (JUSTIFICATION REQUIRED)

Specify city and intended use of room.

#### 8. Other

This space is for specifying other allowable expenses not covered in K1 through K7 such as newspapers, long distance telephone calls, etc.

L. Requesting Officer/Organization/Phone

Self-explanatory.

M. Approval

Self-explanatory

N. Clearances

Self-explanatory

O. Funds Available

A signature in Block O is required before the Office of Administration will authorize the travel. The person who certifies the availability of funds should have direct knowledge of the travel budget and status of funds of the element which is funding the travel.

P. Accounting Data

Fill in this section completely. If a travel advance is requested, specify the amount and complete form SF-1038. This amount should not exceed 92% of the combined per diem and miscellaneous in U.S. dollars. (See MOA IV 660 for information on travel advances in connection with the use of Government-issued travel cards.) If travel is authorized by POV on a mileage basis, the travel portion of the estimated cost in Block P may also be included in the travel advance. If travelers checks are required, round the advance to the nearest \$50.

Per diem rates in the CONUS are listed in the Federal Travel Regulations. Rates outside the CONUS may be obtained from your Administrative Officer or from the Office of Administration.

Q. Authorizing Officer

Chief, Administrative Operations, his/her designee.

Preparation, Clearance, Signature and Distribution Procedure

The originating office:

1. Prepares the Authorization of Official Travel;
2. Attaches a separate sheet of justifications for authorized expenditures, if necessary;
3. Removes Copy 9 (Originating Office Copy) for office records;
4. Routes the T.A. as follows:
  - For approval in Block M by the appropriate official.
  - For the necessary clearances in Block N
  - For signature in Block O;

- To the authorizing office.

The authorizing office:

1. Reviews the authorization for content and necessary signatures;
2. Signs the authorization in Block Q;
3. Makes distribution of copies and returns the traveler's copy to the originating office.

#### TRAVEL PURPOSE CATEGORIES

(Insert number in Block J of Travel Authorization)

In order to establish uniformity in the way travel purposes are identified on the travel authorization, travelers should select from the following guidelines the travel purpose category which conforms most closely to the travel being performed. (Reference OMB Bulletin No. 82-11 dated April 19, 1982)

1. SITE VISIT - Travel to a particular site in order to personally perform operational or managerial activities (e.g., to oversee program activities, grant operations, or management activities for internal control purposes; carry out an audit, inspection, or repair activity; conduct negotiations; provide instructions; or provide technical assistance.
2. CONSULTATION (INFORMATION MEETING) - Travel to discuss operations, review status reports or discuss topics of general interest. If a site visit was conducted as part of the same trip, consider the entire trip to be for the purpose of a site visit.
3. TRAINING ATTENDANCE - Travel to receive training.
4. SPEECH OR PRESENTATION - Travel to make a speech or presentation, deliver a paper, or otherwise take part in a formal program other than a training course.
5. CONFERENCE ATTENDANCE - Travel to attend a conference, convention, seminar, symposium, or similar event for purposes of representation, observation or education.
6. RELOCATION - Travel performed in conjunction with a transfer from one official duty station to another (same as a permanent change of station or PCS move). This includes new appointees when they are authorized relocation allowances for reporting to their first duty station.
7. ENTITLEMENT TRAVEL- Travel entitlements for which an employee (or dependent) may be eligible while serving at a duty station dependent) may be eligible while serving at a duty station outside the conterminous United States.

8. SPECIAL MISSION TRAVEL - Travel to carry out a special mission, e.g., move non-combat military units; provide security to a person or a shipment (such as a diplomatic pouch); move witnesses from residence to other locations; travel by Federal beneficiaries and other non-employees.

9. EMERGENCY TRAVEL - Travel to return an employee from a temporary assignment location at Government expense to his/her designated post of duty or home, or other alternate location, where he/she would normally be present to take care of the emergency situation if the Government had not directed or assigned the employee to another location to perform official business.

10a. MEDIA COVERAGE - Coverage of special events.

10b. OTHER TRAVEL - All travel performed for reasons (purposes) which are not shown in one of the other ten categories listed above. Even though stated as "other travel," the travel authorization and voucher should also detail the specific purpose.

TRAVEL BY VESSEL MUST BE APPROVED BY THE DIRECTOR OF ADMINISTRATION.

FIRST OR BUSINESS CLASS AIR TRAVEL MUST BE APPROVED BY THE DIRECTOR OF ADMINISTRATION.

TRAVEL ON FOREIGN FLAG CARRIERS REQUIRES THE APPROVAL OF THE DIRECTOR OF ADMINISTRATION IN CONSULTATION WITH THE GENERAL COUNSEL.

TRAVEL TO THE FORMER SOVIET UNION, YUGOSLAVIA OR OTHER EASTERN EUROPEAN COUNTRIES, PEOPLE'S REPUBLIC OF CHINA, VIETNAM, OR CUBA REQUIRES NOTIFICATION TO THE OFFICE OF SECURITY. (A COPY OF THE APPROVED TRAVEL AUTHORIZATION IS PROPER NOTIFICATION.)

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PART IV ADMINISTRATIVE SERVICES, 500 APPROVAL OF TDY TRAVEL  
Section 520

GENERAL PURPOSE DOMESTIC TRAVEL

521 Applicability

522 Approval Requirements

- 522.1 General Purpose Domestic Travel
- 522.2 Travel to Accompany a Dignitary
- 522.3 Travel by Consultants
- 522.4 Group Travel

523 Additional Clearance and Approval Requirements

- 523.1 Additional Clearances of Approvals
- 523.2 Exceptions

Section 520

GENERAL PURPOSE DOMESTIC TRAVEL

521 APPLICABILITY

This Section applies to the approval and clearance of domestic TDY travel by the categories of travelers listed in MOA IV 511.2.

522 APPROVAL REQUIREMENTS

522.1 General Purpose Domestic Travel is approved as follows:

- a. Travel by the VOA Director, Chief of Staff and the heads of independent Offices is approved by the Office of the Director.



- b. Travel by staff of the above officials and by heads of Offices and Services is approved by the respective element head.

522.2 Travel to Accompany a Dignitary should be cleared with the Office of Security. A dignitary is defined as an official of Cabinet-level or higher rank.

522.3 Travel by Consultants (unless member of statutory Committee, Commission or Board,) is approved by the Director or his/her designee.

522.4 Group Travel (travel by more than one person to one location for the same purpose) is coordinated and approved by the Chief of Staff. Travel in order to convene as a group by members of statutory Committees, Commissions or Boards, is excluded from this requirement.

#### 523 ADDITIONAL CLEARANCE AND APPROVAL REQUIREMENTS

523.1 Additional clearances or approvals are required for the following special types of travel.

- a. Travel to attend meetings to address an audience, or participate in a discussion, or as an observer (MOA IV 540).
- b. Travel for training purposes (MOA IV 550).
- c. When all or part of expenses are paid by a tax-exempt sponsoring organization (MOA IV 555).
- d. Travel on an actual subsistence expense basis (MOA IV 560).
- e. Travel to attend an international conference or summit (MOA IV 570).
- f. Consultation travel in U.S. by officers assigned overseas who are in the U.S. on other than official business (MOA IV 580).
- g. Emergency travel (MOA IV 590).
- h. Travel by vessel (MOA IV 633.3).
- i. Use of first class or business class air accommodations (MOA IV 636.4).

523.2 Exceptions - The approval and clearance requirements in paragraphs 523.1a, b, c and e do not apply to travel by members and staff of the Broadcasting Board of Governors.

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PART IV ADMINISTRATIVE SERVICES, 500 APPROVAL OF TDY TRAVEL  
Section 530

GENERAL PURPOSE OVERSEAS TRAVEL

531 Applicability

532 Approval Requirements

532.1 General Purpose Overseas Travel

532.2 Travel by Consultants

532.3 Group Travel

533 Additional Clearance and Approval Requirements

533.1 Special Types of Travel

534 Medical Coverage While Overseas

534.1 Foreign Service Employees

534.2 Civil Service Employees

Section 530

GENERAL PURPOSE OVERSEAS TRAVEL

531 APPLICABILITY

This section applies to the approval and clearance of overseas TDY travel by Civil Service personnel, by Foreign Service personnel assigned to domestic offices, and, if indicated, by other categories of travelers listed in MOA IV 511.2.

532 APPROVAL REQUIREMENTS

532.1 General Purpose Overseas Travel

- a. Travel by the Chief of Staff, the VOA Director, Office of Cuba Broadcasting Director, and the heads of independent Offices is approved by the Office of the Director.
- b. Travel by staff members of the above is approved by the appropriate director or office head.

532.2 Travel by Consultants (unless member of statutory Committee, Commission or Board, is approved by the Director or his/her designee.

532.3 Group travel (travel by more than one person to one location for the same purpose) is coordinated and approved by the Chief of Staff. Travel in order to convene as a group by members of statutory Committees, Commissions or Boards, is excluded from this requirement.

### 533 ADDITIONAL CLEARANCE AND APPROVAL REQUIREMENTS

533.1 - Special Types of Travel - Additional clearances or approvals are required for the following special types of travel:

- a. Travel to attend meetings to address an audience, or participate in a discussion, or as an observer (MOA IV 540).
- b. Travel for training purposes (MOA IV 550).
- c. When all or part of expenses are paid by a tax-exempt sponsoring organization (MOA IV 555).
- d. Travel on an actual subsistence expense basis (MOA IV 560).
- e. Travel to attend an international conference or summit (MOA IV 570).
- f. Consultation travel in U.S. by officers assigned overseas who are in the U.S. on other than official business (MOA IV 580).
- g. Travel by vessel (MOA IV 633.3).
- h. Use of first class or business class air accommodations (MOA IV 636.4).
- i. Travel on foreign-flag carriers (MOA IV 637.5).
- j. Travel to the former USSR, Yugoslavia or other countries in Eastern Europe, the People's Republic of China, Vietnam, or Cuba.

### 534 MEDICAL COVERAGE WHILE OVERSEAS

534.1 Foreign Service Employees - The Foreign Service Act of 1980 provides that if an individual or dependent eligible for health care under the Act incurs an illness, injury or medical condition while abroad (including temporary duty or detail assignment) which requires hospitalization or similar treatment, the cost of all or part of such treatment may be paid by the Government. Limitations on payments established by regulation may be waived whenever the Government

determines that the illness, injury or medical condition clearly was caused or materially aggravated by the fact that the individual concerned is or was located abroad. To be eligible for such payment the employee must have obtained a valid medical clearance in accordance with the Uniform Foreign Affairs Regulations (3 FAM 684.7).

534.2 Civil Service Employees - Under the provisions of the Federal Employees' Compensation Act (see MOA V-A 505), Civil Service employees may receive compensation for medical care when they suffer injury in the performance of their duty while located abroad.

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Section 540

TRAVEL TO ATTEND A MEETING

541 Definition

542 Approval Criteria and Requirements

542.1 Criteria

542.2 Requirements

543 Attendance as an Observer

543.1 Approval Requirements

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544 Clearance of Speech

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545.2 Regulations

545.3 Suggesting Use of Funds

546 Reimbursement of Expenses

546.1 Acceptance

546.2 Solicitation

546.3 Official Reimbursement

Section 540

TRAVEL TO ATTEND A MEETING

541 DEFINITION

The term "attendance at meeting" as used in this Section means attendance for the purpose of addressing an audience, participating in a public discussion, or participating in a conference. The term "attendance at meeting" does not include cases in which:

- a. The purpose of an employee's presence at a meeting is to serve an operating program need, e.g., to acquire material for scripts, recordings, photographs, or guidance for use in the regular business of Broadcasting or;
- b. The employee is present at a meeting held by a private organization for the purpose of participating in a Government-sponsored program.

#### 542 APPROVAL CRITERIA AND REQUIREMENTS

542.1 Criteria - The following criteria will be applied by the organizational elements concerned in considering requests for approval to attend a meeting.

- a. The organization holding the meeting must be a significant one.
- b. The organization must be one having a legitimate interest in Broadcasting programs or initiatives.
- c. There must be assurance that the meeting involved will discuss problems of immediate interest to Broadcasting.
- d. There must be assurance that no racial group has been segregated or excluded from the meeting or conference, from any facilities of the conference, or from membership in the group (see MOA II 140).

542.2 Requirements - Travel to attend a meeting to address an audience or participate in a public discussion must be approved by:

- a. The head of the organizational element supplying the representative, and,
- b. The Director, Office of External Affairs, or his or her Deputy, prior to acceptance of the invitation.

#### 543 ATTENDANCE AS AN OBSERVER

543.1 Approval Requirements - Travel to attend a meeting, convention, conference, gathering, or other form of assemblage to represent Broadcasting merely as an observer must be approved by the head of the organizational element supplying the representative. The subject matter of the meeting must be in a field of interest directly related to the duties of the Broadcasting representative.

543.2 Allotment Charged - The travel expenses for attendance at meetings as an observer are charged to the funds allotted to the element for regular official travel.

#### 544 CLEARANCE OF SPEECH

The office supplying the representative obtains preliminary clearance of the text or outline of the speech from the office concerned with the subject matter of the speech, and final clearance from External Affairs prior to accepting the invitation.

#### 545 COMPENSATION

545.1 Advance Approval - Without the advance approval of the Office of the General Counsel an employee may not accept personal compensation, fees, honoraria, or anything of monetary value for any consultation, speech, lecture, discussion, or appearance for which clearance is required under paragraph 544 above. Submit requests for approval to the Office of Administration at the time clearance of the speech is requested. The Office of Administration will forward the request to the Office of the General Counsel.

545.2 Regulations - Regulations governing receipt of various forms of compensation are contained in Volume 22 of the Code of Federal Regulations (CFR), Sections 10.735-201(a), 204 and 206, which are reprinted in the Uniform Foreign Affairs Regulations (3 FAM 620, Appendix A). Regulations concerning acceptance of foreign gifts and decorations are contained in 22 CFR 10.735-203 (3 FAM 620, Appendix A); and in 22 CFR Part 3.

545.3 Suggesting Use of Funds - An employee who is prohibited pursuant to the provisions of paragraph 545.1 above from accepting compensation or anything of monetary value for certain activities may suggest that what he or she otherwise would receive be paid into the Treasury of the United States, be donated to Broadcasting as a gift, or be donated to a charity by the sponsoring organization in its own name. Whether any donation or contribution be made and, if so, to whom, shall be left to the discretion of the sponsoring organization.

#### 546 REIMBURSEMENT OF EXPENSES

##### 546.1 Acceptance of Reimbursement -

- a. With the prior approval of the Office of Administration an employee who is prohibited from accepting compensation or anything of monetary value may accept from a sponsoring organization reimbursement of actual expenses incurred in connection with such activity, where allowed by 22 CFR 10.735-202(f) (3 FAM 620, Appendix A).
- b. Where acceptance of direct reimbursement by an employee is prohibited or is disapproved, Broadcasting may nevertheless accept reimbursement as a gift. In such cases, and with the prior approval of the Office of Administration, the employee may accept accommodations or services in kind as a gift on behalf of Broadcasting.

- c. A member of an employee's family who has been invited by the sponsoring organization to accompany the employee to a function is free to accept reimbursement for his or her expenses.

#### 546.2 Solicitation of Reimbursement -

- a. An employee will not solicit reimbursement for expenses, nor will he or she solicit an invitation for a member of his or her family to accompany him or her in connection with an activity for which he or she is prohibited from receiving compensation or anything of monetary value.
- b. Reimbursement may be accepted only when freely offered or tendered by the sponsoring organization. However, it is the policy in responding to an invitation to furnish an officer to speak, lecture, or participate in a conference, to inquire whether the sponsoring organization is prepared to pay the actual and necessary expenses incurred in connection with such activity.

#### 546.3 Official Reimbursement -

- a. When a sponsoring organization pays all or part of the expenses of an employee in connection with a speech, lecture, discussion or appearance, Broadcasting will not reimburse the employee for that portion of per diem and travel expenses that was paid by the sponsoring organization. However, no deduction will be made for luncheons, dinners, receptions, and similar functions incidental to the activity.



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PART IV ADMINISTRATIVE SERVICES, 500 APPROVAL OF TDY TRAVEL  
Section 550

TRAVEL FOR TRAINING PURPOSES

551 Legal and Regulatory Authorities

552 Definition

553 Clearance and Approval Requirements

554 When All or Part of Expenses Are Paid by Broadcasting

555 When All or Part of Expenses Are Paid by a Tax-Exempt Sponsoring Organization

555.1 Acceptance of Payments

555.2 Authorizing Acceptance of Payments by Employees

555.3 Reduction of Payments

555.4 Preparing and Processing Travel Documents

555.5 Reporting Requirements

556 When All or Part of Expenses are Paid by a Non-Tax-Exempt Sponsoring Organization

Section 550

TRAVEL FOR TRAINING PURPOSES

551 LEGAL AND REGULATORY AUTHORITIES

The Government Employees Training Act (5 U.S.C., Ch.41; P.L. 85-507, as amended), implemented by E.O. 11348 of April 20, 1967, and Civil Service regulations, authorizes the use of funds appropriated to an Agency for

the payment of travel expenses of employees incident to training in a Government or non-Government facility. These authorities also provide that contributions and awards by a tax-exempt non-Government source incident to training may be made to and accepted by employees when such acceptance is specifically authorized. (see paragraph 555.2 below).

#### 552 DEFINITION

The term "training" means the process of providing for and making available to an employee, and placing or enrolling an employee in, a planned, prepared, and coordinated program, course, curriculum, subject, system, or routine of instruction or education, in scientific, professional, technical, mechanical, training, clerical, fiscal, administrative, or other fields which are or will be directly related to the performance of the employee, in order to increase the knowledge, proficiency, ability, skill, and qualifications of the employee in the performance of his or her official duties.

- a. The "training" may be accomplished through conferences, etc., that contribute to better supervision and management of the Agency's substantive functions, or classroom work, workshops, or other methods or combination of methods.
- b. The term "training" does not include attendance of employees at such gatherings as meetings or conventions for the purpose of obtaining information concerning developments in their particular fields of interest. Travel for this purpose is considered official temporary duty travel and not a planned program of instruction. The travel expenses in such cases are chargeable to the organizational element's funds earmarked for official travel.

#### 553 CLEARANCE AND APPROVAL REQUIREMENTS

Clearance and approval requirements are listed in Exhibits IV-510A and 510B.

#### 554 WHEN ALL OR PART OF EXPENSES ARE PAID BY BROADCASTING

Travel expenses paid by Broadcasting incident to training are charged to funds allotted to the organizational elements for official travel to meet program needs.

#### 555 WHEN ALL OR PART OF EXPENSES ARE PAID BY A TAX-EXEMPT SPONSORING ORGANIZATION

##### 555.1 Acceptance of Payments

- a. 5 U.S.C. 4111 permits acceptance by employees of contributions, awards, and payments (in cash or in kind), of expenses incident to training in a non-Government facility, provided that the contributions, awards, and payments are made by a tax-exempt organization described in Section 501(c)(3) of the Internal Revenue Code of 1954; and provided that prior authorization is granted to accept such payment (see paragraph 555.2 below).

- b. Whenever an organization offers to pay all or part of the expenses of an employee, the matter must be referred to the Office of the General Counsel to determine whether the organization making the offer is tax-exempt under Section 501(c)(3) of the Code.
- c. The official designated in paragraph 555.2 below may approve, by memorandum to the Financial Operations Division, Office of the Comptroller, the acceptance of payments by tax-exempt sponsoring organizations for travel, subsistence, and other expenses incident to training of an employee. Such payments are for credit as a reimbursement to the appropriation charged for the employee's travel and other expenses.

555.2 Authorizing Acceptance of Payments by Employees - The Chief, Training and Development Division, may authorize an employee (by signing in Block N of the travel authorization) to accept payment from a tax-exempt organization, in cash or in kind, of expenses incident to training. The General Counsel may authorize an employee to accept payment from such an organization incidental to attendance at meetings. Conditions and factors governing the acceptance of these payments are cited in 5 CFR 410.701, which is reprinted herein as Exhibit 550A.

555.3 Reduction of Payments - Whenever a contribution, award, or payment, in cash or in kind, is made to an employee for expenses in connection with training, an appropriate adjustment will be made to any payment by Broadcasting to the employee as described in MOA IV 546.3.

555.4 Preparing and Processing Travel Documents -Prepare Authorization of Official Travel, in accordance with MOA IV Section 510. Also, describe the exact payment of expenses, in cash or kind, by the sponsoring organization in Block H (Itinerary) of the Travel Authorization. The following additional information is needed:

- a. When hotel or meals are provided, the travel authorization should indicate this fact in Block H. For method of computing per diem see MOA IV 643.3.
- b. The use of taxicabs, or any other authorized item of expense not paid by the sponsoring organization should be included in the travel authorization and claimed in the Travel Voucher.

555.5 Reporting Requirements - As required by 5 USC 4113 and Office of Personnel Management (OPM) regulations, the Training and Development Division reports annually to OPM on each authorized contribution, award or payment, in cash or in kind, made and accepted for training purposes. For additional reporting requirements see MOA VII 358, which provides guidance on the acceptance of gifts. The acceptance of travel expenses in connection with training programs must be reported to the Budget Operations Division.

556 WHEN ALL OR PART OF EXPENSES ARE PAID BY A NON-TAX-EXEMPT SPONSORING ORGANIZATION

The provisions of MOA IV 546 apply to acceptance of payment of travel and other expenses incident to training when all or part of the traveler's expenses are paid by a non-tax-exempt sponsoring organization.

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Section 560

TRAVEL ON AN ACTUAL SUBSISTENCE EXPENSE BASIS

561 Scope

562 Situations Warranting Approval of Actual Subsistence Expenses

563 Maximum Allowance

563.1 Maximum Daily Rates

563.2 Reimbursement Limitation

564 Approval and Clearance Requirements

564.1 Approval by the Director, Office of Administration

565 Computation

565.1 Reimbursement Up To Approved Daily Maximum

565.2 Travel on Per Diem and Actual Subsistence During a Single Trip

566 Itemizing Expenses

567 Use of Purchase Order for Lodging

567.1 Approval Requirements

567.2 Preparation of Travel Authorization

567.3 Preparation of Purchase Order

Section 560

TRAVEL ON AN ACTUAL SUBSISTENCE EXPENSE BASIS

561 SCOPE

This Section provides general guidelines for the administration of travel on an actual subsistence expense basis. Detailed guidance is provided in Section 301-8 of the Federal Travel Regulations.

#### 562 SITUATIONS WARRANTING APPROVAL OF ACTUAL SUBSISTENCE EXPENSES

Travel on an actual subsistence expense basis within and outside the continental United States (CONUS) may be approved when it is determined that the maximum per diem allowance would be inadequate for a specific trip due to the unusual circumstances of the travel assignment. It is not intended that reimbursement for actual subsistence expenses be authorized or approved when expenses exceed statutory per diem allowances by a small amount only. Reimbursement may appropriately be authorized or approved when the actual and necessary subsistence expenses exceed the maximum per diem allowance by 10 per cent or more. Examples of situations that may warrant approval of actual subsistence expenses include but are not limited to the following:

- a. The employee attends a meeting, conference or training session away from the official duty station where lodging and meals must be procured at a prearranged place (such as the hotel where the meeting, conference or training session is being held) and the lodging costs incurred, because of these prearranged accommodations, absorb all or practically all of the applicable maximum per diem allowance;
- b. The travel is to an area where the applicable maximum per diem allowance is generally adequate but subsistence costs have escalated for short periods of time during special functions or events such as missile launching periods, international or national sports events, world's fairs or conventions;
- c. Based on a situation described in (b) above, affordable lodging accommodations are not available or cannot be obtained within a reasonable commuting distance of the employee's temporary duty point and transportation costs to commute to and from the less expensive lodging facility consume most or all of the savings achieved from occupying less expensive lodging;
- d. The employee, because of special duties of the assignment, necessarily incurs high expenses in the conduct of official business, such as the procurement of superior or extraordinary accommodations;
- e. The employee necessarily incurs unusually high expenses incident to his/her assignment to accompany another employee in a situation described in (d) above.

#### 563 MAXIMUM ALLOWANCE

563.1 Maximum Daily Rates - The maximum amount of reimbursement for actual subsistence expenses is as provided in a and b below. When expenses are expected to be less than the maximum amounts listed, enter in Block K, Item 6, of the travel authorization only the amount which

will be needed. Maximum daily rates need not be prorated for fractions of a day.

a. Travel Within CONUS - The maximum daily rate shall not exceed 300 percent of the applicable maximum per diem rate for the travel assignment location.

b. Travel Outside CONUS - The maximum daily rate shall not exceed:

300 percent of the applicable maximum foreign travel per diem rate allowance (rounded to the next higher dollar). The reimbursement for M&IE shall not exceed 300 per cent of the applicable M&IE rate (rounded to the next higher dollar).

563.2 Reimbursement Limitation - When the actual subsistence expenses incurred during any one day are less than the maximum daily rate authorized, the employee shall be reimbursed only for the lesser amount.

#### 564 APPROVAL AND CLEARANCE REQUIREMENTS

564.1 Approval Officials - Justification for travel on an actual expense basis for all offices except those listed below shall be submitted in memorandum form to the Director, Office of Administration.

#### 565 COMPUTATION

565.1 Reimbursement Up To Approved Daily Maximum - Reimbursement of actual subsistence expenses up to the approved daily maximum is allowed for any day during which the employee is authorized payment for actual subsistence expenses.

565.2 Travel on Per Diem and Actual Subsistence During a Single Trip - Travel may be authorized or approved on both a per diem basis and an actual subsistence basis during a single trip. Generally, the applicable rate and/or reimbursement method for each calendar day (beginning at 12:01 a.m.) will be determined by the employee's status and location at 12:00 midnight of that calendar day. Only one rate and reimbursement method will be authorized for each day except when reimbursement is authorized for occasional meals or lodging as provided in the Federal Travel Regulations, Section 301-8.2(b). On the day of departure from the official station the reimbursement method and maximum rate will be the same as that authorized for the first location where lodging is required. On the day of return to the official station, the method and maximum rate of reimbursement will be the same as that authorized for the previous calendar day.

#### 566 ITEMIZING EXPENSES

All employees authorized to travel on an actual subsistence expense basis are required to submit with their travel vouchers an itemized list of the amount spent daily for expenses incurred. This listing shows the amount spent daily for: (a) lodging, (b) meals (each meal cost should be listed separately), and (c) all other items of subsistence expenses. Receipts

are required without exception for lodging expenses and for individual meals costing over \$75 before tip.

#### 567 USE OF PURCHASE ORDER FOR LODGING

The General Accounting Office (GAO), in Decision B-209375 dated December 7, 1982, granted the authority to use appropriated funds to pay for the rental or leasing of rooms by purchase order for employees traveling on temporary duty under extraordinary circumstances where reimbursement on an actual subsistence expense basis would be inadequate. Examples of such extraordinary circumstances would be:

- a. Reporters assigned to cover the President who must stay with the rest of the press corps in accommodations arranged by the White House, or
- b. Officials traveling with foreign dignitaries who must stay in the same hotel as the visitor in order to perform their duties effectively.

567.1 Approval Requirements - Each request to use this exceptional authority must be submitted to the Director of Administration in writing, in advance, and on an individual basis. The request must be in the form of an Action Memorandum and must explain:

- a. The nature of the employee's TDY assignment;
- b. Why the use of the requested accommodations is an integral part of this job assignment;
- c. Why alternative accommodations cannot be utilized; and
- d. Why failure to provide the requested accommodations could frustrate the ability of Broadcasting to carry out its statutory mandate.

Requests must clearly demonstrate that the employee is not free to choose his/her own accommodations.

567.2 Preparation of Travel Authorization - Upon approval of the Action Memorandum, a travel authorization is prepared which specifies that lodging will be procured by purchase order in accordance with GAO Decision B-209375. Meals and incidental expenses (M&IE) are authorized in the amounts specified for the city or cities to be visited.

567.3 Preparation of Purchase Order - The purchase order is prepared by the appropriate purchasing office in accordance with standard procedures. No purchase order may be prepared for room rental costs unless copies of both the approved Action Memorandum and the travel authorization are furnished to document the purchase file. The approved Action Memorandum must also be attached to the travel authorization and travel voucher.



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PART IV ADMINISTRATIVE SERVICES, 500 APPROVAL OF TDY TRAVEL  
Section 570

INTERNATIONAL CONFERENCE OR SUMMIT TRAVEL

571 Authority

572 Approval and Limitation on Conference and Summit Travel

573 Establishment of Task Force

574 Conference Planning

Section 570

INTERNATIONAL CONFERENCE OR SUMMIT TRAVEL

571 AUTHORITY

Funds appropriated for salaries and expenses may be used to cover travel expenses that are incurred in attending official international conferences or summits in the United States and abroad. The requesting office must state on the Authorization of Official Travel that the purpose of travel is to represent Broadcasting at an international conference or summit. The name of the conference or summit must be stated. Travel performed for this purpose is subject to per diem rates not in excess of allowances approved for such conferences or summits by the Department of State (foreign areas), General Services Administration (CONUS), and the Department of Defense (Non-CONUS).

572 APPROVAL AND LIMITATION ON CONFERENCE AND SUMMIT TRAVEL

Plans for representation at international conferences and summits shall be coordinated by the Office of the Director. Participation at all such events, including international summits and conferences involving other independent Offices or Services of the conference. Broadcasting employees attending as journalists in a news coverage capacity are exempt from this requirement. The Office of the Director will determine the appropriate number of persons to attend the conference and ensure that number will be kept to a minimum necessary to carry out the mission.

#### 573 ESTABLISHMENT OF TASK FORCE

Should a task force be required to plan for a large conference or summit, the Office of the Director will be responsible for its establishment. The task force must ensure that conference or summit costs are kept to a minimum. The task force shall document the alternatives, comparative costs of those alternatives, and rationale used in selecting conference sites.

#### 574 CONFERENCE PLANNING

For Elements and Offices planning conferences, retreats, training activities or meetings which involve travel by two or more people outside the attendees' permanent duty stations, travel authorizations for all participants must be approved by the Director or his/her designee. Those Elements, and Offices responsible for planning a conference must ensure that the conference costs are kept to a minimum. Those responsible must document the alternatives and rationale used in selecting conference sites and determining attendance. The Director will determine the appropriate number of persons to attend the conference and ensure that the number of persons to attend will be kept to the minimum necessary to carry out the objectives of the conference.

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PART IV ADMINISTRATIVE SERVICES, 500 APPROVAL OF TDY TRAVEL  
Section 580

TRAVEL TO OR WITHIN THE UNITED STATES FOR TDY, TRAINING OR CONSULTATION  
BY FOREIGN SERVICE EMPLOYEES STATIONED OVERSEAS

581 Directed Travel to United States by Overseas Staff for TDY or  
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- 581.1 Approval and Clearance Requirements
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582 Consultation Travel in the United States for Officers Assigned  
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- 582.1 Policy
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Section 580

TRAVEL TO OR WITHIN THE UNITED STATES FOR TDY, TRAINING OR CONSULTATION  
BY FOREIGN SERVICE EMPLOYEES STATIONED OVERSEAS

581 DIRECTED TRAVEL TO UNITED STATES BY OVERSEAS STAFF FOR TDY OR  
TRAINING

581.1 Approval and Clearance Requirements The Office Director must approve any travel of foreign service officers to the United States.

581.2 Allotment Charged - The travel expenses of Foreign Service employees on TDY in the United States are charged to the travel funds of the element making temporary use of the employee's services.

582 CONSULTATION TRAVEL IN THE UNITED STATES FOR OFFICERS ASSIGNED  
OVERSEAS

582.1 Policy - It is Broadcasting policy not to authorize consultation travel for officers assigned overseas who are temporarily in the United States on other than official business.

582.2 Approval Requirements for Exceptions - Exceptions to the policy may be granted on a case-by-case basis by the Head or Deputy of the element, but only in instances when such consultation travel will satisfy the immediate needs of Broadcasting.

582.3 Allotment Charged - The travel expenses will be charged to funds allotted to the element requiring use of the officer for consultation.

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PART IV ADMINISTRATIVE SERVICES, 500 APPROVAL OF TDY TRAVEL  
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Section 590

EMERGENCY TRAVEL

591 SCOPE

The payment of transportation and subsistence expenses may be allowed when an employee discontinues or interrupts a temporary duty travel

assignment prior to its completion because of incapacitating illness or injury or a personal emergency situation, within or outside the continental United States. This Section provides limited guidance on the approval and performance of emergency travel. Complete regulations pertaining to this type of travel are contained in Chapter 301, Part 12 of the Federal Travel Regulations (FTR).

## 592 APPLICABILITY

The provisions of this section apply to travelers covered by the Federal Travel Regulations Foreign Service employees are covered by the Uniform Foreign Affairs Regulations (6 FAM 126).

## 593 DEFINITIONS

593.1 Incapacitating Illness or Injury of Employee - For purposes of this Section, an incapacitating illness or injury is one that occurs suddenly for reasons other than the employee's own misconduct and renders the employee incapable of continuing, either temporarily or permanently, the travel assignment. A sudden illness or injury may include a recurrence of a previous medical condition thought to have been cured or under control. The illness or injury may occur while the employee is at, or en route to or from, a temporary duty location.

593.2 Personal Emergency Situation - The death or serious illness or injury of a member of the employee's family, or a catastrophic occurrence or impending disaster such as a fire, flood or act of God which directly affects the employee's home at the official station or the family and occurs while the employee is at, or en route to or from, a temporary duty location.

593.3 Serious Illness or Injury of Family Member - A grave, critical or potentially life-threatening illness or injury; a sudden injury such as an automobile or other accident where the exact extent of injury may be undetermined but is thought to be critical or potentially life-threatening based on the best assessment available; or other situations involving less serious illness or injury of a family member in which the absence of the employee would result in great personal hardship for the immediate family.

593.4 Family - Those individuals defined in Chapter 302, Section 1.4e, of the Federal Travel Regulations who are members of the employee's household at the time the emergency situation arises. For compassionate reasons, when warranted by the circumstances of a particular emergency situation, the approving officer may on an individual case basis expand this definition to encompass other members of the extended family of an employee and employee's spouse, such as the individuals named in FTR 302-1.4e who are not dependents of the employee or members of the employee's immediate household. In using this authority the approving officer will evaluate the extent of the emergency and the employee's relationship to, and degree of responsibility for, the individual(s) involved in the emergency situation.

593.5 Fire, Flood or Act of God - Fires or floods may be due to natural causes or human actions (e.g., arson) or other identifiable causes. Act of God means an extraordinary happening by a natural cause (as fire, flood, tornado, hurricane, earthquake or other natural catastrophe) for which no one is liable because experience, foresight, or care could not prevent it.

#### 594 APPROVAL REQUIREMENTS

Emergency travel is approved by the head of the element to which the employee is assigned. Large organizational units may redelegate this approval authority to as high an administrative level as practical to ensure adequate consideration and review of the circumstances requiring such travel.

#### 595 EMPLOYEE RESPONSIBILITY AND DOCUMENTATION

As soon as an employee is incapacitated by illness or injury or informed of an emergency situation which necessitates discontinuance or interruption of the temporary duty travel assignment, he/she should attempt to contact the designated approving official for instructions. In the event that such contact cannot be made on a timely basis, payment of transportation expenses and per diem may be approved after the travel has been performed.

#### 596 AUTHORIZED TRAVEL EXPENSES

596.1 Incapacitating Illness or Injury of Employee - When an employee interrupts or discontinues a travel assignment because of an incapacitating illness or injury (as defined in MOA IV 593.1), transportation expenses and per diem may be allowed to the extent and within the limitations detailed in Section 301-12.5 of the Federal Travel Regulations. These include:

- a. Continuation of per diem at point of interruption;
- b. Return to official station or home;
- c. Travel to an alternate location and return to the temporary duty assignment.

596.2 Personal Emergency Situation - To the extent provided in Section 301-12.6 of the Federal Travel Regulations, in the event of a personal emergency situation as defined in MOA IV 593.2 an employee may be authorized to:

- a. Return to the official station or home, or
- b. Travel to an alternate location where the personal emergency exists and return to the temporary duty assignment.

#### 597 PROCUREMENT OF TRANSPORTATION

Contract carriers in designated city pairs, as well as other reduced fares available to Federal travelers on official business, should be used to the extent possible for travel approved under this Section. Additional instructions pertaining to travel advances and the use of personal funds, of the return portion of round-trip tickets, and of Government contractor-issued charge cards are contained in Section 301-12.7 of the Federal Travel Regulations.



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PART IV ADMINISTRATIVE SERVICES, 600 PLANNING AND PERFORMING TDY TRAVEL  
Section 610

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- 612.1 Use of Travel Agencies
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614 Indirect or Interrupted Travel

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#### 618 Passport and Visa Requirements

- 618.1 Diplomatic and Official Passports
- 618.2 Regular (Tourist) Passports

#### 619 Immunizations

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### Section 610

#### TRAVEL ARRANGEMENTS

##### 611 SCOPE

Except as noted below, this Section applies to arrangements for all temporary duty (TDY) travel in the U.S. by Civil Service and Foreign Service American and Foreign National employees, regardless of point of origin, and to overseas travel originating in the U.S. It also applies to domestic and international travel by non-employees which originates in the U.S. Paragraph 617, Advance of Travel Funds, applies to travel advances issued in the U.S. Paragraph 618, Passport and Visa Requirements, applies to passports and visas issued in the U.S. to Civil Service and Foreign Service American employees. Regulations pertaining to Travel Performance and Accommodations are found in MOA IV 631 through 638. Additional regulations applicable to travel by Foreign Service American and Foreign National employees are contained in 6 FAM 100.

##### 612 PROCUREMENT OF TICKETS

612.1 Use of Travel Agencies - The services of the contract travel agency shall be used for all common carrier tickets issued in the United States, except for emergencies. The travel agency assists the traveler in making the necessary arrangements, e.g., developing the itinerary and obtaining the tickets and other reservations for officially authorized TDY travel.

612.2 Use of Special Lower Fares - Through fares, special fares, commutation fares, and reduced-rate round-trip fares shall be used for official travel when it can be determined before the start of a trip that this type of service is practical and economical for the Government. Round-trip tickets for special lower fares which are restricted or have specific eligibility requirements will be secured only when, on the basis of the journey as planned, it is known or can be reasonably anticipated that these tickets will be used. The use of special lower fares under these provisions does not take precedence over the mandatory use of contract air fares between selected city-pairs discussed in paragraph 612.3 below.

612.3 Contract Carriers offering discount fares under the Government's city-pair program shall be utilized whenever possible. Although contract carriers have no advance purchase requirement, tickets should be

requested 30 days in advance of travel whenever possible in order to take advantage of other discount fares, where available, on routes not served by contract carriers.

#### 612.4 Limitation on Cash Purchase of Tickets Costing Over \$100

- a. Applicability - This subsection applies to all travelers whose travel vouchers are processed in Washington. Travelers whose vouchers are processed overseas should follow Embassy procedures.
- b. Policy and Procedures - Tickets costing over \$100, excluding Federal transportation tax, may not be purchased with cash or credit card, but must be procured through the contract travel agency or by means of a Government Transportation Request (GTR). Overseas, Embassies or Consulates on the traveler's itinerary can issue GTRs for purchase of tickets and excess baggage when necessary. In emergency circumstances, where the use of cash or credit card is unavoidable, the traveler must obtain the approval of the appropriate official listed below in order to be reimbursed.
- c. Office of Cuba Broadcasting travelers who use cash or credit card to purchase tickets costing over \$100 shall submit an explanation of the circumstances warranting the purchase to the Director of Administration.
- d. All other Bureau of Broadcasting travelers shall submit their explanations to the Director, Office of Administration through the Chief, Administrative Operations Division.

#### 612.5 Promotional Materials Received in Conjunction with Official Travel From Common Carriers, Rental Car Companies, or Other Commercial Sources

- a. Disposition - Travelers are obliged to account for any gift, gratuity, or benefit received from private sources incident to the performance of official business (Comp. Gen. Decisions B-199656, July 15, 1981 and B-220542, November 16, 1987). All promotional materials (e.g., bonus flights, reduced-fare coupons, upgrades to business and first class, cash, merchandise, gifts, credit toward future free or reduced costs of services or goods, etc.) received by employees in conjunction with official travel or incident to the purchase of a ticket for official travel, or to other services such as car rental, are due the Government and may not be retained by the employee. When an employee receives promotional material from any commercial source incident to official travel, the employee shall accept the material on behalf of the Federal Government and relinquish it to the appropriate Administrative Office.
- b. Retention - Travelers may keep certain benefits accruing from airline promotional programs including membership in clubs and check-cashing privileges. Travelers may also keep promotional material such as pens, pencils, notepads, calendars, and other items of nominal intrinsic value. Element directors may approve the use of frequent flyer upgrades to business class. The Director, Office of Administration must approve upgrades to first class. Such

requests and subsequent documentation of approval must conform to the criteria outlined in section 636.5.

- c. Records/Reports - Employees are required to account for all frequent flyer mileage credits. Travelers shall report the following minimum information to their administrative officers: airline, benefit earned, if transferable, date benefit used, and the date it expires. Administrative officers will submit a summary report to the Office of Administration within fifteen days after the close of each quarter.

## 613 BAGGAGE

613.1 Baggage Allowance for Travel Within the United States (including Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands, and U.S. possessions abroad) - The amount of baggage carried by the traveler at no charge by airlines is the same for less-than-first-class and first-class accommodations. Baggage above this limitation is excess baggage. Reimbursement for baggage in excess of the weight carried free by the carrier will be allowed only if authorized or approved.

613.2 Baggage Allowance for Travel Outside the United States - When less-than-first-class air accommodations are authorized for travel beginning or terminating outside the United States (as defined in paragraph 613.1 above), the amount of baggage carried free in first-class accommodations will be allowed. The contract travel agency or Embassy Administrative Section will provide excess baggage coupons, if available, with international tickets. In those cases where coupons cannot be obtained, travelers may claim reimbursement on their travel vouchers. When first-class accommodations are authorized, baggage carried in excess of the weight carried free by the airline will be allowed only if authorized or approved.

## 614 INDIRECT OR INTERRUPTED TRAVEL

614.1 Policy - Official TDY travel shall be performed by the most direct, usually-traveled route to conduct official business. Employees should develop their itineraries to permit travel by the most direct route, class, and mode of transportation authorized and available. When indirect or interrupted travel is performed for personal convenience, the provisions in paragraphs 614.3 and 614.4 below apply.

### 614.2 Definitions

- a. Indirect Travel is any journey that deviates from a usually-traveled route for the traveler's personal convenience.
- b. Interrupted Travel applies to stopovers on a usually-traveled route for the convenience of the traveler. In such instances, leave is charged for excess time spent, and no per diem is paid for such periods of leave. Any extra expense caused by the interruption is borne by the traveler.

- c. Constructive Cost is the total cost of per diem, transportation, and incidental expenses which would have been incurred for travel by a usually-traveled route. However, reimbursement for indirect travel may not exceed the cost actually incurred.

#### 614.3 Reimbursement for Indirect Travel -

- a. Extra Expense - When a traveler deviates from a usually-traveled route for personal convenience, the extra expense for the journey that is by an indirect route or for accommodations superior to those authorized must be borne by the traveler. Tickets may only be issued for official travel.
- b. Limitations on Reimbursement - Reimbursement for costs incurred on a journey which is traveled by indirect route is limited to the total cost of per diem, incidental expenses, and transportation by less than first-class/business-class air accommodations (regardless of mode of transportation used in indirect travel) which would have been incurred by traveling on a usually-traveled route. Leave is charged for any excess travel time. (See paragraph 612.2 above regarding use of through fares, reduced-rate round trip fares, etc.)

614.4 Leave - The employee should obtain approval prior to taking leave to perform indirect or interrupted travel during TDY travel. The traveler's supervisor evaluates the request to take leave while on an official trip, and approves or disapproves on the basis of need.

#### 615 REST STOPS AND TIME ZONE ADJUSTMENTS

615.1 Stopover for Rest Period - In order to provide needed rest on long air journeys, a rest period not to exceed 24 hours is authorized when the traveler uses economy class accommodations for a trip of 14 hours or more of scheduled flight time, including scheduled stopovers of less than eight hours, on a usually-traveled route. The rest stop should be taken at a point midway in the journey or as near thereto as schedules permit, and per diem and incidental expenses are payable. Rest stops are not authorized if travel is performed by an indirect route or in first-class or business-class accommodations, except where no economy seats are available or airlines direct that business-class or first-class routing must be used.

#### 615.2 Time Zone Adjustments

- a. Uninterrupted Travel - Travelers flying without interruption, except for flight connections, on a direct route with a difference of five or more hours between local time at point of departure when travel began and local time when arriving at the temporary or permanent duty point should, whenever possible, arrange departure to allow arrival at destination a full day before commencing duty.
- b. Travel Including Rest Stop - When the flight is of such duration that it includes an authorized rest stop, as provided in paragraph 615.1, the same consideration should be given at the conclusion of the trip, provided there is a difference of four or more hours

between local time at point of departure when travel was resumed and local time at destination point upon arrival.

- c. Excused Absence - In cases meeting either of these criteria, excused absence without charge to leave may be granted for any part of the 24-hour adjustment period following arrival at the duty point which happens to fall within working hours.
- d. Per Diem during the adjustment period is payable to temporary duty travelers, except on return to the official duty station.

#### 616 TRAVEL BY CONTRACTORS AND OTHER NON-EMPLOYEES

Travel by an individual providing services to the BBG under contract, grant or otherwise, shall be included in the contract, grant or travel authorization consistent with the provisions of paragraphs 611 through 615 above and MOA IV 632 through 637 (Travel Performance and Accommodations). In the U.S., travel arrangements should be made through the contract travel agency whenever possible. The use of first-class/business-class air accommodations must be authorized as stated in MOA IV 636, unless the contract provides for first-class or business-class accommodations. If travel arrangements are made independently by the individual, and reimbursed by the BBG, the contract or grant provisions for reimbursement, or the travel authorization, will be consistent with the policy stated for employees. However, if in the course of negotiations the individual makes strong representation for first-class/business-class accommodation based on private considerations, the contract or grant provisions for reimbursement, or the travel authorization, may be written accordingly and must have the written approval as specified in MOA IV 636.4.

#### 617 ADVANCE OF TRAVEL FUNDS

617.1 Guidelines - If indicated, up to 92% of the estimated cost of per diem and miscellaneous expenses may be advanced; see Travel Card Handbook for information on travel advances in connection with the use of Government contractor-issued charge cards. See MOA VII 814 for preparation of application for any additional travel advance, if required, while en route at overseas locations.

617.2 By Check - Allow a minimum of five working days to process the application for a check. Prepare SF-1038, Advance of Funds Application and Account, in triplicate. Forward the original and both copies for processing to the Travel and Transportation Branch.

617.3 By Cash - In cases where employees are requested to travel on short notice and there is insufficient time for a check to be issued prior to travel, an advance of no less than \$50 and no more than \$500 may be obtained from certain domestic cashiers authorized to make travel advances.

617.4 By Travelers Check - Travelers checks are issued by the contract travel agency in multiples of \$50. Prepare SF-1038 in triplicate and forward for processing as described in paragraph 617.2. above.

#### 617.5 Repayment of Travel Advance

- a. Travel Canceled or Postponed For an Indefinite or Lengthy Period - Return the advance to the Cashier immediately upon receipt of notice of such action. The advance can later be re-applied for if needed.
- b. Travel Completed - Receiving an advance does not relieve an employee of the responsibility for keeping an accurate record of travel performed and expenses incurred, with supporting receipts where required, and submitting a completed and approved travel voucher. Submit the travel voucher within five working days after completing the travel. The amount of the travel advance will be deducted from the approved amount of the voucher by the Financial Operations Branch . If the amount claimed on the voucher is less than the amount of the travel advance, attach to the face of the voucher at the time of submission a personal check or other form of remittance for the difference, made payable to: International Broadcasting. Prompt submission of a travel voucher and repayment of excess funds advanced (if any) reduces paperwork and the possibility of deductions for the full or excess amount advanced. See MOA VII 818.

#### 618 PASSPORT AND VISA REQUIREMENTS

An employee scheduled for overseas travel must have a valid passport with the necessary visas. The employee should consult the Office of Administration concerning the forms to be completed, photographs to be taken, and other requirements.

618.1 Diplomatic and Official Passports - The Office of Administration will obtain passports, as well as the required visas, when adequate itinerary and lead-time are provided.

618.2 Regular (Tourist) Passports - When indicated, official travel may also be performed with tourist passports. The Office of Administration will assist in obtaining the passport but travelers may be required to secure their own visas. Employees may request reimbursement on the travel voucher for the cost of tourist passports and visas when their use for official travel is indicated.

#### 619 IMMUNIZATIONS

619.1 Employees - It is the employee's responsibility to obtain the necessary immunizations for overseas travel. The Health Unit provides information on requirements and will administer inoculations if presented with a valid travel authorization containing at least one official signature. In emergencies, inoculations also may be obtained at the State Department Medical Division.

619.2 Non-Employees -Immunizations are not provided for non-employees such as experts, consultants and other categories traveling on official

business. These travelers may obtain information on requirements from the element sponsoring the travel but must obtain their own inoculations.



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PART IV ADMINISTRATIVE SERVICES, 600 PLANNING AND PERFORMING TDY TRAVEL  
Section 620

UNITED STATES GOVERNMENT TRANSPORTATION REQUESTS (GTRs)

621 Applicability

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623.1 General

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625 Issuing and Signing GTRs

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626 Accountability for GTRs

626.1 Custodial Responsibility

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Section 620

UNITED STATES GOVERNMENT TRANSPORTATION REQUESTS (GTRs)

621 APPLICABILITY

This Section applies to domestic offices which prepare, issue, sign or process U.S. Government Transportation Requests (GTRs). It also applies to individual travelers who are authorized to issue GTRs en route.

## 622 THE GTR FORM

622.1 Books of GTRs - The GTR is printed on punched card stock and bound in books of 10 sets, each set consisting of one original (SF-1169) and one memorandum card copy (SF-1169a). These books are used by certain frequent travelers on lengthy overseas itineraries for individual issuance when the itinerary requires modification en route. The inside covers provide space for maintaining records of custody and use.

622.2 Single Snapout Assembly GTR - GTRs also are bound in individual snap-out assemblies containing the original (SF-1169), the memorandum card copy (SF-1169a), and two additional paper copies (SF-1169b and 1169c) which are used for administrative purposes (see paragraph 626.1b). These individual GTRs are issued to authorized individuals when it is not feasible to procure transportation services through normal channels.

## 623 USE OF THE GTR

623.1 General - The GTR is presented to transportation companies for the purchase of passenger transportation by common carrier, i.e., air, bus, rail, or for authorized transportation services or accommodations furnished by common carrier. Its use is mandatory when procuring passenger transportation services costing in excess of \$100, excluding Federal transportation tax (see MOA IV 612.4). When the cost of transportation is over \$10 but does not exceed \$100, excluding tax, the use of a GTR is encouraged but cash may be used if necessary.

623.2 Restrictions - Do not use GTRs to purchase:

- a. Transportation costing \$10 or less, exclusive of Federal transportation tax;
- b. Airport limousine, intra-city transit, taxicab, car rental or other for-hire automobile services or rental of special conveyances (see MOA IV 634); or for toll road or bridge charges;
- c. Services costing more than those authorized, including travel by an indirect route for employee's personal convenience.

## 624 PREPARING THE GTR

Draw lines through any space on the GTR not needed for the service being procured. Any erasures and alterations to the original should be validated by the issuing officer's initials, or the GTR may not be honored by the carrier. When assistance is needed in the preparation of the GTR, travelers should consult Embassy or Consulate Administrative Officers, or Administrative Officers in the U.S.

## 625 ISSUING AND SIGNING GTRs

625.1 Procedure - The GTR provides for an issuing officer's signature. Officers are delegated authority to sign GTRs as issuing officer in accordance with MOA II, Exhibit 490E. In addition, any traveler with an

authorized travel order may sign the GTR as issuing officer. When a traveler is given a book of GTRs because of the uncertainty of his or her itinerary, the traveler is authorized to issue them as needed, and to sign as issuing officer.

625.2 Memorandum Copy of GTR - The memorandum card copy of the GTR (SF-1169a) must reflect all the data (other than signatures) that appears on the original at the time of its surrender for service. As GTRs are issued, send the memorandum copy immediately to the Financial Operations Branch, so that the carrier's invoice may be paid promptly.

## 626 ACCOUNTABILITY FOR GTRs

626.1 Custodial Responsibility - The Travel and Transportation Branch, maintains records of all GTRs received, on hand, and issued. It will not issue new GTRs until there has been a satisfactory accounting for those previously issued.

a. Used Books of GTRs - Return the empty covers to the Travel and Transportation Branch, with Record of Custody and Use on inside covers properly filled out. Be sure the dates of travel recorded include the year.

b. Used Single Snap-out Assembly GTRs - Return one of the completed paper copies (SF-1169b or SF-1169c) to the Travel and Transportation Branch.

c. Spoiled GTRs and GTRs Completed but not Used - When GTRs are spoiled in preparation, or completed but not used, write "canceled" across the face and return them immediately to the Travel and Transportation Branch.

d. Unused GTRs - When there is no further need for unused GTRs, return them immediately to the Travel and Transportation Branch. 626.2 Lost or Stolen GTRs - In the event of the loss or theft of a GTR, the following instructions must be followed. A traveler may be held liable for any expenditure resulting from failure to comply.

a. Blank GTRs - Report the loss of a blank GTR to the Travel and Transportation Branch immediately, in writing, with all available information. Under no circumstances should it be used if subsequently recovered. Instead, mark it "canceled" and return it to the Travel and Transportation Branch.

b. Completed GTRs - If a GTR has been filled out to the extent of showing the carrier and service desired, and subsequently is lost or stolen, report the matter immediately, with all available information, to:

(1) Travel and Transportation Branch, and

(2) the carrier named on the GTR, with instructions that the GTR not be honored if presented.

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PART IV ADMINISTRATIVE SERVICES, 600 PLANNING AND PERFORMING TDY TRAVEL  
Section 630

TRAVEL PERFORMANCE AND ACCOMMODATIONS

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636 Airline Accommodations

- 636.1 Policy
- 636.2 First-Class Travel Exceptions
- 636.3 Business-Class Travel Exceptions
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- 637.1 The Fly America Act
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#### 638 Unused Tickets

- 638.1 Refunds or Adjustments
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### Section 630

#### TRAVEL PERFORMANCE AND ACCOMMODATIONS

##### 631 SCOPE

This Section provides guidance on policy regarding the performance of domestic and international temporary duty (TDY) travel by all categories of official travelers. Additional guidance on travel by Civil Service employees and the other categories of travelers listed in MOA IV 511.2 is provided in the Federal Travel Regulations. Additional guidance on travel by Foreign Service employees is included in the Foreign Affairs Manual (6 FAM 100).

##### 632 POLICY

632.1 Method of Transportation - Travel on official business shall be by the method of transportation which will result in the greatest advantage to the Government, cost and other factors considered. In selecting a particular method of transportation to be used, consideration shall be given to energy conservation and to the total cost to the Government, including costs of per diem, overtime, lost work time and actual transportation costs. Additional factors to be considered are the total distance of travel, the number of points visited, and the number of travelers. As cited in 5 U.S.C. 5733, "The travel of an employee shall be by the most expeditious means of transportation practicable and shall be commensurate with the nature and purpose of the duties of the employee requiring such travel."

632.2 Class of Service - It is the general policy of the Government that less than premium class accommodations (business or first class or equivalent accommodations) shall be used for passenger transportation, except as provided in paragraphs 635.1, 635.2, 636.2 and 636.3. Common carrier accommodations, specifically discussed in paragraph 634.1, will apply to both domestic and international travel of civilian employees while on official business for the Government.

##### 633 SELECTING METHOD OF TRANSPORTATION

633.1 Employee's Obligation - Employees traveling on official business are expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business.

633.2 Authorized Methods - Methods of transportation authorized for official travel include railroads, airlines, helicopter service, vessels, buses, streetcars, subways, taxicabs, Government-furnished and contract rental automobiles and airplanes, and any other necessary means of conveyance. The method selected should comply with the policy stated in paragraph 632.1 above.

633.3 Limitation on Travel by Vessel - Except for travel between points served by ferries, travel by vessel is not considered to be advantageous to the Government in the absence of sufficient justification that the advantages accruing from the use of ship transportation offset its higher costs, i.e., per diem, fare, and lost work time. Requests for travel by vessel must be approved by the Director of Administration and normally will be permitted only for medical reasons or in connection with U.S. Government-ordered evacuation overseas.

633.4 Traveler's Cost Liability When Selected Method is Not Used - The traveler shall use the method of transportation administratively authorized or approved as most advantageous to the Government. Any additional cost resulting from use of a method of transportation other than that specifically authorized, approved, or required by regulation, e.g., contract air service, shall be the traveler's responsibility.

633.5 Security Factor - When required for reasons of security, the mode of travel, accommodations, and route will be determined on the basis of providing the necessary safeguards.

#### 634 PRESUMPTIONS AS TO MOST ADVANTAGEOUS METHOD OF TRANSPORTATION

634.1 Common Carrier - Since travel by common carrier (air, rail, or bus) will generally result in the most efficient use of energy resources and in the least costly and most expeditious performance of travel, this method shall be used whenever it is reasonably available. Other methods of transportation may be authorized as advantageous only when the use of common carrier transportation would seriously interfere with the performance of official business or impose an undue hardship upon the traveler, or when the total cost by common carrier would exceed the cost by some other method of transportation. The determination that another method of transportation would be more advantageous to the Government than common carrier transportation shall not be made on the basis of personal preference or minor inconvenience to the traveler resulting from common carrier scheduling.

The following policies will aid in the selection of the most advantageous method of common carrier transportation:

a. Contract Air Service - The use of discount fares offered by contract air carriers between certain cities (city-pairs) is considered

advantageous to the Government and is mandatory for authorized air travel between those city-pairs.

b. Non-contract Air Service - The use of non-contract air service may be authorized or approved only when justified. Advance authorization and the justification for the use of non-contract air service shall be shown on the travel order, or other form of travel authorization, before the actual travel begins unless extenuating circumstances or emergency situations make advance authorization impossible. In this event, the employee shall obtain a certificate of approval to his/her travel order at the earliest possible time after completing the travel. The approval and justification shall be stated on or attached to the travel voucher.

c. Rail or Bus Service - Rail or bus service may be used when determined to be advantageous to the Government, cost, energy, and other factors considered and when compatible with the requirements of the official travel. The use of discount fares offered to the Government by rail or bus carriers between selected cities (city-pairs) is considered advantageous. Whenever these discount fares are offered, and the accompanying service will fulfill mission requirements, they should be used to the maximum extent possible.

d. Carrier Rates - When two or more carriers charge different rates between the same points for similar accommodations, the carrier charging the lower rate should be used to the maximum extent possible unless it would increase per diem or other costs in excess of the difference in rates. However, contract carriers must be used wherever possible.

#### 634.2 Rental and Government-Furnished Automobiles and Special Conveyances -

a. When Used - Commercially rented vehicles, other than those under contract, and other special conveyances shall be used only when it is determined that use of other methods of transportation discussed in paragraph 634.1 above would not be more advantageous to the Government. In the selection of commercially rented vehicles, first consideration shall be given to Government-contract rental vehicles available under an appropriate GSA Federal Supply Schedule contract.

b. Approval Requirement - The hire of boat, automobile, taxicab (other than as provided in MOA IV 640), aircraft, or other conveyance will be allowed if authorized or approved as advantageous to the Government whenever the traveler is engaged in official business within or outside the employee's designated post of duty.

c. Government-Contract Rental or Government-Furnished Automobiles - When it is determined that an automobile is required for official travel, a Government-contract rental or a Government-furnished automobile shall be used as follows:

(1) A Government-contract rental automobile is the first resource for short-term rental of an automobile by a traveler on temporary duty (TDY) travel. This applies to those who travel to their destination by common carrier, such as airplane, train, or bus, and are authorized to rent a

vehicle for local transportation in the destination area. An employee may also use a Government-furnished automobile if a Government-contract rental automobile is unavailable or if use of a Government-furnished automobile is more practicable.

(2) A Government-furnished automobile is the first resource when an automobile is required for official travel performed locally or within commuting distance of an employee's designated post of duty. If a Government-furnished automobile is unavailable, a Government-contract rental automobile may be used.

(3) When a Government-owned or -leased automobile or other transportation equipment is used by an employee for official travel, its use will be limited to official purposes (31 U.S.C. 638a). Official purposes include transportation between places where the employee's presence is required incident to official business, between such places and places of temporary lodging, and when public transportation is unavailable or its use is impractical, between either of the above places and places necessary to obtain suitable meals. Also, transportation to drugstores, barber/beauty shops, places of worship, cleaning establishments, and similar places required for the sustenance, comfort, or health of the employee in order to foster the continued efficient performance of Government business will be allowed.

(4) Under regulations prescribed by the Office of Personnel Management, an employee need not have a Government driver's identification card in order to use Government-owned vehicles when he or she is away from his or her official station and would be authorized to use a commercial rental vehicle if a Government-owned vehicle were not available.

d. Collision Damage Insurance on Commercially Rented Automobiles - Since the Government relies on self-insurance, Broadcasting cannot pay, nor can it reimburse employees, for the cost of the collision damage waiver or collision damage insurance available for an extra fee in commercial rental contracts in the United States. The waiver or insurance referred to is the type offered a renter to release him or her from liability for damage to the rented automobile. If a traveler is authorized to rent a vehicle, the Government assumes responsibility for any damage thereto while being used for official business. However, employees traveling overseas who are authorized to rent a vehicle may be reimbursed the cost of collision insurance.

e. Incidental Charges for Special Conveyances - If the hire of a special conveyance does not include costs of the incidental expenses of gasoline or oil, rent of garage, hangar or boathouse, subsistence of operator, ferriage, tolls, airplane parking, landing, and tie down fees, etc., the same should be first paid, if practicable, by the person furnishing the accommodation, or his or her operator, and itemized in the bill.

634.3 Privately Owned Conveyance - The use of a privately owned conveyance shall be authorized only when its use is advantageous to the Government. A determination that the use of a privately owned conveyance would be advantageous to the Government shall be preceded by a determination that transportation by common carrier, a government-



contract rental automobile, or Government-furnished transportation is not available or would not be advantageous to the Government. To the maximum extent possible, these determinations and the authorization to use a privately owned conveyance shall be made before the performance of travel.

a. Permissive Use of a Privately Owned Conveyance - When an employee uses a privately owned conveyance as a matter of personal preference and such use is compatible with the performance of official business, although not determined to be advantageous to the Government, such use may be authorized or approved provided that reimbursement is limited in accordance with the provisions of MOA IV 640 or 6 FAM 145.3, which applies equally to Foreign Service employees.

#### 635 TRAIN ACCOMMODATIONS

635.1 Sleeping Car Accommodations - When overnight travel is involved, the lowest first-class sleeping accommodations available shall be allowed. Higher cost accommodations may be authorized or approved upon the employee's certification on the travel voucher that lowest first-class accommodations were not available or that use of superior accommodations was authorized or approved by the Director or his/her designee, as being required for security purposes.

635.2 - Parlor Car and Reserved Coach Accommodations - When adequate reserved coach accommodations are available, officials authorizing travel shall require that those accommodations be used to the maximum extent possible. However, use of a parlor car seat may be allowed when the duration of the train travel exceeds four hours.

635.3 Extra-Fare Trains - Travel by extra-fare trains may be authorized or approved whenever their use is administratively determined to be more advantageous to the Government or is required for reasons of security. The use of National Railroad Passenger Corporations (Amtrak) Metroliner coach service is considered to be advantageous to the Government. (Note: Metroliner Club service is considered to be first-class service.)

#### 636 AIRLINE ACCOMMODATIONS

636.1 Policy - It is the policy of the U. S. Government that air travelers funded by the USG use the most economical fare structures available. Consistent with that general policy, there are circumstances which warrant travel in first-class or business-class accommodations. The following exceptions pertain to first-class or business-class seating, as specified. For approval authority see paragraph 636.4 below. Rest stops are not authorized when travel is performed in upgraded accommodations.

636.2 First- Class Travel Exceptions- First- class travel may be authorized under the following conditions:

a. When travel is conducted by couriers accompanying controlled pouches, and a lower premium-class air accommodation is not available.

b. No other reasonably available accommodations. The use of first-class air accommodations may be authorized or approved when coach-class air

accommodations or premium-class other than first-class air accommodations are not reasonably available. Not reasonably available means no other class of accommodations, other than first-class accommodations is available on any scheduled flight in time to accomplished the purpose of the official travel.

c. When the physical condition of the traveler, as certified by competent medical authority, requires the use of first-class travel.

d. Regularly scheduled flights only provide first-class air accommodations. The use of first-class air accommodations may be authorized or approved when regularly schedules flights between the authorized origin and destination points (including connecting points) provide only first-class air accommodations, and the employee certifies this circumstance on the travel voucher.

636.3 Business-Class Travel Exceptions - Use of premium-class travel other than first-class air accommodations are limited to those below:

a. When TDY travel is conducted by any USG-funded traveler for direct travel, when the authorized origin or destination point is outside the United States (CONUS) and the scheduled flight time is in excess of 14 hours, including stopovers of less than eight hours, and when a rest stop cannot, because of the urgency of the mission, be taken. When this authority is exercised by the authorizing officer, an employee shall not be eligible for a rest stop en route or a rest period upon arrival at the duty station.

b. When there is no space in economy accommodations on any scheduled flights in time to carry out the purpose of the official travel, which is so urgent that it cannot be postponed.

c. When the physical condition of the traveler, as certified by competent medical authority, requires the use of business-class travel.

d. When exceptional circumstances essential to the successful accomplishment of the mission or security reasons require the use of business-class travel.

e. Where the cost savings from forfeiture of rest stop entitlement exceeds the incremental increase for business-class accommodations; and/or where measurable efficiencies are achieved from the traveler's avoiding use of work days for rest stops; and/or where business class facilitates work enroute and/or immediately upon arrival. A cost comparison must accompany both the request and the travel authorization. See paragraph 636.4b and 636.5b below.

#### 636.4 Approval and Authorization

a. First-Class Travel - The use of first-class accommodations under the exceptions listed in paragraphs 636.2a through c require prior approval from the Director of International Broadcasting through the Director of Administration. The Director of Administration reports on usage on an annual basis.

b. Business-Class Travel - Authorization to use business class for criteria specified in paragraphs 636.3a through e requires prior approval at the appropriate supervisory level as follows: Director of International Broadcasting; Director, Voice of America; Director, Engineering; Chief of Staff for all other offices, through the Director of Administration for reporting purposes.

c. Requirement for Advance Authorization - Authorization for first class and business class travel where necessary shall be obtained in advance of actual travel. Where circumstances make advance approval impossible, the traveler shall obtain written approval as soon as possible in accordance with the above regulations.

d. Employee Responsibility and Documentation - The employee shall certify on the travel voucher the reasons for the use of first-class/business-class accommodations. Specific authorization or approval shall be attached to, or stated on, the travel voucher and retained for the record. In the absence of specific authorization or approval, the employee shall be responsible for all additional costs resulting from the use of first-class/business-class accommodations. The additional costs shall be the difference between the first-class/business-class accommodations used and the lowest fare available at the time of travel.

#### 636.5 Procedure for Requesting Upgraded Air Accommodations

a. First-class travel requests must be justified in writing by the appropriate office director or head of an overseas establishment for the exceptions outlined in the above paragraphs. Such requests should be submitted through the Director of Administration for technical review to the Director of International Broadcasting for action, and must specify the following:

- (1) Name, grade, and position or title of the traveler;
- (2) Origin and destination or segments for which first-class is requested;
- (3) Additional cost to the BBG resulting from the difference between first-class accommodations and the next lower class accommodations and between first class and the lowest fare available;
- (4) Circumstances justifying the use of first-class, the name and title of the requesting officer, and, if a foreign carrier is being used, the name of the carrier.

b. Business-class travel - Element Directors, and the Chief of Staff may approve upgrades to business class. Requests for Frequent Flyer upgrades as well as other requests to business-class shall include the information specified in paragraph 636.5a as it relates to the use of business class.

c. Records - Approved first- and business-class requests will be forwarded to the Travel and Transportation Branch for recording purposes.

## 637 USE OF U.S. FLAG AIR CARRIERS

637.1 - The Fly America Act, 49 U.S.C. 1517, established as a legal requirement that all Government-financed air travel be performed on U.S. air carriers where such service is available.

637.2 - Travel Between Two Points Abroad - 49 U.S.C. 1518 provides that notwithstanding the provisions of 49 U.S.C. 1517, Government-financed air travel by officers and employees of State, AID, BBG, and ACDA, their dependents, and accompanying baggage may be performed on foreign flag air carriers between two places both of which are outside the United States. Congress noted that it expected that this authority will be implemented in a manner which will continue to encourage U.S. Government employees to use U.S. air carriers to the maximum practical extent.

637.3 - Scheduling and Routing of Official Air Travelers - The following applies to employees consultants, contractors, grantees, and other travelers funded by the BBG for all travel between the United States and points abroad.

a. U.S. air carrier service would be considered both available and practical even though comparable foreign flag service may be available, cost less, may be financed by excess foreign currency (see paragraph 637.6), may be preferred by the BBG or the traveler, or may be more convenient for the BBG or the traveler.

b. Travelers on transfer travel, and those who can exercise flexibility in scheduling their travel, are expected to schedule their trips to make use of U.S. air carriers.

c. U.S. air carrier service should be used for all travel EXCEPT:

(1) When use of such service would interfere with the accomplishment of an essential mission.

(2) When unaccompanied children (16 years of age or younger) would have to change airports at an interchange point, overnight at such points, or experience delays in excess of 3 hours at the interchange point.

(3) When it has been determined that delay could be detrimental to the health of the traveler, an employee or dependent, or when traveling under emergency visitation or medical evacuation orders (certified by competent medical authority in the case of medical evacuation). Travel of medically authorized attendant(s) is also authorized. The authorizing officer must provide a statement to the traveler outlining the urgent travel requirement and the reason why U.S. carriers were not considered available. The traveler will file the statement with his/her travel voucher. Return travel is to be performed in accordance with the Fly America Act.

(4) When an official traveler is denied boarding by a U.S. carrier, he/she may accept a seat provided by the airline's representative on a foreign flag flight, notwithstanding the availability of alternate U.S. air carrier service. This provision also applies to cases where a

traveler is denied boarding while on indirect travel or annual leave which is taken in conjunction with TDY, home leave, or transfer travel. The traveler should attempt to get a statement of the denied boarding from the airline representative to file with his or her travel voucher.

(5) When the gateway airport abroad is the traveler's origin or destination airport, and the use of U.S. air carrier service would extend the time in a travel status, including delay at origin and early arrival at destination, by at least 24 hours.

(6) When the gateway airport abroad is an interchange point, and the use of U.S. air carrier service would require the traveler to wait six hours or more to make connections at that point.

(7) When connecting with ongoing flights at the gateway airport in the United States would extend his or her time in a travel status by at least six hours.

(8) When the travel abroad is a portion of the trip to the United States, travelers may interchange to U.S. air carriers at a point which will permit arrival in the U.S. on a flight which directly serves the interchange point and destination. Likewise, when travel abroad is a portion of the trip from the United States, travelers may interchange to foreign carrier service at a point which will permit departure from the U.S. on a U.S. air carrier flight directly serving the origin and the interchange point.

d. U.S. air carrier service will be used to the furthest interchange point with foreign carriers and foreign carriers will be used to the nearest interchange point with U.S. air carriers which will not extend the traveler's time in a travel status by more than six hours between points of origin and destination.

e. U.S. air carrier service does not have to be utilized abroad if it would require travel during normal sleeping hours (11:00 P.M. - 7:00 A.M.) and a foreign air carrier provides service during other hours.

f. U.S. air carrier service does not have to be utilized abroad if it would require a change of planes during normal sleeping hours and the foreign air carrier service would not require a change of planes during those hours.

g. Foreign air carrier service may be used abroad if it would eliminate two or more aircraft changes en route.

637.4 - Short Distance Travel - Foreign air carrier service may be used when the elapsed travel time of a scheduled flight from origin to destination airport by foreign air carrier is three hours or less and service by U.S. carrier would involve at least twice such travel time.

#### 637.5 - Justification for Use of Foreign Air Carriers

a. Approval is required whenever a foreign air carrier is used between the United States and points abroad. The traveler shall submit a

memorandum to the Travel and Transportation Branch prior to start of travel, providing full justification for the request for the use of the foreign air carrier. If the Travel and Transportation Branch concurs with the traveler's justification, the request will be forwarded to the Office of the General Counsel for approval. The traveler may appeal a negative ruling by the Travel and Transportation Branch directly to the General Counsel. (This requirement is not applicable to travel described in paragraph 637.2 [Travel Between Two Points Abroad] or to travel addressed by Broadcasting announcements authorizing the use of foreign flag carriers between the U.S. and specific points abroad.)

b. The approval memorandum discussed above (637.5a) is required before tickets procured in the U.S. can be released by the contract travel agency, and it must be attached to the travel voucher.

c. For travelers abroad who were unable to avail themselves of the prior approval process, a statement must be included on/with the travel voucher justifying their use of the foreign air carrier. Travelers are cautioned that if their justification is not accepted they will be subject to the financial responsibilities discussed in 637.7.

637.6 - Payment in Foreign Currency - Legislative authority for certain programs and activities prohibits the expenditure of U.S. dollars for travel or other official purposes. In such instances, where foreign currency (either excess, near-excess, or non-excess) necessarily must be used for travel and where U.S. air carriers do not accept such currency, travel may be performed to the extent required on carriers which do accept such currency since under these circumstances the travel could not otherwise be performed.

637.7 - Traveler's Financial Responsibility - Where the travel is by indirect route or the traveler otherwise fails to use available U.S. air carrier service, the amount to be disallowed against the traveler is based on the loss of revenues suffered by U.S. air carriers.

Travelers should not be held liable for minor variations when the differences in distance are relatively small and difficult to measure. The following formula will be used to determine the amount to be disallowed against the traveler:

Sum of certificate  
carrier segment  
mileage authorized fare payable  
X by Govt.  
Sum of all segment  
mileage authorized

MINUS

Sum of certificate  
carrier segment  
mileage traveled through fare  
X paid  
Sum of all segment

mileage traveled

The traveler is liable only if the difference is greater than zero. The traveler is never liable for more than the segment fare payable for the segment improperly traveled.

#### 638 UNUSED TICKETS

638.1 Refunds or Adjustments - Under no circumstances will a traveler obtain a refund or credit from a carrier for an unused ticket or transportation request (GTR). For tickets which are exchanged (traveler exchange of an original ticket for one of lesser value) or returned, the traveler will surrender the ticket coupon to the carrier in return for a receipt or ticket refund application. Carriers are required to make refunds to the "bill charges to" office indicated on the GTR. This will be provided to the carrier by the traveler together with the complete accounting classification which is also indicated on the GTR and any other information which will identify the refund. Receipts or ticket refund applications and any unused tickets or portions thereof which were not turned in at the carrier's ticket office, whether purchased on a GTR or by a travel agency under a blanket GTR, must be forwarded immediately to the Financial Operations Branch, Office of the Comptroller, as described in paragraph 638.2 below. Employees stationed overseas shall follow Embassy procedures.

#### 638.2 Uncompleted Trips

a. The traveler will submit unused tickets, carrier receipts or ticket refund applications with an appropriate explanation to Budget and Finance, or to the appropriate Embassy official, when:

- (1) Travel is terminated short of the destination shown on the GTR;
- (2) The services furnished are of less value or different than specified on the GTR; or
- (3) The return portion of a round trip ticket is not used.

b. When there is no unused ticket for services not furnished, the traveler should obtain a written statement from the carrier's representative. The traveler will submit the statement with an appropriate explanation to Budget and Finance, or to the appropriate Embassy official, and give:

- (1) The serial number of the GTR; and
- (2) Points of travel for which the ticket was purchased, and the points between which the ticket was actually used.

Sample of Request for First-Class Travel or Business-Class Travel

MEMORANDUM FOR: See MOA IV 636.5a or 636.5b

THROUGH: Director, Office of Administration

FROM: (Office symbol and name of head of traveler's office)

SUBJECT: Request for First-Class Travel (or Business-Class Travel)

First-class travel (or business-class travel) is requested for (Give name, rank, and position title of traveler).

JUSTIFICATION:

ITINERARY: (include dates and times for all segments for which business class or first class is requested)

WORK SCHEDULE: (Before, during and immediately after travel)

COST DIFFERENCE: (In this section cite the following information:)

First-class fare (if applicable):

Business-class fare:

Lowest fare available:

Difference(s) between fares:

If first-class or business-class travel is approved, I realize I am not entitled to any rest stops.

(Signature of Traveler)

Concurrence:

(Administrative Officer of Element )

Approved

Disapproved

Date

Note: Attach (Authorization of Official Travel)



International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

Material within this Manual of Operations and Administration may no longer be current. To ensure having the most current policy or procedure, please contact the Agency office responsible for the subject matter, e.g., information about performance appraisal, staffing, or compensation should be directed to the Office of Human Resources. For assistance in determining which office to contact, please contact Cathy Brown or Renee Tyrance-Gauff of the Analysis and Administration Division on (202) 203-4664 or feel free to email this staff at cabrown@bbg.gov or crgauff@bbg.gov.

MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART IV ADMINISTRATIVE SERVICES, 600 PLANNING AND PERFORMING TDY TRAVEL  
Section 640

TRAVEL REIMBURSEMENT HANDBOOK

Travel Authorization

Travel Voucher

Responsibilities

Forms

Claim Types

General Voucher Preparation Guidelines

Travel Voucher Completion Instructions

Examples of Completed Forms

TRAVEL REIMBURSEMENT HANDBOOK

This manual summarizes the guidelines and policies for travelers, Administrative Officials and Approving Officials to follow in obtaining reimbursement for official travel.

A. TRAVEL AUTHORIZATION

All travel must be specifically authorized on Authorization of Official Travel. There are three types of travel authorizations used:

1. Unlimited Open Travel Authorization (Type A)

This type of authorization can be issued once for the entire fiscal year to provide unlimited travel approval to specially designated individuals. In preparing the unlimited open authorization, offices use the following guidelines:

- a. Include any restrictions peculiar to the authorization.

- b. Submit the number 3 copy of the order to Finance in advance of the first voucher and submit a copy of the authorization attached to the first voucher. No additional authorizations will be required for the remainder of that fiscal year. All unlimited open authorizations must be renewed at the beginning of each fiscal year. Currently, this type of travel authorization is limited to frequent travelers, such as correspondents.

## 2. Limited Open Travel Authorization (Type B)

This type of authorization can be issued for a 3-month period to approve travel within a specific geographic area or for a specific purpose during the three month time frame. The following guidelines apply to the limited open authorization:

- a. Include any restrictions peculiar to this type of authorization: e.g. the specific purpose or itinerary.

- b. Submit a copy of the authorization with each travel voucher. All limited open authorizations must be renewed no less frequently than each quarter.

## 3. Individual Trip Travel Authorization (Type C)

This type of authorization is issued for each trip. The types of travel that require individual authorization include all travel not authorized on Type A or Type B, also conference attendance, training, entitlement, and relocation travel. The following guidelines apply to the individual trip authorization:

- a. Include any restrictions peculiar to this type of authorization; e.g. the specific purpose or itinerary.

- b. Domestic Transfer - Temporary quarter entitlements, (41 CFR 302-5), must be authorized in advance on the travel authorization.

- c. Submit a copy of the travel authorization with each travel voucher.

## 4. Specifically Authorized Expenses

Even though travel is approved on a travel authorization, certain travel expense claims must be specifically authorized for reimbursement by the authorizing official. These authorizations must either be included on the authorization or a separate sheet attached to the authorization. A listing of those items requiring specific authorization on the authorization can be found in the Federal Travel Regulations 41 CFR 301-11.6b, 6 FAM 141, and MOA IV 646.8.

## 5. Purpose of Travel Code

Each travel authorization, as well as the Travel Voucher, must include a purpose of travel code. Requesting officials must select the applicable code from the list provided on the reverse side of the travel voucher. Enter this code on the travel authorization. If the authorization covers more than one purpose of travel code, list all the applicable codes. However, on the Travel Voucher, show only one major purpose of travel code.

## B. TRAVEL VOUCHER

1. Travelers must prepare and submit a Travel Voucher, to Finance to claim reimbursement of travel expenses. This manual contains instructions for the proper completion of the voucher for each type of travel authorized.

2. Primary responsibility is placed on the designated approving official to verify that claimed expenses are authorized and are reasonable. Approving officials should not audit the voucher and are not required to check the mathematical accuracy of the data. Voucher audit is the sole responsibility of Finance. Finance also computer-edits each voucher to verify the accuracy of the computations.

3. Travel vouchers are processed daily by Finance to provide maximum efficiency in the payment of claims. Those vouchers selected for audit take longer to clear for payment, but usually not more than 14 days. If a voucher irregularity is discovered, Finance will notify the traveler by a Voucher Difference Statement.

4. Vouchers should be submitted within 5 working days upon completion of the travel. Those employees on extended temporary duty in the U.S. should submit a voucher after each 30 days. Employees involved in transfer of station should submit their voucher after completion of each phase of the move.

5. A travel authorization must accompany each Travel Voucher submitted to Finance. A Purpose of Travel code block is provided on the travel voucher. The traveler must select the applicable code that describes the nature of the travel and show this code on the travel voucher. A complete listing of the purpose of travel codes is provided on the reverse side of the travel voucher.

### 6. Reclaim Amounts

Finance will notify travelers of any disallowed claims by means of the voucher difference statement. A Voucher Difference Statement (Travel), is used to notify travelers of errors on vouchers for domestic and foreign travel. A Voucher Difference Statement (Transfer of Station), is used to inform travelers of errors on vouchers submitted for transfer of official duty station. Those disallowed expenses that the traveler feels are justifiable should be reclaimed on a subsequent Travel Voucher with a full explanation providing the reasons for the reclaim.

In submitting reclaims, the traveler should attach to the reclaim voucher a copy of the Voucher Difference Statement that originally

explained the disallowance. The reclaim must be signed by the traveler and mailed to the regular voucher mailing address provided on the voucher.

7. Sick or annual leave taken during the period of official travel must be documented on the travel voucher.

#### C. RESPONSIBILITIES

##### 1. Employee/traveler will:

a. Upon completion of the travel, promptly submit a Travel Voucher, to an authorized approving officer.

b. Report transportation costs purchased by GTR's on the voucher. Report and return all unused tickets or portions of tickets, with explanation, to Finance. If the refund for unused tickets is being made directly by the carrier, provide Finance's address to the carrier for mailing of the refund check.

c. Attach the required supporting documents, such as car rental agreement, purchase invoices, receipts, checks, and travel authorization to the travel voucher.

d. Submit, with the travel voucher, Employee Application for Reimbursement of Expenses Incurred Upon Sale or Purchase (or Both) of Residence Upon Change of Official Station, and other required documentation when real estate expenses are incurred.

e. Claim reimbursement for actual and reasonable expenses incurred during occupancy of temporary quarters. Ensure that food purchases claimed are for consumption during temporary quarters.

f. Attach a copy of a Voucher Difference Statement, to reclaim an amount suspended on a previous voucher.

g. Attach to the face of the voucher a check or money order made payable to: International Broadcasting to repay any outstanding travel advance. TRAVELERS CHECKS OR CASH should not be sent through the mail. The amount of the check or money order should be recorded in Item 15 of Section D on the front of the Travel Voucher.

h. Liquidate outstanding travel advances as soon as travel for which the advance was issued is completed.

##### 2. Approving Officials will:

a. Verify that all travel expenses claimed on the voucher are authorized and are reasonable in accordance with regulations published in the FTR, 6 FAM, MOA and the Standardized Regulations. Therefore, the approving official must be the individual who is in a position to have first hand knowledge about the actual performance of the travel and that the expenses associated with the travel are necessary and reasonable.

b. Determine that car rentals, telephone calls, and extra fare commercial carrier transportation are in the best interest of the Government.

c. Ensure that temporary quarters subsistence expenses are reasonable. Inform travelers that food purchases claimed should be for consumption during temporary quarters only.

d. Submit the approved Travel Voucher with attachment documents to Finance.

e. Ensure that each traveler understands his/her rights under the Privacy Act of 1974 prior to preparation of travel forms. A statement on the Privacy Act is printed on each voucher.

f. Ensure that each traveler liquidates any outstanding travel advance upon completion of that travel for which the advance was issued.

g. Inform travelers of the carrier refund policy. Furnish travelers with an address for use in the event a receipt or refund application is issued by a carrier during the trip for unused or downgraded tickets.

### 3. Finance will:

a. Process all approved travel vouchers. Audit and verify payment information for propriety and payment authorization.

b. Provide an explanation of any amounts suspended or otherwise disallowed on the Travel Voucher by forwarding a Voucher Difference Statement to the traveler.

c. Certify for payment approved travel vouchers.

d. Bill carriers for unused tickets, portions of tickets, and variations in class of travel or accommodation paid by GTR and reported on the travel voucher.

e. Forward all domestic transfer vouchers through Finance for withholding of State and Federal taxes, if applicable.

f. Provide voucher status when request is made. Reconcile traveler's account when requested.

### D. CLAIM TYPES (SECTION A)

1. Domestic Travel - (Type Claim 1) - Travel within the limits of the continental United States (the 48 states plus the District of Columbia). Type Claim 1 travel can be authorized on either of the three types of travel authorizations: the unlimited open, the limited open, or the individual. In preparing the travel voucher for the Type Claim 1, the travel voucher can be used as a daily travel log for single entry items. For those items that require summarization, such as taxi or limo expenses when there is more than one trip in a single day, the traveler must

itemize in the Remarks Section and list the total daily expense on the voucher.

2. Foreign Travel (Type Claim 2) - Travel outside the 50 states or territories and possessions of the U.S., and travel within the U.S. directly connected with such travel. Policy concerning foreign travel is set forth in MOA IV, 530. For all foreign travel, a Travel Authorization, is required on an individual trip basis.

3. Transfer - House hunt (Type Claim 3) - Travel authorized for purpose of seeking permanent residence quarters in conjunction with a domestic transfer of station.

4. Domestic Transfer - Other (Type Claim 4) - Travel authorized for purpose of relocating to a new official duty station.

5. Foreign Service Transfer - Overseas (Type Claim 5)  
Travel of Foreign Service Officers between the U.S. and overseas posts or between overseas posts.

6. Domestic Travel - Other - Travel to Alaska, Hawaii and U.S. territories (Type Claim 6).

#### E. GENERAL VOUCHER PREPARATION GUIDELINES

1. Specific instructions for preparing the travel voucher as well as samples of the various types of travel, can be found in the Travel Voucher Completion Instructions. Copies are available through element Administrative Officers.

2. Mailing Address of Check. Enter the address to which the traveler wishes the check to be mailed. The address must include street address, city, state and zip code.

#### 3. GTR Usage.

For authorized travel, travelers stationed in the U.S. must obtain tickets through a travel agency. Other travelers abroad should use the services of Embassy or Consulate travel offices to purchase all passenger transportation and accommodations over \$500. Cash should be used if transportation costs are under \$100, plus federal transportation tax. Transportation services, accommodations, and amounts purchased by GTR are reported in Section B of the Travel Voucher. Travelers should exercise reasonable care that costs charged by common carriers are not excessive or unreasonable, or that services are not less than originally specified.

#### 4. Refunds and Unused Tickets.

a. Travelers must report refunds or unused tickets on their travel voucher when any of the following occur:

1) Travel is finally terminated short of the destination to which a GTR was issued.

2) Service or class of travel was of less value than that specified on a GTR.

3) The return trip portion or any portion of a ticket was not used.

If the unused ticket does not clearly support the Government's right to claim a refund, the traveler must attempt to secure a written acknowledgment of the situation from the carrier's representative.

b. To report any unused tickets or refunds to be billed by Finance, the traveler must:

1) Complete Section B of the Travel Voucher as indicated and enter the words "Bill Carrier" in the Vendor column. (This will flag the voucher for billing by Finance).

2) Attach the unused tickets securely to the front of the Travel Voucher.

c. To report refunds made directly by the carrier:

Travelers who surrender any ticket coupons to a carrier because the original trip was downgraded enroute, a part of it was canceled, the traveler was involuntarily bumped from the original flight, or any other reason, will:

1) Furnish to the carrier Finance's address as the "Bill Charges To" address for mailing the refund check. At the same time, obtain a receipt or ticket refund application from the carrier as documentation of the returned ticket.

2) Attach the carrier's receipt or ticket refund application to the Travel Voucher. The statement "Bill Carrier" should be placed under the column titled "Vendor" in Section B of the Travel Voucher to advise Finance that the carrier will be submitting a refund check.

NOTE: Travelers are not entitled to retain any monies refunded from a carrier for official travel.

5. Actual Subsistence Allowance of Actual Subsistence (Overseas and Per Diem Cities within the Continental U.S.) Conditions and Limitations. Authorization to travel on an actual subsistence expense basis is limited to those travel assignments where necessary subsistence costs are unusually high. Actual subsistence is not authorized where expenses may exceed the maximum per diem locality rate by only a small amount.

a. Conditions warranting authorization or approval of actual expenses. (41 CFR 301-8)

1) Travel assignments involving special or unusual circumstances. Travel on an actual subsistence expense basis may be authorized or approved for travel assignments when the applicable maximum per diem rate is inadequate due to special or unusual circumstances. The maximum per diem rate, although generally adequate, may be insufficient for a particular travel assignment because the actual and necessary subsistence expenses are unusually high due to special duties or because subsistence costs

have escalated temporarily during special events. Actual subsistence expense reimbursement shall not be authorized or approved when the actual and necessary subsistence expenses exceed or are expected to exceed the applicable maximum per diem allowance by only a small amount. Since lodging costs constitute a major portion of the subsistence expenses, travel on an actual subsistence basis may be authorized or approved for travel when, due to special or unusual circumstances, the lodging costs absorb all or nearly all of the applicable maximum per diem allowance. Examples of travel assignments or situations that may warrant authorization or approval of actual and necessary expenses include but are not limited to the following:

a) The employee attends a meeting, conference, or training session away from the official duty station where lodging and meals must be procured at a prearranged place (such as the hotel where the meeting, conference, or training session is being held) and the lodging costs incurred, because of these prearranged accommodations, absorb all or practically all of the applicable maximum per diem allowance;

b) The travel is to an area where the applicable maximum per diem allowance is generally adequate but subsistence costs have escalated for short periods of time during special functions or events such as missile launching periods, international or national sports events, World's Fairs, conventions or natural disasters;

c) Based on a situation described in b), above, affordable lodging accommodations are not available or cannot be obtained within a reasonable commuting distance of the traveler's temporary duty point and transportation costs to commute to and from the less expensive lodging facility consume most or all of the savings achieved from occupying less expensive lodging;

d) The traveler, because of special duties of the assignment, necessarily incurs unusually high expenses in the conduct of official business, such as to procure superior or extraordinary accommodations including a suite or other quarters for which the charge is well above that which he/she would normally have to pay for accommodations; or

e) The traveler necessarily incurs unusually high expenses incident to his/her assignment to accompany another employee in a situation as described in d), above.

2) Situations requiring reimbursement for occasional meals and/or lodging. Although lodging and/or meals are furnished without cost (or at a nominal cost) for a particular assignment, the traveler may necessarily incur expenses for occasional lodgings and/or meals. The authorizing official may approve reimbursement of appropriate expenses incurred for occasional meals or lodging that are determined to be necessary and justified by the circumstances involved.

b. Maximum daily rates and reimbursement limitations. The maximum amount of reimbursement for actual subsistence expenses that may be authorized or approved for each calendar day or fraction thereof is as provided in 1) and 2), below. Authorizing officials shall determine appropriate and



necessary daily maximum rates not to exceed these amounts when authorizing or approving travel under actual subsistence. Maximum daily rates need not be prorated for fractions of a day.

1) Travel within CONUS - Maximum daily rates. For travel within CONUS, the maximum daily rate for subsistence expenses shall not exceed 300 percent of the applicable maximum per diem rate (rounded to the next highest dollar).

2) Travel outside CONUS. For travel outside CONUS, the maximum daily rate for subsistence expenses shall not exceed the greater of the amounts prescribed by the Departments of Defense and State, respectively, for non-foreign and foreign areas as set forth in paragraphs (a)(2)(i) and (ii) of 301-8.3.

a) 300 percent of the applicable maximum per diem rate (rounded to the next higher dollar) prescribed under FTR 301-7.3(b) or (c).

\$50 plus the applicable maximum per diem rate prescribed under 301-7.3(b) or (c).

3) Reimbursement limitation. When the actual subsistence expenses incurred during any 1 day are less than the maximum daily rate authorized, the employee shall be reimbursed only for the lesser amount. Expenses incurred and claimed (including those for fractional days) shall be reviewed and allowed only to the extent determined to be necessary and reasonable. Reimbursement for meals and incidental expenses shall not, exceed: 300 percent of the M&IE rate applicable to the temporary duty location.

4) Specific meals and incidental expenses limitation. The agency may limit reimbursement for meals and incidental expenses to 100 percent of the applicable M&IE rate and deviate from the requirement for receipts and/or itemization of such expenses as provided in 301-8.5(a)(3). In such instances, the M&IE rate shall be prorated for partial days of travel as provided in 41 CFR 301-7.8(e).

5) When lodging is procured through use of a purchase order. When actual subsistence expense reimbursement is authorized or approved and lodging is furnished to the employee at no cost through use of a purchase order, the authorizing official shall not authorize or approve reimbursement for other subsistence expenses that will, when combined with the cost of lodging furnished, exceed the maximum daily rate authorized under 1) or 2), above.

c. Authorization or approval.

1) Requests for authorization or approval of actual expense reimbursement. It is the traveler's responsibility to request authorization for actual subsistence expense reimbursement when conditions appear to warrant such reimbursement and to furnish appropriate justification to support the request.

2) Prior authorization of actual expense travel. Normally, travel on an actual expense basis should be authorized in advance and the daily maximum rate authorized shall be stated on the Authorization of Official Travel. Maximum daily rates need not be prorated for fractions of a day on the travel authorization.

3) Approval after travel is completed. If travel is performed without prior written authorization or is authorized on a per diem basis, reimbursement for actual and necessary subsistence expenses may be requested after completion of the travel. However, there is no automatic approval of such a request.

d. Documentation of actual subsistence on the Travel Voucher.

1) Itemization. When travel is authorized or approved on an actual subsistence expense basis, the traveler shall itemize on the Travel Voucher each expense for which reimbursement is claimed on a daily basis. Meals must be itemized separately; i.e., breakfast, lunch, and dinner. Those expenses that do not usually accrue on a daily basis, such as laundry and cleaning and pressing of clothing, may be averaged over the number of days that actual expense reimbursement is authorized or approved.

2) Receipts. Receipts shall be required for lodging, regardless of amount, and any individual meal or dry cleaning expense, when the cost is over \$75.

6. Mixed travel (per diem and actual subsistence expense) reimbursement. Mixed travel involves reimbursement on both a per diem and an actual subsistence basis. Generally, the applicable rate and/or reimbursement method for each calendar day (beginning at 12:01 a.m.) will be determined by the traveler's status and location at 12:00 midnight of that calendar day. Only one rate and reimbursement method will be authorized for each day except when reimbursement is authorized for occasional meals or lodging as provided in 5. a. 2). The reimbursement method and maximum rate for the day of departure from the official station will be the same as that authorized for the first location where lodging is required. On the day of return to the official station, the same method and maximum rate of reimbursement applicable to the previous calendar day shall apply.

7. Use of privately owned vehicle. Travelers are permitted to use their privately owned vehicle for official business when such use is either advantageous to the government or an authorized or approved exercise of the travelers personal preference. Different mileage rates apply depending upon the conditions or circumstances involved in the use of the privately owned vehicle. (See 41 CFR 301-4.3)

APPROVAL TO USE A PRIVATELY OWNED VEHICLE DURING TRAVEL MUST BE SPECIFICALLY AUTHORIZED ON THE TRAVEL AUTHORIZATION (SEE LIST OF CERTIFICATION STATEMENTS IN 41 CFR 301-11.6b)

Travelers shall record the total daily mileage, applicable rate, and amount in Section 4 of the Travel Voucher. The usual method for determining mileage is to use the beginning and ending mileage for each

day's travel from the vehicle's odometer. However, DO NOT show the odometer readings on the voucher, but only the total mileage traveled.

8. Direct cash payments for transportation services.

a. Car rental. Travelers who are authorized to use commercially rented vehicles must pay for the cost of the rental themselves and then submit a claim for reimbursement on their travel voucher. Car rental invoices cannot be billed directly to Finance. AMOUNTS PAID FOR AUTOMOBILE INSURANCE IN CONNECTION WITH THE CAR RENTAL CANNOT BE CLAIMED ON THE TRAVEL VOUCHER (EXCEPT FOR FOREIGN TRAVEL). (See 41 CFR 301-3.2c) Show the amount paid for car rental in Section 2 on the Travel Voucher. A receipt (such as a credit card receipt) and a copy of the rental agreement from the commercial rental firm must be included with the voucher to verify the claim.

b. Common carrier service paid by traveler.

Transportation services should always be purchased with a GTR, except where:

1) the cost of services is \$100 or less, plus federal transportation tax;

2) the carrier will not accept a GTR;

3) a GTR is not available and the traveler is required to pay cash for services.

Travelers procuring transportation service for cash shall record these expenses in Section 5 of the Travel Voucher. All amounts claimed shall be supported by a passenger coupon or other documentation attached to the voucher. Travelers must obtain specific approval from the Director for Administration to make a cash payment of more than \$100 in lieu of using a GTR.

c. Use of taxi, limo, local bus or subway.

Travelers should use the mode of transportation that is most advantageous to the government. Subways, buses, or streetcars should normally be used for local transportation. Courtesy transportation provided by hotels/motels to the air terminal should be used when available. However, when these cannot be used, or are not practical in a given case, the use of a taxicab may be approved. (See 41 CFR 301-2.3 or 6 FAM 141.) A certification statement authorizing use of a taxicab is preprinted in the "Approving Officer's Responsibilities and Signature" block of the Travel Voucher. Any single trip expense over \$25, plus tip, requires a receipt.

NOTE: The use of a taxicab to and from places where meals are obtained can only be authorized in accordance with 41 CFR 301-2.3b; 41 CFR 301-3.1a, and 6 FAM 141.

9. Restrictions on the Use of the Travel Voucher.

a. Imprest fund.

Travel vouchers may not be paid by the imprest fund. All travel vouchers must be submitted to Finance for payment. However, the imprest fund can be used to pay for local (at official duty station), taxi or transportation costs.

b. Purchases (supplies, materials) not directly related to authorized travel. Employees who purchase supplies, materials, or services while at their official duty station which are not directly related to travel should not list such expenses on a travel voucher.

#### TRAVEL VOUCHER COMPLETION INSTRUCTIONS

The following instructions pertain to the completion of the Travel Voucher and the Continuation Sheet. Within 5 working days after completion of the trip, an original signed Travel Voucher and two copies along with a copy of the Authorization of Official Travel must be completed and forwarded to: Finance.

STEP ONE: Complete the following items on the Travel Voucher.

1. SOCIAL SECURITY NUMBER

2. NAME

3. TRAVEL AUTHORIZATION NO. - Enter the travel authorization number from the Authorization of Official Travel.

4. PURPOSE OF TRAVEL CODE - Enter code (see the reverse side of Travel Voucher) to describe the purpose of the trip. Enter only one major Purpose of Travel Code.

5. DATES FOR TRAVEL EXPENSES - Enter the date travel started and ended as "11-30-89." If the voucher is for "Reclaim" (follow-up on previous claim) only, enter original dates of travel for which amounts are being reclaimed.

6. TYPE CLAIM - Enter the appropriate number.

7. RECLAIM AMOUNT INCLUDED - Enter the amount suspended from a previous voucher that is being reclaimed. Attach a copy of the Voucher Difference Statement and a complete explanation and documentation of the reclaim.

8. ORGANIZATION - Enter the abbreviated organizational name.

9. OFFICIAL DUTY STATION - Enter the location of the official duty station.

10. RESIDENT CITY AND STATE - If the same as the duty station, leave blank. Otherwise, enter the city and state of the traveler's residence.

11. MAILING ADDRESS OF CHECK - Furnish the complete address for the mailing of the check including the street address, city, state and zip code.

12. GOVERNMENT CREDIT CARD HOLDER - Check the appropriate box.

13. GTR NUMBER - Enter the GTR number for any transportation (including excess baggage charges) furnished to the traveler by the government. The GTR number is printed on the ticket.

14. AMOUNT - Enter the transportation costs from the GTR or ticket. When a GTR is used for group travel or teleticket, each traveler is to report the GTR and the value of each individual ticket.

15. VENDOR/CARRIER - Enter the vendor's name, except:

(a) Enter "GEBA" (Government excess baggage authorization) to report excess baggage charge.

(b) Enter "CHARTER," if the employee preparing the voucher ordered chartered transportation, or has been designated to report the the GTR to Finance. Enter "NAME OF TRAVEL AGENCY," if the ticket was purchased by a Travel Agency.

(c) Enter "BILL CARRIER," if the travel terminated short of the destination, if service furnished was of lesser value than specified on the GTR, or if any portion of the ticket purchased by the GTR was not used. Finance will either bill the carrier for the difference or will receive a refund from the carrier for the amount of the returned or downgraded ticket.

16. GTR CLASS - For a GTR, enter:

(a) "F" for first-class air travel and train travel . If first-class air travel was used, show specific approval on the travel voucher;

(b) "J" for business-class travel;

(c) "Y" for coach, tourist, or non premium air travel;

(d) "O" for all other regular-fare travel (train, bus, etc.).

17. POINTS OF TRAVEL - Enter the location at which travel started and the destination. Enter "AND RETURN" for round trips.

18. TOTAL SECTION B - Enter the sum of the transportation amounts.

STEP TWO: Complete the following items on the Travel Voucher Continuation Sheet.

19. TRAVELER'S NAME AND AUTHORIZATION NUMBER - Same as "Name" in Section A of the Travel Voucher.

20. DATES - Enter month and day for each day of travel, as "11/27," "10/16," etc.

21. ITINERARY FROM:

CITY AND STATE/COUNTRY - Enter as "Washington, D.C.," "San Francisco, CA," "Paris, France," etc. The 2-letter postal state code should be used.

TIME (AM/PM) - Enter as 8:10 AM "3:15 PM," etc. When changing time zones, enter time in effect at the place of travel. Military time may be used, i.e. 0810,1515.

CARRIER AND FLIGHT NUMBER - Enter the carrier's name, "Delta," "Eastern," etc. and the flight number. If transportation was by bus or train, enter as "Greyhound", "Amtrak." If transportation was by privately owned vehicle, enter "POV."

ITINERARY TO:

CITY AND STATE/COUNTRY, TIME - Identify the city, state or country, and time of arrival. For each day of travel, enter the city in which official travel duty is performed.

The following information is provided the traveler in order to complete his/her per diem claim.

A. TRAVEL WITHIN THE CONTINENTAL UNITED STATES (CONUS AND OUTSIDE CONUS.

1. Lodgings-Plus System. The per diem allowances authorized for TDY are computed under the lodgings-plus system. Under this system a daily allowance is established on the basis of the actual amount the traveler pays for lodging to which is added a prescribed amount for meals and incidental expenses (referred to as the M&IE allowance).

The per diem allowance payable for official travel:

a) CONUS - Rates are set by General Services Administration. For Per Diem see Federal Travel Regulation 41 CFR Chapter 301, Appendix A, or Internet at [http://policyworks.gov/per diem](http://policyworks.gov/per%20diem) for actual expenses see 41 CFR 301-11.303 and 301-11.305.

b) Non-Foreign Areas' Outside CONUS - The rates are set by Department of Defense (Per Diem, Travel and Transportation Allowance Committee (PDTATAC). Per Diem Bulletins are issued by PDTATAC and published periodically in the Federal Register or Internet at [http://www.dtic.mil/per diem](http://www.dtic.mil/per%20diem) (Rates also appear in section 925 a per diem supplement to the Department of State Standardized Regulations (Government Civilians-Foreign Areas).

(c) Foreign Areas - The rates are set by the Department of State. A per diem supplement to section 925, Department of State Standardized Regulations (Government Civilians-Foreign Areas).

2. M&IE Allowance. The maximum per diem rates include a fixed allowance for the meals and incidental expenses; the M&IE rate is reflected for each locality rate as describe in publications referenced in para A.1.(a)(b) and (c) and is payable without itemization of expenses or receipts. The allowance covers such expenses as:

- a. Expenses for breakfast, lunch and dinner.
- b. Fees and tips, such as waiters, waitresses, porters, hotel maids, etc.

c. Transportation between places of lodging or business and places where meals are taken.

d. Specifically excludes alcoholic beverages and entertainment expenses for other persons.

3. Maximum Lodging Allowance. The traveler will be reimbursed for actual lodging costs incurred up to the applicable maximum lodging amounts shown in publication described in Para A.1.(a)(b)(c). Receipts are required for all lodging costs claimed.

4. Standard CONUS Rate. For all CONUS locations contact your administrative officer. Rates are updated by GSA when required.

5. Deductions in CONUS M&IE Allowance. When meals are furnished to the traveler at Government expense, the following meal deductions shall be made to the M&IE portion of the daily per diem allowance:

M&IE Rates \$30 \$34 \$38 \$42

Breakfast or Lunch \$ 6 \$ 7 \$ 8 \$ 9

Dinner \$16 \$18 \$20 \$22

Incidentals \$ 2 \$ 2 \$ 2 \$ 2

6. Deduction in Foreign and Non Foreign M&IE allowance (see Appendix B - Chapter 301 FTR). Exhibit "E"

#### 7. HOURS OF TRAVEL

Travel of Twenty Four Hours or More -

a.) A flat three quarters (75%) of the Meals and Incidental Expense (M&IE) rate for the first and last days of travel for travel of more than 24 hours regardless of the time of departure and return.

Travel Less Than Twenty Four Hours -

No per diem is allowed for travel of 0 to 12 hours regardless of the time of departure and return. This also applies to relocation travel.

b.) When travel is more than 24 hours, no times of departure or arrival are reported on the travel voucher. All dates of travel must be shown.

Travel of 12 plus hours not to exceed 24 hours without lodging.

75% of the M&IE is allowed for travel of 12 plus hours not to exceed 24 hours. If more than one TDY location is involved, the highest M&IE rate where TDY is performed is used. Arrival and departure times must be included on the voucher

Travel of 12 plus hours not to exceed 24 hours with lodging.

Actual cost of lodging up to the lodging limit for the locality plus 75% M&IE is allowed. Arrival and departure times must be included on the voucher.

8. Computation Rules for Travel of More Than Twenty Four Hours.

a. The applicable maximum per diem rate for each calendar day of travel shall be determined by the travel status and location of the employee at 12:00 midnight and whether lodging is required at such location. When lodging is required, the applicable maximum per diem rate shall be the maximum rate prescribed for the temporary duty location, or a stopover point where lodging is obtained while en route to, from, or between temporary duty locations. Per diem for travel of more than 24 hours shall be calculated as provided below.

b. Day Travel Begins - Lodging Required. When lodging is required on the day travel begins (day of departure from the official station or other authorized point), the per diem allowable shall be the actual cost of lodging incurred by the traveler, limited to the applicable maximum lodging allowance prescribed for the location of the lodging, plus 75% of the applicable M&IE rate prescribed for the location of the lodging.

c. Day Travel Begins - Lodging Not Required. When lodging is not required on the day travel begins, 75% of the destination M&IE is allowed.

d. Full Calendar Days of Travel - Lodging Required. For each full calendar day that the employee is in a travel status and lodging is required (whether en route or at a temporary duty location), the per diem allowable shall be the actual cost of lodging incurred by the traveler, limited to the applicable maximum lodging allowance prescribed for the location of the lodging, plus the applicable M&IE rate.

e. Full Calendar Days of Travel - Lodging Not Required. For each full calendar day that the traveler is in a travel status and lodging is not required (such as when the traveler is en route overnight to the next temporary duty location), the per diem allowance shall be the M&IE for the location at midnight, except when en route overnight, then the destination M&IE rate is allowed.

f. Returning from Travel

1) Lodging Required. For each full calendar day of travel when lodging is required at an enroute location while the employee is returning to the official station, home, or other authorized point, the per diem allowable shall be the actual cost of lodging incurred by the traveler, limited to the applicable maximum lodging allowance prescribed for the location of the lodging, plus the applicable M&IE rate.

2) Lodging Not Required. For any full calendar day of travel when lodging is not required while the traveler is enroute overnight returning to the official station, home, or other authorized point, the per diem allowable shall be the M&IE rate applicable to the preceding calendar day.

3) Day Travel Ends For the day travel ends (day traveler returns to the official station, home, or other authorized point) the per diem allowable shall be 75% of the M&IE rate applicable to the preceding calendar day.



g. International Dateline In computing per diem in cases where the traveler crosses the international dateline (180th meridian), the actual elapsed time shall be used to compute per diem rather than calendar day

h. Lodging Obtained After Midnight. Generally, the per diem payable for any given day is based on the traveler's location at midnight. However, when the traveler is enroute at that time and obtains lodging after midnight the lodging shall be claimed for the preceding calendar day and will be determined as if the traveler had been at the lodging point before midnight.

i. Lodging at TDY Point If the traveler obtains lodging at other than the TDY point as a matter of personal preference, the allowable per diem rate shall be limited to the per diem rate prescribed for the TDY location.

j. Lodging Not Available at TDY Point When the traveler must obtain lodging in an area adjacent to the TDY point, the rate applicable to the lodging point will apply when justified, subject to the approval of the Associate Director, Bureau of Management. If the higher maximum rate is not justified and authorized in advance, the employee must furnish a statement with the travel voucher satisfactorily explaining the circumstances that caused him/her to obtain lodging in an area other than at the temporary duty point designated in the travel authorization.

k. Lodging With Friends or Relatives When a traveler obtains lodging from friends or relatives (including members of the immediate family), no part of the per diem payable is allowed for lodging unless the host actually incurs identifiable additional costs in accommodating the traveler. In such instances, any additional cost must be substantiated by the traveler supported by receipts or canceled checks, and determined to be reasonable by the Agency before a lodging cost will be allowed. Neither costs based on room rates for comparable conventional lodgings in the locality, nor flat "token" amounts, will be considered in determining any additional costs to the host.

l. Lodging in Non-conventional Facilities When there are not conventional lodging facilities available such as in remote areas or a shortage of such facilities is caused because of an influx of people attending special events or a shortage caused by inclement weather or other such emergency, costs of lodging in non-conventional facilities may be allowed subject to the approval of the Authorizing Official. In such cases, the traveler must provide an explanation of the circumstances on the voucher.

m. Deviation From Lodgings-Plus System When it can be determined in advance that this system is not appropriate for certain travel assignments, such as extended TDY or when lodgings or meals or both are provided at no cost or a nominal cost by the Government, a specific reduced per diem rate may be established by the Authorizing Official and shown on the Authorization of Official Travel.

## 9. Common Carrier Travel

a. Commercial Vessel For vessel travel, except for the day of arrival on board (day of embarkation) and the day of departure from the vessel (day of debarkation), the allowable per diem rate will be \$6 per day. When the \$6 rate is not sufficient to meet the traveler's per diem expenses, a per diem rate equal to the anticipated expenses, not to exceed \$9 per day, may be authorized or approved; except that the rate for travel by the Alaska Ferry System shall not exceed the standard M&IE rate for CONUS. Per diem will be computed under the lodgings-plus system on the days of embarkation and debarkation.

b. Delays and Interruptions En Route. Per diem is allowed when interruptions occur on an official trip because of an authorized stopover, or because of circumstances beyond the control of the traveler.

c. Awaiting Transportation. Per diem is allowed for only such periods awaiting onward transportation as are reasonably necessary under the circumstances. The travel voucher should contain an explanation of the circumstances necessitating any waiting period in excess of 12 hours at transfer points in the United States and 24 hours at transfer points abroad.

d. Deductions For Meals And/Or Lodgings Furnished. When furnished without charge or at a nominal charge, an appropriate deduction as prescribed in A.5.

#### B. GENERAL RULES (CONUS AND CONUS TRAVEL).

1. Not Payable At The Permanent Duty Station. No reimbursement shall be allowed within the limits of the official station at, or within the vicinity of, the place of abode (Home) from which the traveler commutes daily to the official duty station.

2. Beginning and Ending of Travel Period. Official travel begins and ends at the time the traveler leaves and returns to the home, office or other authorized point of travel.

3. Traveler Responsibilities. The traveler's entitlement is only for the necessary expenses incurred in conjunction with the official travel and prudence should be exercised to insure that Government costs are minimized. The employee must record dates and times when it is relevant to subsistence computations, as well as taking of leave, deviation in official travel for personal reasons including return to the permanent duty station, and must furnish receipts and other documentation where required.

4. Reduced Maximum Per Diem Rates. When appropriate, reduced per diem rates will be prescribed when it is known that subsistence cost to the traveler will be lower such as at professional meetings and conferences, extended TDY assignments, etc., or will be furnished by the Government at nominal costs. The rate established shall be commensurate with the known costs to be incurred by the traveler. The Travel Authorization will reflect the lower rate when known in advance and the reduced rate is payable without receipts or itemization by the traveler.

5. Requirements For Receipts. There is a general requirement for receipts for official travel expenses in excess of \$75.00, however, receipts are required for certain miscellaneous expenses regardless of the amount. (SEE 41 CFR 301-11.3). Travelers are expected to retain all documentation, including receipts, for a period of six (6) years and three months as mandated by the National Archives.

6. Per Diem For Weekly Or Monthly Rentals. Daily lodging costs are computed by dividing the total lodging costs by the number of days in the rental period (e.g., 7 or 30 days as appropriate).

7. TDY Assignment Curtailed Or Interrupted. When an assignment is curtailed or interrupted for the benefit of the Government or for reasons beyond the control of the traveler and as a result the traveler is unable to obtain a refund of prepaid rent, the unused lodging expenses will be reimbursed as follows:

a. The daily lodging costs for the period covered by the voucher is calculated by dividing the total costs for the rental period by the number of days of actual occupancy (e.g., monthly cost \$600.00, occupied for TDY purposes 20 days, daily rate \$30.00) to this amount is added the M&IE rate, not to exceed the maximum locality rate.

b. If the authorized per diem rate is insufficient to cover the subsistence expenses involved, reimbursement may be made on actual subsistence basis with proper approval. The excess amount (if any) of the unrefunded lodging cost not reimbursed above will be paid as a miscellaneous travel expense.

8. Travel Assignment canceled. When the traveler incurs lodging expense in reasonable expectation of a travel assignment which is canceled before travel begins, any non-refundable lodging expenses (e.g., forfeited deposit) will be reimbursed as a miscellaneous travel expense.

9. Leave while in a travel status.

a. Leave of absence. Except as provided in paragraph 11 below, no per diem is payable for leave of absence taken while in travel status.

b. Non-workdays. Per diem is payable for non-workdays (normally weekends or holidays), except when:

1) Those non-workdays are both preceded and followed by periods of leave other than sick leave granted in accordance with paragraph 11.

2) A leave of absence is both preceded and followed by non-workdays, in which case payment of per diem is limited to 2 non-workdays.

10. Voluntary Return to Official Station. If, while in travel status, a traveler for personnel convenience returns on non-workdays to his/her post or place of abode from which employee commutes daily to employee's official station, reimbursement may be made for the round trip transportation and per diem en route in an amount not to exceed the per

diem which would have been allowed had the employee remained at temporary duty station.

11. Illness or Injury. Whenever a traveler takes leave of absence of any kind because of illness or injury not due to the traveler's own misconduct, per diem may be continued for periods not to exceed 14 calendar days in any one period of absence unless, under the circumstances, a longer period is approved. The Element Director, must approve all emergency leave request. No evidence of the illness or injury need be submitted with the travel voucher but the type of leave and duration thereof must be shown on the voucher. The evidence filed at the traveler's official duty station, as required by pertinent annual and sick leave regulations, will suffice. Per diem is not payable where the traveler receives hospitalization and meals, or reimbursement for them, under any Federal statute, except that receipt of partial or total reimbursement under the Federal Employees Health Benefits Program does not preclude payment of per diem.

12. Indirect route or interrupted travel. If there is an interruption of travel or deviation from the direct route resulting in excess travel time because of the traveler's personal preference or convenience or through the taking of leave, the per diem allowed shall not exceed that which would have been allowed on uninterrupted travel by a direct or usually traveled route. A separate voucher will be prepared and labeled "Hypothetical" to show what the travel expenses would have been had the itinerary been actually performed on the direct traveled route.

13. Hotel and Motel Fire Safety Act. Mandates that U.S Government employees stay in fire safe accommodations while on official travel. This act pertains to all travel within the U.S., U.S. possessions and territories. All travelers who travel overseas should make every effort to stay in fire safe accommodations. All domestic travelers must indicate whether or not they stayed at "fire safe" accommodations on their travel vouchers. Fire safe means that the facility has smoke detectors and sprinklers in all rooms.

#### STEP TWO CONTINUED

22. PER DIEM - PER DIEM DAYS - Enter "1" for each whole day of per diem. Enter fractional per diem days in decimals as ".25," ".50," ".75.". For travel within CONUS, enter .50 on the first and last day of travel and 1.00 for all full days of travel.

23. PER DIEM - LODGING AMOUNT PAID/MAX. AUTHORIZED - For travel within CONUS, enter the lessor the lodging amount paid, or the maximum amount authorized per Appendix I-A, FTR.

24. PER DIEM - M&IE RATE - Enter the locality M&IE rate as established by Appendix I-A, FTR and Section 925, Standard Regulations.

25. PER DIEM - TOTAL NO. DAYS - Total the number of days that per diem is being claimed and transfer the total to Item 1, Section E on the front of the Travel Voucher (25).

26. TOTAL PER DIEM CLAIM - Enter the total amount of per diem claimed. Enter the total of all daily amounts entered for Lodging Amount Paid/Max. Authorized plus the total of all daily amounts entered for M&IE. See your Administrative Officer for applicable rates. When meals or lodging are provided without charge or at minimal charge, see MOA IV 643.3 and APPENDIX B, FTR for the appropriate reduction in per diem allowed.

27. TOTAL CAR RENTAL - Enter the total amount for car rental expense. Transfer this amount to Item 2, Section E on the front of the Travel Voucher. Receipts and a copy of the car rental agreement are required for the exact amount claimed. (27)

28. OTHER TRAVEL - PARKING, TOLLS, ETC. - Enter the cumulative total paid for parking, tolls, etc., for each day's travel.

29. OTHER TRAVEL - STORAGE OF HOUSEHOLD GOODS - Use the formula provided to enter expenses for household goods storage, when paid by the traveler. A receipt showing the weight of the goods and the actual charges is required.

30. OTHER TRAVEL - TOTAL OTHER TRAVEL - Enter the combined total for parking, tolls, and storage of goods. Transfer the total to Item 3, Section E on the front of Travel Voucher. (30)

31. PRIVATELY-OWNED VEHICLE (POV) - MILEAGE - Enter the total mileage driven each day in whole miles. For each day mileage is shown, the Itinerary portion must show the From-City and State and the To-City and State. If the entire day is spent in one city, show that city on the To-City and State line.

32. POV - CENTS PER MILE - Enter the applicable rate from 41 CFR 301-4.2.

33. POV - AMOUNT - Enter the total of mileage times the rate.

34. POV - TOTAL MILES - Enter the cumulative mileage for all trips. Transfer the total to item 4, Section E on the front of the Travel Voucher.

35. POV - TOTAL MILEAGE AMOUNT - Enter the total amount claimed. Transfer this amount to Item 4, Section E on the front of the Travel Voucher.

36. COMMON CARRIER - PLANE, BUS, TRAIN (paid by traveler) - Circle the mode of transportation used and enter cost of transportation when paid by the traveler in lieu of using a GTR. A ticket, coupon, or some form of receipt is required. Explain in remarks. Transportation expenses paid by the traveler in excess of \$500 must be approved by the Director of the Office of Administration.

37. COMMON CARRIER - TAXI, LIMO, LOCAL BUS - Enter the total number of trips made each day and cumulative expense amount. A receipt is required for any single trip whose cost exceeds \$25 plus taxes and tips. The traveler should record each trip by taxi, bus, etc. in remarks section and enter the total daily expense here.

38. COMMON CARRIER - TRANSPORTATION OF HOUSEHOLD GOODS - The policy for relocation generally requires the use of a Government Bill of Lading to pay for packing, shipment, and storage of household effects. However, should the commuted rate system be authorized, this block should be used to claim transportation expenses. Use the formula provided to show the cost for shipment of household goods when paid by traveler using the commuted rate. Weight certificates, both before and after household goods are weighed as well as a copy of carrier's bill of lading are required. Use "Additional Allowances" for metro allowances, etc. Explain in Remarks.

39. COMMON CARRIER - TOTAL COMMON CARRIER - Show the cumulative total of all common carrier expenses and transfer this amount to Item 5, Section E on the front of the Travel Voucher. (39)

Items 40 through 46 involve the computation and recording of actual subsistence entitlements when authorized on the Authorization of Official Travel. See paragraph F.5. of the Travel Voucher Manual for a complete discussion of the rules regarding actual subsistence travel.

40. ACTUAL SUBSISTENCE - BREAKFAST/LUNCH/DINNER - Enter the actual expenses, including any tip.

41. ACTUAL SUBSISTENCE - LODGING - Enter the amount paid for lodging. A receipt is required.

42. ACTUAL SUBSISTENCE - TIPS - Enter the amount paid to porters, baggage handlers, etc.

43. ACTUAL SUBSISTENCE - OTHER - Enter the amount paid for dry cleaning (receipt required) and/or coin-operated launderette (no receipt required).

44. ACTUAL SUBSISTENCE - TOTAL - Do not exceed 150 percent of the applicable maximum per diem rate (rounded to the next highest dollar) as prescribed by Appendix 1-A, FTR and Section 925 Standardized Regulations for the particular geographic area in which the night's lodging was incurred.

45. ACTUAL SUBSISTENCE - TOTAL NO. DAYS - Enter the total number of days for which actual subsistence expenses are being claimed. Transfer the total number of days to Item 6, Section E on the front of the Travel Voucher.

46. ACTUAL SUBSISTENCE - TOTAL ACTUAL SUBSISTENCE - Enter the cumulative total amount claimed and transfer this amount to Item 6, Section E on the front of the Travel Voucher.

47. MISCELLANEOUS EXPENSES - TOTAL MISCELLANEOUS - Enter one amount. If the Travel Voucher is for a domestic transfer, for moving allowances which exceed \$700.00 for employee and family or \$350.00 for employee traveling alone, expenses must be itemized in the space provided or in the remarks column and receipts submitted for all expenses claimed. The traveler must show his grade and salary, since 41 CFR 302-3.3 limits the maximum amount allowable for miscellaneous expenses. Transfer the total amount claimed to Item 7, Section E on the front of the Travel Voucher.

Miscellaneous expenses claimed in connection with TDY travel should also be itemized in the space provided.

STEP THREE: Complete the following remaining items on the Travel Voucher.

48. REAL ESTATE EXPENSE - If the Travel Voucher is for a domestic transfer, enter the total amount of real estate expenses claimed from the Employee Application for Reimbursement of Expenses Incurred Upon Sale or Purchase or (Both) of Residence Upon Change of Official Station.

49. TEMPORARY QUARTERS - If the Travel Voucher is for a domestic transfer, enter the total amount of temporary quarters expense claimed from the Expense Record for Temporary Quarters.

50. TOTAL CLAIM - Enter the sum of the amounts claimed.

51. TRAVEL ADVANCE - Enter the total amount of all outstanding travel advances.

52. ADVANCE AMOUNT REPAYED - Enter the amount due Finance for any outstanding travel advance in excess of the amount claimed in (50) above. Attach check or money order.

53. CLAIMANT'S SIGNATURE AND DATE - The traveler must sign and enter the current date. Also, the traveler must provide the telephone number where he/she can be contacted.

54. APPROVING OFFICER'S SIGNATURE - The approving officer must sign, and type or print his/her name and official title underneath the signature. He/she must also enter the date and the phone number where they can be contacted.

55. APPROVING OFFICER'S RESPONSIBILITIES - Place an "X" in the box to indicate if (Travel Authorization) is attached. If the Authorization is not attached, the voucher will be returned to the traveler.

International Broadcasting Bureau  
Manual of Operations & Administration

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Material within this Manual of Operations and Administration may no longer be current. To ensure having the most current policy or procedure, please contact the Agency office responsible for the subject matter, e.g., information about performance appraisal, staffing, or compensation should be directed to the Office of Human Resources. For assistance in determining which office to contact, please contact Cathy Brown or Renee Tyrance-Gauff of the Analysis and Administration Division on (202) 203-4664 or feel free to email this staff at [cabrown@bbg.gov](mailto:cabrown@bbg.gov) or [crgauff@bbg.gov](mailto:crgauff@bbg.gov).

MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART IV ADMINISTRATIVE SERVICES, 600 PLANNING AND PERFORMING TDY TRAVEL



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MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART IV ADMINISTRATIVE SERVICES, 600 PLANNING AND PERFORMING TDY TRAVEL  
Section 660

TRAVEL CARD PROGRAM

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## Section 660

### TRAVEL CARD PROGRAM

#### 661 GENERAL

661.1 Purpose - This section prescribes policies and procedures covering the use of the General Services Administration (GSA) authorized travel charge cards for payments to commercial facilities for subsistence and miscellaneous travel expenses during officially authorized Government travel. Employees are required by law to use the Government contractor-issued travel charge card for all official travel expenses unless the employee or the expense is exempted by either the GSA Administrator or the Associate Director for Management, International Broadcasting Bureau (IBB).

The use of charge cards for major travel expenses substantially reduces the Government's cash requirements by lessening the need for cash travel advances. It essentially provides a more convenient and efficient method of paying travel expenses.

661.2 Reference - GSA contracts for the issuance and maintenance of travel charge cards to be used by Federal travelers to cover transportation, subsistence and other allowable expenses. Reference is made to the Travel and Transportation Reform Act of 1998, Public Law 105-264, dated October 19, 1998, 112 STAT. 2350, 5 U.S.C. 5707; 40 U.S.C. 486; Sec. 2. In addition, this MOA reflects Federal travel regulations contained in 41 Code of Federal Regulations (CFR), Chapters 301-51, 301-52, 301-54, 301-70, 301-71, and 301-76 which implement statutory requirements and Executive branch policies for 1) the use of Federal travel charge cards by Federal employees authorized to travel at Government expense and 2) the collection of amounts owed to the Travel Card Contractor from an employee's bi-weekly salary.

661.3 Employee Eligibility Criteria For a Government Travel Card - Employees eligible to apply for an individual Government travel card are those employees expected to perform official travel frequently (three or more official trips) during the course of the year. A copy of the "NOTICE OF RULES FOR USE OF A GOVERNMENT TRAVEL CARD" (See Attachment) signed by the employee and his/her element head, must be received by the IBB Travel Card Program Coordinator prior to the employee applying for the Travel Card.

Other employees who may travel infrequently during the year may apply for temporary activation of a travel charge card if a copy of the "NOTICE OF RULES FOR USE OF A GOVERNMENT TRAVEL CARD," signed by the employee and his/her element head, is presented to the IBB Travel Card Program Coordinator authorizing the employee to apply for the Travel Card.

For these infrequent travelers, the Travel Program Coordinator will notify the Travel Card Company to close the Card following the completion of travel. It is the traveler's responsibility to apply for a new Travel Card and to notify the IBB Travel Program Coordinator via Email (with a copy to the traveler's administrative officer) at least 7 business days in advance of travel, to request the Travel Card company to temporarily re-open the employee's Travel Card account.

661.4 Definitions - For the purpose of this notice, certain terms used herein are defined as follows:

a. Government Travel Card means a GSA-Contractor-issued travel charge card for use by travelers to cover major travel and transportation items such as rental vehicles, lodging, and meals in connection with official Government travel for which the contractor bills the employee. The term does not include personal credit cards issued to employees based upon their own financial merit by any credit card or other company.

b. Travel Card Contractor means the Travel Card Company on contract with GSA.

c. Travel Card Program Coordinator means an employee who has been designated to administer the Travel Charge Card Program within the IBB.

661.5 Effect on Current Procedures - All travel requirements must continue to be observed fully and all official travel must still be authorized on the Authorization of Official Travel form. Use of the Government travel card does not relieve the employee of observing prudent travel practices and all rules and regulations governing official travel as set forth in applicable travel directives.

661.6 Exemptions

a. The Administrator of General Services will exempt any payment, person, type or class of payments, or type or class of personnel in any case in which -

(1) It is in the best interest of the United States to do so;

(2) Payment through a Government travel card is impractical or imposes unreasonable burdens or costs on Federal employees or Federal agencies; or

b. The head of a Federal agency or his/her designee(s) may exempt any payment, person, type or class of payments, or type or class of agency personnel if the exemption is determined to be necessary in the interest of the agency. Not later than 30 days after granting such as exemption, the Agency Head must notify the Administrator of General Services in writing of such exemption stating the reasons for the exemption.

c. The Administrator of General Services has exempted the following from the mandatory use of the Government contractor-issued travel charge card:

1. Expenses incurred at a vendor that does not accept the Government contractor-issued travel charge card;

2. Laundry/dry cleaning;

3. Parking;

4. Local transportation system;

5. Taxi;

6. Tips;

7. Meals (only when use of the card is impractical or not accepted);

8. Phone calls (when a Government calling card is available for use);

9. An employee who has an application pending for the travel charge card;

10. Individuals traveling on invitational travel; and

11. New appointees.

d. In addition to those GSA, FTR exemptions listed in 661.6.c above, the BBG/IBB exempts the following class of agency employees from mandatory use of the Government travel charge card:

1) Due to the length of time for travel card statements sent via international mail to reach employees overseas coupled with the length of time for BBG/IBB employees' payments via international mail to reach the issuing card company (this time consuming process substantially exceeds the allowable 25-day payment due period causing the entire travel card process not to function in a productive manner):

a) BBG/IBB employees whose permanent duty station is outside of the Continental United States. These employees may be in positions posted in transmitter relay stations, in Voice of America radio correspondent locations overseas, or other positions outside the Continental United States deemed appropriate for this exemption as determined by the Associate Director for Management, IBB; and,

b) BBG/IBB employees on temporary assignment TDY outside of the Continental United States for more than thirty (30) consecutive calendar days; and,

2) BBG/IBB employees who are denied travel cards or whose travel charge cards have been canceled or suspended for financial irresponsibility or for other specific reasons

662 Acceptability of Government Travel Cards - Employees are required to use the Government contractor-issued travel charge card for all official travel expenses, such as common carrier transportation, hotel, car rental, restaurant, or other travel-related expenses, unless the traveler or type of expense has been exempted (see 661.6 above).

### 663 CARD ISSUANCE AND OVERSIGHT PROCEDURES

#### 663.1 Application for a Government Travel Card

a. The employee obtains a signed and dated "NOTICE OF RULES FOR USE OF A GOVERNMENT TRAVEL CARD" authorization (see Attachment 1) from his/her supervisor. The employee and supervisor must sign the Notice. The supervisor must send the Notice to the IBB Travel Card Program Coordinator.

b. The employee obtains a Travel Card application form and Cardholder Account Agreement from the Travel Card Program Coordinator, Administrative Operations Division, Office of Administration (M/AO), Room 1657, Cohen Building.

c. The employee completes and signs the Travel Card application and retains a copy of the Cardholder Account Agreement. By signing the application, the employee is bound by the Government contractor travel Cardholder Account Agreement which says in part that employees 1) agree to use the Card only for official travel and official-travel related expenses away from their official station/duty station and 2) agree not to use the Card for personal, family or household purposes. In addition, the Agreement provides that the billing statement is due and payable in full upon receipt of the statement but must be received by the Bank no later than 25 calendar days from the closing date on the statement in which the charge appeared. (emphasis added)

#### 663.2 The Administrative Operations Division and Travel Card Program Coordinator (M/AO) shall:

a. Ensure 1) that the supervisor's authorization form (the "Notice") accompanies each Travel Card application and 2) that the employee's Travel Card Application is complete, accurate and signed by the employee. NOTE: Only an employee's home address may be used as the billing address for the Travel Card.

b. FAX the Application to the GSA's Travel Card Contractor;

c. Review monthly and periodic travel card contractor reports on 1) delinquencies and 2) individual employee transactions to ascertain that

charges/purchases and ATM cash withdrawals appear to be for official travel-related expenses.

d. Prepare lists (by employee name and office) of 1) Cardholders more than 60 days delinquent and 2) employees having possible personal charges or ATM cash withdrawals (unrelated to official travel) and submit these lists, through the Director of Administration, to the traveler's supervisor.

#### 663.3 Government Travel Card Contractor shall:

a. Issue a charge card in the name of the employee upon the request of the IBB Travel Card Program Coordinator;

b. Promptly process the charge card application and mail the charge card directly to the participating employee's home address.

#### 664 TRAVEL ADVANCES IN THE FORM OF TRAVELERS CHECKS

Domestic and Overseas TDY Travel - When the Travel Card is not accepted in geographic location(s) for travel or if the traveler has a travel card application pending, the traveler may receive a travel allowance up to 80% of estimated miscellaneous expense, if requested. The traveler and supervisor jointly determine the anticipated cash requirements for the trip and specify such on the Travel Authorization.

It is the responsibility of the office preparing the travel authorization to ensure that the above guidelines are followed when travel advances are requested.

664.1 For Employees Having a Government Travel Card - To obtain an advance in the form of travelers checks, employees present their Travel Card and Travel Authorization to IBB's Travel Management Center, Room 1645, Cohen Building.

664.2 For Employees Not Having a Government Travel Card - New applicants for a travel card who are required to travel and have not yet received their travel card may apply for a travel advance in the form of travelers checks from IBB's corporate travel card account. To obtain travelers checks, the traveler should present a completed and signed "Advance of Funds Application and Account" (SF-1038) along with a copy of their Travel Authorization to the Administrative Operations Division, Room 1657, Cohen Building. NOTE: There must be a Travel Card application pending to receive an advance in the form of travelers checks.

The Administrative Operations Division will review the SF-1038 and Travel Authorization for approval of the travel advance request. Upon approval of the SF-1038, the employee presents the SF-1038 and the Travel Authorization to the IBB's Travel Management Center to request travelers checks.

664.3 For Employees Having a Suspended or Canceled Government Travel Card Due to Misuse or Delinquency - Employees whose travel card has been

suspended or cancelled due to the cardholder's misuse of the travel card or for account delinquency will not be given a travel advance.

#### 665 USE OF GOVERNMENT TRAVEL CARDS

665.1 Expenses Incurred for Official Travel - Travel cards issued under this program are SOLELY FOR EXPENSES INCURRED FOR OFFICIALLY AUTHORIZED GOVERNMENT TRAVEL. The employee is to use the charge card to pay for official travel expenses to the maximum extent possible, thereby reducing the amount of travel advance needed. Personal expenses not related to official travel should not be charged on the travel card.

#### 665.2 Obtaining and Arranging Travel Services

a. Effective January 1, 2001, employees must use IBB's Travel Management Center, currently under GSA contract and operated by American Express Travel Services, to arrange for common carrier transportation, lodging, and rental car(s) (41 CFR 301-73). [NOTE: OCB employees must use travel services provided by their local Travel Agency under contract with GSA.]

b. The use of IBB's Travel Management Center service is required to:

- 1) Ensure the use of common carriers that offer discounts through government contracts,
- 2) Obtain lodging that complies with the Hotel/Motel Fire Safety Act and that is within Government per diem rates,
- 3) Ensure that overseas travelers comply with the provisions of the Fly America Act, and
- 4) Obtain rental cars at Government rates.

c. Employees are responsible for any additional costs that result from the use of an unauthorized travel agent (41 CFR 301-50.2).

#### 665.3 Travel Card Benefits

When using BBG/IBB's American Express Travel Management Center for transportation arrangements purchased with BBG/IBB's corporate travel charge card, employees are provided automatic accident insurance and lost luggage insurance. Employees should call the IBB Travel Card Contractor for eligibility, coverage, beneficiary information or to file an insurance claim.

#### 665.4 Security of the Government Travel Card

a. Employees receive the card at their home address and are responsible for exercising the same care and responsibility for the security of the card and travel card number as with a personal charge card.

b. The card shall NOT be stored or kept by an administrative officer, supervisor, or secretary.

c. Employees are encouraged to black out the charge card number from receipts submitted with their travel vouchers.

#### 665.5 Lost or Stolen Cards

a. If a Travel card is lost or stolen, the employee is to immediately notify the Travel Card Contractor by phone at 1-800-790-7206 (toll free in the U.S.) or collect at 904-954-7850 (outside the U.S.). After reporting a lost or stolen card, the Travel Card Contractor will send the employee appropriate forms to complete and return to the Travel Card Contractor.

b. The employee is not liable for any fraudulent charges if the card is lost or stolen provided the Travel Card Contractor is notified promptly by the employee.

665.6 Travel Card Cancellation and Changes - A travel card may be canceled by the employee, the Program Coordinator, or the contractor. Cancellation requests may be accomplished by telephone notification by the IBB Travel Card Program Coordinator to the Travel Card Contractor. Employees should inform the Travel Card Program Coordinator if the employee has canceled his/her card.

a. Employee Separations - When an employee resigns, retires or transfers to another Government agency, the following should occur:

1) The employee is to turn in their Travel Card to the IBB Travel Card Program Coordinator;

2) The Travel Card Program Coordinator verifies that the employee has turned in their Travel Card by signing and dating the exit form that is used by employees (Clearance for Final Salary Payment, Form #IA-134).

3) The Travel Card Program Coordinator immediately notifies the Travel Card company by telephone to cancel the account; and

4) The Travel Card Program Coordinator cuts the card in half and disposes of the card.

b. Employee Residence Address Changes - To ensure uninterrupted service when an employee changes their residential address, the employee must notify the Travel Card company of the change in his/her official residence to ensure timely receipt of his/her travel card billing statement.

#### 666 TRAVEL VOUCHER CLAIMS

666.1 General - Travel vouchers shall be prepared and submitted by employees within 5 workdays after the employee completes the trip or period of travel or at least once every 30 days during extended travel assignments in order to be reimbursed in a timely manner to pay the bill issued by the Travel Card Contractor.

Employees are reimbursed for authorized and allowable travel and transportation expenses in accordance with the provisions of the Federal



Travel Regulations, Foreign Service Travel Regulations, and applicable IBB/MOA travel policies and procedures.

666.2 Transportation Charges - When claiming reimbursement on a travel voucher for transportation expenses purchased with a Government travel card, the employee shall claim only the cost of transportation tickets actually used.

666.3 Voucher Submission and Processing Schedule - The following schedule must be followed to ensure that employees receive reimbursement for allowable expenses before the payment is due to the travel card contractor:

- a. Employees are to submit travel vouchers to approving officials within 5 workdays after completion of trips or at least once every 30 days during extended travel assignments. Vouchers may be printed legibly in ink.

- b. The employee's Administrative Officer or voucher approving official will forward the travel voucher to the U.S. State Department, FMP, for payment processing.

- c. The State Department, FMP, will process travel vouchers in an expeditious manner in order to allow the employee to make a timely payment to the Travel Card Company. Employees will be reimbursed within 30 calendar days after submission of a proper travel voucher.

#### 667 MONTHLY CONTRACTOR BILLINGS AND PAYMENT

667.1 Monthly Billing Statement - Employees who have used their travel card will receive a monthly billing statement from the Travel Card Contractor at their home address around the end of each month. A statement is issued when expenditures are incurred or when a credit is posted to the account. If travel card is used and a monthly statement is not received, the employee should contact the Travel Card Contractor. Payment in full for the amount billed is due and payable by the employee directly to the Travel Card Contractor within 25 days of the billing date shown on the cardholder's statement.

NOTE: AS PART OF THE GOVERNMENT CONTRACT AND CARDHOLDER MEMBERSHIP RULES, FULL PAYMENT IS DUE ON A MONTHLY BASIS. DEFERRED OR PARTIAL PAYMENTS ARE NOT ALLOWED. IF THE EMPLOYEE IS DELINQUENT IN PAYING THE BILL, CHARGE CARD PRIVILEGES MAY BE SUSPENDED OR CANCELLED.

667.2 Disputed Charges - If a Travel Card statement contains a disputed charge or if a charge appears on the Travel Card statement but the credit does not, it is the employee's responsibility to immediately call the Travel Card Contractor to resolve the dispute. Employees must obtain a Dispute Form from the Administrative Operations Division, Room 1657, Cohen Building, to document the billing error and send the Dispute Form to the Travel Card Contractor within 60 days of receipt of their statement.

#### 668 FINANCIAL OBLIGATIONS AND LIABILITY

- a. Employee - Except when they promptly report lost or stolen charge cards (see 665.6), employees are liable for all billed charges. Government

employees are required to pay their just financial obligations in a proper and a timely manner pursuant to section 206 of Executive Order 11222 (May 8, 1965) and Government Ethics regulations, see 5 CFR 2635.101.

b. Government - The Government assumes no liability for charges incurred on employee travel charge cards, nor is the Government liable for charges against lost or stolen charge cards issued to employees.

#### 669 COLLECTION FOR DELINQUENT PAYMENTS

669.1 General - This section outlines procedures and policies for collection of delinquent payments of travel charge card expenses.

669.2 Authority - Public Law 105-264, October 19, 1998 (codified at 5 U.S.C. section 5701) and Federal Travel Regulation 301-54 and 301-76 authorize Federal agencies to collect undisputed delinquent amounts incurred on an employee's individually billed travel charge card from an employee's disposable pay.

669.3 Due Process Notice for Employees Identified for Salary Collection - Procedures for salary collection of delinquent payments are in accordance with provisions of 41 CFR 301-54 and provide that employees be:

- 1) Notified of the type and amount of the claim and of the intention to collect the claim by deduction from their disposable pay;
- 2) Given the opportunity to inspect and copy their records related to the travel card contractor's claim;
- 3) Allowed an opportunity for a review within the agency of the decision to collect the amount from the employee's salary; and
- 4) Provided an opportunity to enter into a written agreement with the Travel Card Contractor to repay the delinquent amount of the claim.

#### 669.4 Salary Collection Procedures

a. The Director, Office of Administration (M/A), is designated to receive the written request from the Travel Card Contractor for collection from an employee's pay of amounts owed on a contractor-issued travel charge card.

b. The Travel Card Contractor will make a written request to M/A for salary collection of the affected employee's travel card debt. The Travel Contractor's written request to M/A will include:

1. Delinquent debtor's name.
2. Travel card account number.
3. Social security number (if available)
4. Amount of debt.
5. Travel Card Contractor's routing information for electronic payment of the employee's debt.

6. Travel Card Contractor's point of contact to allow the employee an opportunity to make a written agreement to repay the debt.

M/AO will request that the employee's supervisor and/or Administrative Officer review the written request, documentation, and the employee's travel voucher records on file to ascertain if all properly submitted travel expense vouchers have been paid to the employee.

c. If the review shows that the agency has not reimbursed all of the employee's travel reimbursement claims, the employee's Administrative Officer and/or supervisor will advise the employee of the amounts and the expected date of his/her reimbursement.

d. If all properly submitted travel expenses have been reimbursed to the employee or if debts owed appear to be from charges unrelated to official travel, the employee's Administrative Officer will notify IBB's Chief Financial Officer/Comptroller (CFO).

e. The CFO/Comptroller's Office will review the employee's payroll records to determine if the employee has the ability to pay the debt. The determination of the employee's ability to pay is based upon an analysis of 1) whether other garnishments or salary collections are being deducted from the employee's pay and 2) the percentage of disposable pay being deducted.

f. If the employee does NOT have the ability to pay the debt, the Comptroller's Office will notify M/AO. M/AO will notify the travel card contractor in writing that the IBB cannot initiate salary collection action due to the employee having other debt collection with higher priority.

g. If the employee has the ability to pay the debt, the Comptroller's Office will calculate the amount that will be deducted and the number of pay periods over which the collection will occur to fully repay the debt and notify M/AO. Collection begins no earlier than the pay period following 30 calendar days from the date of the signed receipt.

h. M/AO will notify the employee of BBG/IBB's intention to collect the debt by salary collection. This notice (see Attachment 2) to the employee will consist of the following information:

1. Delinquent debtor's name.
2. Travel card account number.
3. Social security number.
4. Amount of debt and amount to be collected per pay period.
5. Travel Card Contractor's routing information for electronic payment of the employee's debt.

6. Travel Card Contractor's point of contact to allow the employee an opportunity to enter into a written agreement to repay the debt.

This notice to the employee will be sent via certified mail, return receipt requested, to the employee's home address. This notice will advise the employee that he/she will have 30 calendar days from the date of the signed receipt to review the information contained in the notice and to enter into a written agreement with the Travel Card Contractor to repay the debt. If no written agreement is made or if the debt remains unpaid, salary collection will commence with the pay period following the end of the 30 day period from the date of the signed receipt.

i. The CFO/Comptroller's Office will calculate the employee's disposable pay using the definition at FTR Part 301-76-2:

\* Definition of Disposable Pay - Pay that is the part of the employee's compensation remaining after the deduction of any amounts required by law to be withheld. These deductions do not include discretionary deductions such as savings bonds, charitable contributions, etc. Deductions may be made from any type of pay, e.g., basic pay, special pay, retirement pay, or incentive pay.

\* Maximum collection amount - No more than 15% of the employee's disposable pay per pay period will be collected under this procedure.

\* Priority of collection - The debt covered by this collection procedure is lower in priority to all other involuntary collection, garnishment, and offset actions, and will not be collected if higher priority debt would result in more than 15% of the employee's disposable pay for any given pay period from being collected.

#### 669.5 Collection by Payroll

a. Once all requirements in procedures "a through i" above are satisfied, the CFO/Comptroller's office, will proceed with salary collection.

b. M/AO will respond to the Travel Contractor's original written request and advise the Travel Contractor the specific amount to be collected from the employee's biweekly paycheck and the starting date of the salary collection.

#### 669.6 Agreement to Repay in Lieu of Salary Collection

a. If the employee completes and returns a written agreement to the Travel Card Contractor (and a copy to M/AO) within 30 calendar days from the date the employee signed the returned receipt, the original written request from the Travel Card Contractor will be deemed to have been appropriately responded to and no further action is necessary.

b. If the employee makes an Agreement to repay the debt with the Travel Card Contractor at a later date, it is the responsibility of the employee to notify M/AO and provide M/AO with a copy of the Agreement. M/AO will coordinate with the Travel Card Contractor and the Comptroller's Office to stop the salary collection.

#### 669.7 Termination of Salary Collection

a. Collection will be terminated when the full amount of debt is collected, or the employee enters into a voluntary written agreement with the Travel Card Contractor to repay the debt owed, or when the employee separates from BBG/IBB.

b. If a voluntary collection agreement is entered into, M/AO must be notified in writing (with a copy of the agreement) so that automatic salary collection can be terminated. Voluntary repayment may be accomplished through a voluntary allotment of pay initiated by the employee with the CFO/Comptroller's Office.

Attachment 1

BROADCASTING BOARD OF GOVERNORS  
U.S. INTERNATIONAL BROADCASTING BUREAU  
NOTICE OF RULES FOR USE OF A GOVERNMENT TRAVEL CARD

Date: \_\_\_\_\_  
To: \_\_\_\_\_ (Employee/Division)  
From: \_\_\_\_\_ (Division Director)

As your Division Director, I am authorizing your application for (or continued possession of) a Government Travel Card. The Government Travel Card must be used by Federal Government employees for official U.S. Government travel-related expenses away from their official station/duty station.

By using the Government Travel Card (Citibank Card), you agree to the terms and conditions of the Cardholder Account Agreement. That Agreement states, in part, that:

"I agree to use the Card only for official travel and official travel related expenses away from my official station/duty station in accordance with my Agency/Organization policy. I agree not to use the Card for personal, family or household purposes."

In addition, the Cardholder Account Agreement specifies the following terms and conditions for payment:

"My billing statement is due and payable, in full, upon receipt of the statement but must be received by the Bank no later than 25 calendar days from the closing date on the statement in which the charge appeared."

The Office of Administration reviews copies of your account statements and periodically sends reports to me of potential Government Travel Card misuse and/or delinquency for cardholders in my Division. Be advised that you may be subject to disciplinary action for misuse of a government travel card or failure to make timely payments. In addition, misuse and/or delinquency in payment may result in suspension or cancellation of card privileges.

Please sign and date this form and return it to me. You should retain a copy for your records. I will forward your signed Notice to IBB's Travel Card Program Coordinator. Once the Travel Card Program Coordinator receives this authorization, you will be able to complete an application form to get a Travel Card. The Office of Administration will not process your application for a Government Travel Card until it receives a signed and dated copy of this form.

By your signature below, you acknowledge that you have read, understood, and agree to abide by the provisions for use of the Government Travel Card, including those specified above. You also acknowledge that you understand that you must possess and use a valid Government travel card whenever you are on official travel unless you or the expense is exempted by either the GSA Administrator or the IBB Associate Director for Management.

Signature of Employee: \_\_\_\_\_ Date Signed:  
\_\_\_\_\_

Attachment 2

BROADCASTING BOARD OF GOVERNORS  
U.S. INTERNATIONAL BROADCASTING BUREAU

Date: \_\_\_\_\_

To: \_\_\_\_\_ (Employee/Division)

From: \_\_\_\_\_ (Chief, Administrative  
Operations Division)

Subject: Notice of Intent to Collect Delinquent Travel Card Debts from  
Salary

This memorandum implements salary collection procedures outlined in IBB/MOA 660, Travel Card Program, in compliance with the Travel and Transportation Reform Act, P.L. 105-264. We recently received a request from BBG/IBB's Travel Card Contractor to deduct travel card debts owed from your biweekly salary. The following information submitted by the Travel Card Contractor is being provided to you for review as part of due process requirements required by P.L. 105-264.

1. Delinquent debtor's name: \_\_\_\_\_

2. Travel card account number: \_\_\_\_\_

3. Social security number: \_\_\_\_\_

4. Amount of debt: \$ \_\_\_\_\_. Amount to be collected per pay period:  
\$ \_\_\_\_\_

5. Travel Card Contractor's routing information for electronic payment of  
the employee's debt : \_\_\_\_\_

6. Travel Card Contractor's point of contact to allow the employee an  
opportunity to enter into a written agreement to repay the debt:

\_\_\_\_\_

If a written agreement between you and the Travel Card Contractor is not completed within 30 calendar days from the date of the signed returned receipt that accompanied this mailing to you, salary collection will begin the next pay period following completion of this 30 day period. No more than 15% of your net disposable pay for each biweekly paycheck will be deducted and transferred to the Travel Card Contractor.

If you need more information on this matter, please call the Travel Card Program Coordinator, Administrative Operations Division, at 202-203-4595.

Thank you.



International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

Material within this Manual of Operations and Administration may no longer be current. To ensure having the most current policy or procedure, please contact the Agency office responsible for the subject matter, e.g., information about performance appraisal, staffing, or compensation should be directed to the Office of Human Resources. For assistance in determining which office to contact, please contact Cathy Brown or Renee Tyrance-Gauff of the Analysis and Administration Division on (202) 203-4664 or feel free to email this staff at cabrown@bbg.gov or crgauff@bbg.gov.

MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART IV ADMINISTRATIVE SERVICES, 600 PLANNING AND PERFORMING TDY TRAVEL  
Section 680

TRANSFERS BETWEEN OFFICIAL DUTY STATIONS (DOMESTIC RELOCATION)

681 Scope

682 Domestic Shipments - Actual Expense Method

683 Weight Allowance

684 Transportation to Seek Permanent Residence Quarters

685 Temporary Quarters Allowance Vs. House Hunting Trip

686 Service Agreement

687 Additional Information

Section 680

TRANSFERS BETWEEN OFFICIAL DUTY STATIONS (DOMESTIC RELOCATION)

681 SCOPE

This Section outlines policy on the payment of certain domestic relocation expenses for personnel transferring between official duty stations in the conterminous United States. The basic regulations are described in detail in Chapter 302 of the Federal Travel Regulations (FTR).

682 DOMESTIC SHIPMENTS - ACTUAL EXPENSE METHOD

When an employee is transferred for the convenience of the Government and payment of domestic relocation expenses is authorized, the actual

expense method is used. Under this method the Government assumes responsibility for payment to the moving company. Responsibility for the various steps in planning domestic relocation is as follows:

a. The Administrative Office responsible for issuing the travel authorization provides the General Services Administration (GSA) with the origin and destination points and relocation date. This can be done by telephone; contact the Travel and Transportation Branch for the name and telephone number of the appropriate GSA contact.

b. GSA furnishes the Administrative Office with a list of moving companies authorized to perform the move.

c. The Administrative Office forwards the list to the employee, who selects a mover capable of performing the move on the desired date.

d. Upon receipt of the travel authorization and the name of the moving company, the Travel and Transportation Branch issues a Government Bill of Lading to authorize the move.

#### 683 WEIGHT ALLOWANCE

The maximum weight of household goods and personal effects that may be transported at Government expense is limited to 18,000 pounds net weight.

#### 684 TRANSPORTATION TO SEEK PERMANENT RESIDENCE QUARTERS

Payment of travel and transportation expenses of the employee and spouse traveling together, or either one of them traveling individually, may be authorized for one round trip between the localities of the old and new duty stations for the purpose of seeking residence quarters if it is determined that circumstances warrant such a trip. This determination will be made by the Director, Office of Personnel. The period of the advance house hunting trip at Government expense may not exceed ten calendar days, including travel time.

#### 685 TEMPORARY QUARTERS ALLOWANCE VS. HOUSE HUNTING TRIP

If an advance house hunting trip is authorized in accordance with 684 above, a temporary quarters allowance upon arrival at the new station will not be authorized.

#### 686 SERVICE AGREEMENT

No payment may be authorized for relocation until the employee has signed an agreement to remain in the service of the Government for twelve months following the effective date of transfer, unless separated for reasons beyond his or her control and acceptable to the Director, Office of Administration who will ensure that this agreement is obtained prior to issuance of a travel authorization.

#### 687 ADDITIONAL INFORMATION

The Office of Administration will provide additional information and guidance as necessary.

## **BROADCASTING ADMINISTRATIVE MANUAL**

### **PART IV, SECTION 710**

#### **DOMESTIC PERSONAL PROPERTY MANAGEMENT**

##### **SECTIONS**

- 711 Scope and Applicability**
- 712 Assistance with Property Accounting Issues and Workload**
- 713 Organization for Accounting for the Agency's Property**
- 714 Types of Property**
- 715 Receiving Nonexpendable Property (To Include Sensitive Equipment and Capitalized Property)**
- 716 Hand Receipts**
- 717 Removal of Nonexpendable Property (To Include Sensitive Equipment and Capitalized Property) from the Building**
- 718 Inventorying Nonexpendable Property (To Include Sensitive Equipment and Capitalized Property)**
- 719 Property Transfers within the Agency**
- 7110 Property Disposal Procedures to Include Property Transfers Outside of the Agency**
- 7111 Reporting Lost, Stolen, Damaged, or Destroyed Property**
- 7112 Changes in Accountable Officers**
- 7113 Reporting on Property**
- 7114 Records Retention**

##### **711 SCOPE AND APPLICABILITY**

711.1 This portion of the BAM addresses the policies and procedures for accounting for and reporting on nonexpendable property (to include sensitive equipment and capitalized property). It does not provide guidance on accounting for real and expendable property. If you need guidance on accounting for real or expendable property, contact the BBG Property Management Office ([property\\_help@bbg.gov](mailto:property_help@bbg.gov)).

711.2 This portion of the BAM is applicable to all Agency elements located in Washington, DC, and at other locations within the United States, with the exception of:

- a. The Agency's grantee organizations.
- b. The domestic transmitting stations under the direction of the Office of Engineering and Technical Services (E). The policies and procedures covering transmitting station operations are contained in the Transmitting Station Instructions.
- c. The Office of Cuba Broadcasting (OCB). OCB will follow all policies and procedures covered in Section 710 of the BAM with the exception of approval requirements. All approvals regarding OCB property will be made by the OCB Director, and policies under this section of the BAM will be carried out under the direction of the OCB Office of Administration. OCB will report on its property to the BBG in accordance with the reporting requirements specified in this BAM.

711.3 The proponent for this section of the BAM is the Network Support Division (E/OT).

## 712 ASSISTANCE WITH PROPERTY ACCOUNTING ISSUES AND WORKLOAD

712.1 E/OT is responsible for the day-to-day operation of the Agency's property management program. To accomplish these responsibilities, E/OT has established a **BBG Property Management Office**. This office will assist any or all property control officers and accountable officers who have questions concerning property accountability and/or need assistance in managing their property to include maintaining their property records in the **Property Inventory Processing System (PIPS)**, the Agency's automated property system.

- a. E-mail: [property\\_help@bbg.gov](mailto:property_help@bbg.gov)
- b. Web Page: [BBG Property Management Office](#)

712.2 Besides providing guidance on property accountability policies and procedures, the BBG Property Management Office will provide assistance with the following property-related actions to any interested property control officers and accountable officers:

- a. Creating and maintaining the property records in PIPS to include data entry
- b. Barcoding equipment
- c. Preparing hand receipts for property
- d. Transferring property within the Agency
- e. Disposing of excess property
- f. Inventorying property
- g. Preparing reports and other property related paperwork

**NOTE:** Providing the support outlined above is a service E/OT will provide to any or all interested property control officers and accountable officers. However, using these services is voluntary in nature. Property control officers or accountable officers wishing to continue to manage their property without E/OT's direct assistance are more than welcome to do so.

## 713 ORGANIZATION FOR ACCOUNTING FOR THE AGENCY'S PROPERTY

713.1 **Agency Property Management Officer (PMO):** The **Director of the Office of Engineering & Technical Services (E)** has been designated as the PMO and is responsible for the overall administration, coordination, and control of the property management program for the Agency. In this role, E develops and implements property management policies and procedures for the Agency.

713.2 **Agency Property Manager (PM):** The **Chief of the Network Support Division (E/OT)** has been designated as the PM and is responsible for the day-to-day administration of Agency's property management program. E/OT is also responsible for the dissemination and implementation of the property policies and procedures within the Agency, and for the maintenance of the Agency-wide, central property database called the Property Inventory Processing System (PIPS).

### 713.3 **Accountable Officer (AO):**

a. The Director or Office Head of each of the BBG/IBB major organizational elements has overall responsibility for the property assigned to their organizational element. To assist them in managing their property, one or more individuals have been designated as accountable officers. An accountable officer is a Government employee responsible for all accountable property assigned to his/her accountable area,

regardless of how the property was acquired (owned, leased, hand-receipted, locally procured, etc.). These responsibilities include but are not limited to ensuring that:

- (1) Property is managed in accordance with the Agency's policies and procedures.
- (2) All required transactions affecting property are completed in a timely manner.
- (3) Each piece of nonexpendable property (to include sensitive equipment and capitalized property) is barcoded.
- (4) A property record for each piece of nonexpendable property (to include sensitive equipment and capitalized property) is created and maintained in the PIPS property database.
- (5) The property records in the PIPS property database accurately reflect the property assigned to the accountable area, and that the property records are quickly updated whenever the information on a record changes.
- (6) Documentation is maintained on file to support the entries on each property record.
- (7) Lost, stolen, or damaged property is properly reported in a timely manner.
- (8) Excess equipment is reported to E/OT for disposal action.
- (9) All assigned property is physically inventoried at least once each fiscal year, and the results of the inventory are reported to E/OT by April 10.

b. To assist the AO in accounting for property within the accountable area, one or more individuals can be designated as a **Property Custodian (PC)**. The property custodian is a Government employee assigned specific responsibility by the accountable officer for all or part of the accountable area's property. The property custodian assists the accountable officer and is responsible for properly managing, maintaining, accounting for, and controlling the nonexpendable property (to include sensitive equipment and capitalized property) assigned to him/her by the accountable officer.

**713.4 Property Control Officer (PCO):** Within each major organizational element, one or more individuals have been designated as **Property Control Officers (PCO)** responsible for providing administrative support to the accountable officers within their organizational area by:

- a. Maintaining the property records in the PIPS property database.
- b. Coordinating property actions that affect more than one accountable officer.
- c. Reviewing and consolidating property-related reports and responses being forwarded to E/OT.

**713.5** All U.S. Government and contract employees are responsible for properly using and safeguarding any Agency property in their custody. Employees may be held liable for any property stolen, destroyed, lost, or damaged as a result of negligence, improper use, or willful action on their part.

## **714 TYPES OF PROPERTY**

**714.1 Real Property** - This type of property consists of owned or leased land, buildings, structures, and facilities. **Examples:** land the site is situated on, transmitter building, car park, warehouse, storage shed, fuel point, etc. Note that the procedures for accounting for real property are not addressed in this Section of the BAM. If you need instructions on accounting for real property, please contact the BBG Property Management Office at [property\\_help@bbg.gov](mailto:property_help@bbg.gov).

**714.2 Expendable Property** - This type of property is consumed in use, loses its identity when put into use, becomes a component part of other articles, or is of a durable nature but does not meet the criteria for being considered real property or nonexpendable property which includes capitalized property and sensitive equipment. There is no dollar criteria assigned to expendable property. In other words, any item of property that does not qualify as either real or nonexpendable property is considered expendable property regardless of its acquisition cost. For this reason, a transmitting tube costing \$125,000 and an office printer costing \$275 are both considered expendable. **Examples:** spare and repair parts for transmitters and vehicles, transmitting tubes, batteries, household cleaning liquids, pens, copier paper, an office printer costing less than \$1,000, etc. Note that the procedures for accounting for expendable property are not addressed in this Section of the BAM. If you need instructions on accounting for expendable property, please contact the BBG Property Management Office at [property\\_help@bbg.gov](mailto:property_help@bbg.gov).

**714.3 Nonexpendable Property** is an item of property that is complete in itself, does not lose its identity or become a component part of other property when used, has an initial acquisition cost of \$5000 or more, is durable, and has an expected useful life of over two years. All nonexpendable property must be barcoded and have a property record established in PIPS. **Examples:** transmitters, vehicles, broadcasting equipment, etc.

a. Nonexpendable property also includes **Sensitive Equipment**. To be considered sensitive, the equipment must be mission essential, attractive for personal use, pilferable, or hazardous, and cost between \$1000 and \$5000. Sensitive items require a greater degree of control and accountability; therefore, the equipment must be barcoded and have a property record established in the PIPS property database. **The following items are always considered as sensitive equipment:**

- (1) Equipment containing any type of classified material
- (2) Laptops, Notebooks, PDA's, and Cameras
- (3) Wireless Mic Transmitters/Receivers UHF
- (4) Camcorders
- (5) VCR, Mini DV/Monitor (Clams, Watchman)

**NOTE:** Based on mission considerations, accountable officers may declare equipment not meeting the definition for sensitive as sensitive equipment when the accountable officer determines that the additional effort of barcoding the property and tracking it thorough the PIPS property database is warranted.

b. **Capitalized Property** is nonexpendable property that must be reported by the Office of the Chief Financial Officer (CFO) on the Agency's quarterly and annual financial statements. **It is accounted for like any other piece of nonexpendable property.** To be considered capitalized property, the item of nonexpendable property must meet one of the following thresholds:

- (1) Nonexpendable property with an acquisition cost of \$25,000 or greater
- (2) All motor vehicles regardless of acquisition cost

**715 RECEIVING NONEXPENDABLE PROPERTY (TO INCLUDE SENSITIVE EQUIPMENT AND CAPITALIZED PROPERTY)** - The accountable officer is responsible for ensuring that all nonexpendable property is properly received and processed. The accountable officer must ensure that:

- a. All incoming deliveries of Government property (receipts) are physically inventoried and inspected to ensure that that the correct items were received in the specified quantities.

b. A receiving report is prepared. Any defects, damage, or other problems found during the inventory are noted on the receiving report. A copy of the receiving report is provided to M/CON, and a copy **is** retained for the accountable officer's files.

c. Any nonexpendable property that is received is barcoded using an Agency authorized barcode label.

**NOTE:** Nonexpendable property received with an authorized barcode label on it must be recorded using the number on the existing label.

d. The property control officer is notified of the receipt of any nonexpendable property, and that a property record is created in the PIPS property database. (When creating the property record, ensure that the acquisition information shown on the property record matches the cost and the date received shown on the invoice payment documentation.)

**NOTE:** If the item received also meets the definition of capitalized property, a copy of the purchase order and invoice payment document must also be provided to E/OT. These documents are included as part of the Capitalized Property Report that E/OT submits quarterly to the CFO's office.

e. Files are maintained with all the supporting documentation for each receipt.

#### INFORMATION ON BARCODES

The barcode label contains a series of alphanumeric characters (such as IA0000123567) that uniquely identify a piece of property. The barcode is used to track the property from the time of receipt to the time of disposal.

The Agency uses a standardized barcode label that works with the barcode reading software used by Agency. These barcode labels are stocked by E/OT. Any accountable or property control officers who need barcode labels should contact E/OT to obtain the barcode labels.

The barcode label is normally placed on the item when it is received. Once assigned to an item, the barcode number cannot be changed. If the label is lost or becomes un-readable, you should contact E/OT for a replacement.

There is no mandatory location for attaching barcode labels to the property. However, it is recommended that barcode labels be placed where they can be easily seen and accessed. This placement makes it easier to identify the nonexpendable property when inventorying it, especially if you are using a barcode reader to conduct the inventory.

**716 HAND RECEIPTS** - All accountable officers are encouraged to hand receipt their nonexpendable property and sensitive equipment to their property custodians and/or the actual users. Hand receipting is especially important if the property is being maintained off-site. If hand receipts are used, they must be updated annually.

a. The property control officer can assist the accountable officers in preparing hand receipts for equipment by printing a report from the PIPS property database which can be used as a hand receipt. See Figure 1.

b. The form IBB-873, Receipt for Loan of Agency Equipment, can also be used to hand receipt property. See Figure 2.

c. If you have just one item to hand receipt, your property control officer can print out a copy of the property record card from the PIPS property database that can be used as a hand receipt. See Figure 3.



**PRINT BY PC**  
**BEN HERRICK**


CATEGORY	BARCODE	DESCRIPTION	STATION or PCO	LOCATION	INDATE	ACQDATE	ACQCOST
I-13	IA0000155314	GIS COLLECTION SYS	E PCO 15	4511	04/25/2008	09/11/2001	\$4,090.00
<b>NUMBER OF RECORDS:</b>						<b>1</b>	
						<b>TOTAL ACQUISITION COST:</b>	<b>\$4,090.00</b>

*I accept accountability for all property listed on this report.*

BEN HERRICK \_\_\_\_\_ Date \_\_\_\_\_

Tuesday, February 10, 2009 Page 1 of 1

**Figure 1 – Hand Receipt Generated From PIPS**

  
**DEPARTMENT OF DEFENSE  
U.S. INTERNATIONAL BROADCASTING BUREAU  
RECEIPT FOR LOAN OF AGENCY EQUIPMENT**

I, \_\_\_\_\_, have loaned the following property from \_\_\_\_\_ to be returned by \_\_\_\_\_.

(Name - print or type) (SSN - print or type) (SSN - print or type) (Date)

BARCODE NO.	EQUIPMENT DESCRIPTION (AND SN if applicable)	PROPERTY RETURN		NOTES
		DATE (MM/DD)	LOCATION (Initials)	

I understand that it is my obligation to properly care for this property and I am aware that I am financially responsible for any damage or loss incurred due to my negligence, misuse, or carelessness.

(Employee's Signature) \_\_\_\_\_ (Date Received) \_\_\_\_\_ (Office Symbol) \_\_\_\_\_ (Room Number) \_\_\_\_\_ (Building) \_\_\_\_\_ (Telephone No.) \_\_\_\_\_

Loan Authorized by \_\_\_\_\_ (Authorize Officer's Signature) \_\_\_\_\_ (Date) \_\_\_\_\_

Loss of U.S. Government property must be promptly reported to MNF. The IBGB Board of Survey will determine if employee negligence is involved and will notify the employee in writing of its decision.

IBB-873 04/02/04 MOA PI, IV, Sec. 710

**Figure 2 – Form IBB-873, Receipt for Loan of Agency Equipment**

**PROPERTY RECORD CARD**  
STATION PCQ. # PC013

CATEGORY NUMBER	21A		CATEGORY DESC	ADP & EQUIPMENT (NOT HUMAN ASSOCIATED)	
FEDERAL STOCK CODE	710	LIFE	5	BARCODE	A0000177990
DESCRIPTION	LAPTOP				
MODEL	F6CRA 52	SERIAL NUMBER	002122610	PROPERTY	N
LOCATION	H-525A	SITE	COMEN	CONDITION	A
MANUFACTURER	TOSHIBA		YEAR MANUFACTURED	2009	
ACQUISITION DATE	04/28/2009	ACQUISITION COST	\$1,550.00		
REQUISITION NUMBER		PO NUMBER	F04001		
PROPERTY CUSTODIAN	COTISSOCAB		INVENTORY DATE	04/28/2009	
TRANSACTION CODE	ACQ	TRANSACTION DATE	04/28/2009		
LEASED/OWNED	O	AO	089		
UNIT or OFFICE SYMBOL	E	DATE DUE BACK			
REMARKS					

Accessories (if Any): \_\_\_\_\_

*I understand that it is my obligation to properly care for this property, and I am financially responsible for any damage or loss that was incurred due to my negligence, misuse, or carelessness.*

\_\_\_\_\_  
(Employee's Name - PRINTED)

\_\_\_\_\_  
(Employee's Signature)

Employee's Office: \_\_\_\_\_ Date Received: \_\_\_\_\_

Thursday, February 12, 2009 Page 1 of 1

**Figure 3 – Property Record Card from PIPS used as a Hand Receipt**

**717 REMOVAL OF NONEXPENDABLE PROPERTY (TO INCLUDE SENSITIVE EQUIPMENT AND CAPITALIZED PROPERTY) FROM THE BUILDING** - No Government-owned nonexpendable property can be removed from either the Cohen or Switzer buildings without an authorized Property Pass (Optional Form 7) provided by either the accountable officer or property control officer. The individual removing the property will have to give the property pass to the building guard when exiting the building. See Figure 4.

OPTIONAL FORM 7 SEPTEMBER 1988 PRESCRIBED BY GSA FPMR (41 CFR) 101-20.110		<b>PROPERTY PASS</b>		1. DATE ISSUED	
This pass is to be used whenever property is removed from the building. It is to be properly filled in and signed and handed to the guard when leaving the building.					
2. NAME			3. BUILDING		
4. DESCRIPTION OF PROPERTY BEING REMOVED					
5. PROPERTY BELONGS TO			6. DEPARTMENT OR AGENCY		
7. SIGNATURE OF PERSON AUTHORIZING REMOVAL OF PROPERTY			8. TITLE		
			9. PASS GOOD UNTIL		

NSN 7540-00-634-4264

**Figure 4 – Optional Form 7, Property Pass**

## 718 INVENTORYING NONEXPENDABLE PROPERTY (TO INCLUDE SENSITIVE EQUIPMENT AND CAPITALIZED PROPERTY)

718.1 All nonexpendable property including items normally maintained at off-site locations must be inventoried at least once during the fiscal year.

718.2 The accountable officer may delegate the actual conduct of the inventory to other employees within the accountable officer's area of responsibility.

718.3 The individual(s) conducting the inventory must physically inventory (actually see) every item of property. The goals of the physical inventory are to:

- Determine the completeness and accuracy of the property records and to update the records with the results of the inventory.
- Identify property that needs to be barcoded and added to the PIPS property database.
- Confirm the property's physical condition.
- Validate the effectiveness of property accountability and control procedures.

### 718.4 Conducting the Inventory:

- The property control officer will generate and distribute a property inventory report (Print By AO report in PIPS) to each accountable officer. See Figure 5.
- The accountable officer or designee will physically inventory the items on the property inventory report.

PRINT BY AO						
B69						
BEN HERRICK						
BARCODE	DESCRIPTION	PC	MODEL	SERIAL #	LOCATION	ACQDATE
IA0000155314	GIS COLLECTION SYS	BEN HERRICK	GEO EXPLOR	0440105117	4511	09/11/2001
IA0000179680	COMPUTER	RICHARD HOFFMAN	670		4523	06/14/2005
IA0000155312	COLOR PRINTER	CLEMENT HEINCER	4550DN	JPPAE09110	4524	07/23/2001
IA0000191556	LAPTOP	EOTSECCAB	LATITUDE	1N48551	4528A	07/21/2004
IA0000179678	SATELLITE TELEPHONE	EOTSECCAB	9505A		4528A	06/09/2005
IA0000179677	PROJECTOR	EOTSECCAB	LP600	AMRNS140019	4528A	05/20/2005
IA0000177990	LAPTOP	EOTSECCAB	TECRA S2	35212261K	4528A	04/28/2005
IA0000126635	LAPTOP	EOTSECCAB	0640	2QRQT21	4528A	06/03/2003
IA0000159096	DIGITAL CAMERA	EOTSECCAB	EX-Z1000		4528A	10/02/2006
IA0000182738	CAMERA	EOTSECCAB	SD40	4623101755	4528A	02/29/2008
IA0000121671	ELECTRIC JACK	ESC	60PC-27-3	6A111717	G312	04/01/1992

NUMBER OF RECORDS: 11

I accept accountability for all property listed on this report. I certify that, to the best of my knowledge, the content of the report represents all accountable property in my custodial area, is an accurate representation of this property in the PCO's central database, and has been properly inventoried, according to required procedures.

Items marked with an (\*) have been asked to be disposed.

Items marked with an (\*\*), a lost/stolen report has been filed.

BEN HERRICK B69 Date

Tuesday, February 10, 2009 Page 1 of 1

Figure 5 – Property Inventory Report (Print BY AO Report in PIPS)

Note: If a barcode scanner is available, the accountable officer may use the scanner to conduct the inventory. In this case, the accountable officer needs to coordinate this action with the property control officer so that the necessary information from the PIPS property database can be downloaded to and uploaded from the barcode scanner at the beginning and end of the inventory process.

#### 718.5 Reconciling the Inventory Results:

a. At the conclusion of the inventory, the accountable officer will coordinate with the property control officer to have the PIPS property database updated with the results of the property inventory.

(1) **For items that were on hand during the inventory**, any updates to the property records resulting from the inventory (change in location, property custodian, condition, etc) can be made at this time.

(2) **For items "found" during the inventory**, a property record will be added to the PIPS property database for any nonexpendable property located during the inventory that does not already have a property record in the PIPS property database.

**NOTE: For missing items, no update to or removal of the property record can be made until a written confirmation is received from E/OT as to the final action taken on the missing property.**

b. After the new items have been added to the PIPS property database, and any property record updates have been completed, the property control officer will print a final inventory report, and will mark with an asterisk (\*) all property items that have been identified for disposal, and will mark with a double asterisk (\*\*) all property items that could not be located during the physical inventory. After the final inventory report is prepared, the property control officer forwards the report to the accountable officer for review, signature, and if any property is missing inclusion of a missing property report(s) (IBB-0400, Report of Lost, Stolen, Damaged, Or Destroyed Property).

c. The accountable officer reviews the final inventory report to ensure that it is correct, and then signs and dates it certifying to its correctness. If property is missing, the accountable officer will prepare a missing property report(s). In the missing property report, the accountable officer should:

(1) Include a formal statement identifying the action(s) taken to locate the property or to determine if the property was loaned, transferred, moved, or disposed of.

(2) Discuss any procedural changes implemented to improve accountability including record keeping for property under his/her control.

d. The accountable officer then returns the certified final inventory report and any missing property reports to the property control officer for further processing.

e. The property control officer will ensure that the missing property form is filled out correctly and completely, and that all required signatures were obtained. The property control officer will attach the original and one copy of the missing property report to the final inventory report.

f. The property control officer then forwards a certified hard copy of the inventory results (completed inventory packet) through management channels to E/OT **no later than April 10, 200X**.

g. E/OT will review the results of the inventory, and process any IBB-0400 loss reports that were submitted. Based on the final review of the inventory, and the conclusion of any actions undertaken based on the review of the loss reports (to include convening a board of survey if required), E/OT will advise the accountable officer and/or the property control officer if any additional action is required on their part.

h. Once written confirmation is received from E/OT, the accountable officer will coordinate with the property control officer to have the property records for the missing items updated and/or archived based on the information provided by E/OT.

**718.6 Inventory Files:** All annual physical inventory documentation, including notes and/or printouts used in the inventory process, must be retained until the third succeeding inventory has been completed. The earliest records may then be removed from the files.

## **719 PROPERTY TRANSFERS WITHIN THE AGENCY**

**719.1 Transfers Within the Same Accountable Area** - Whenever an item is moved to a different location within the same accountable area, the accountable officer will coordinate with his/her property control officer to have the property record updated in the PIPS property database to reflect the item's new location.

### **719.2 Transfers Between Two Accountable Officers Within Agency**

a. To initiate the transfer, the accountable officer who is transferring the property prepares an e-mail and sends it to the accountable officer who is receiving the property with a copy to E/OT ([property\\_help@bbg.gov](mailto:property_help@bbg.gov)). The e-mail will contain the following information for each item being transferred: barcode number, description, model number, serial number, acquisition cost, and condition code.

b. Upon receipt of the property, the accountable officer receiving the property will send an e-mail to the transferring accountable officer with a copy to E/OT ([property\\_help@bbg.gov](mailto:property_help@bbg.gov)) confirming receipt and the new location of the property.

c. Since this type of transfer normally involves more than one property control officer, E/OT will update the property record in the PIPS property database to show the transfer.

d. Both accountable officers retain copies of the transfer e-mails for their files.

## **7110 PROPERTY DISPOSAL PROCEDURES TO INCLUDE PROPERTY TRANSFERS OUTSIDE OF AGENCY**

**7110.1 Excess Property** - Excess property is any item of property that is no longer required for use within the Agency. Once declared excess, the Agency will either transfer the item to another Federal agency or dispose of it through the General Services Administration (GSA). E/OT is responsible for coordinating these disposal actions.

### **7110.2 Disposal Procedures**

a. The accountable officer in coordination with his/her property control officer sends an e-mail to E/OT requesting disposal action. In the body of the e-mail (or in an attached Excel spreadsheet) the accountable officer will provide the following information for each item of property being disposed of:

(1) Description

(2) Quantity

(3) Manufacturer & model

(4) Serial number

(5) Barcode number

(6) Condition code

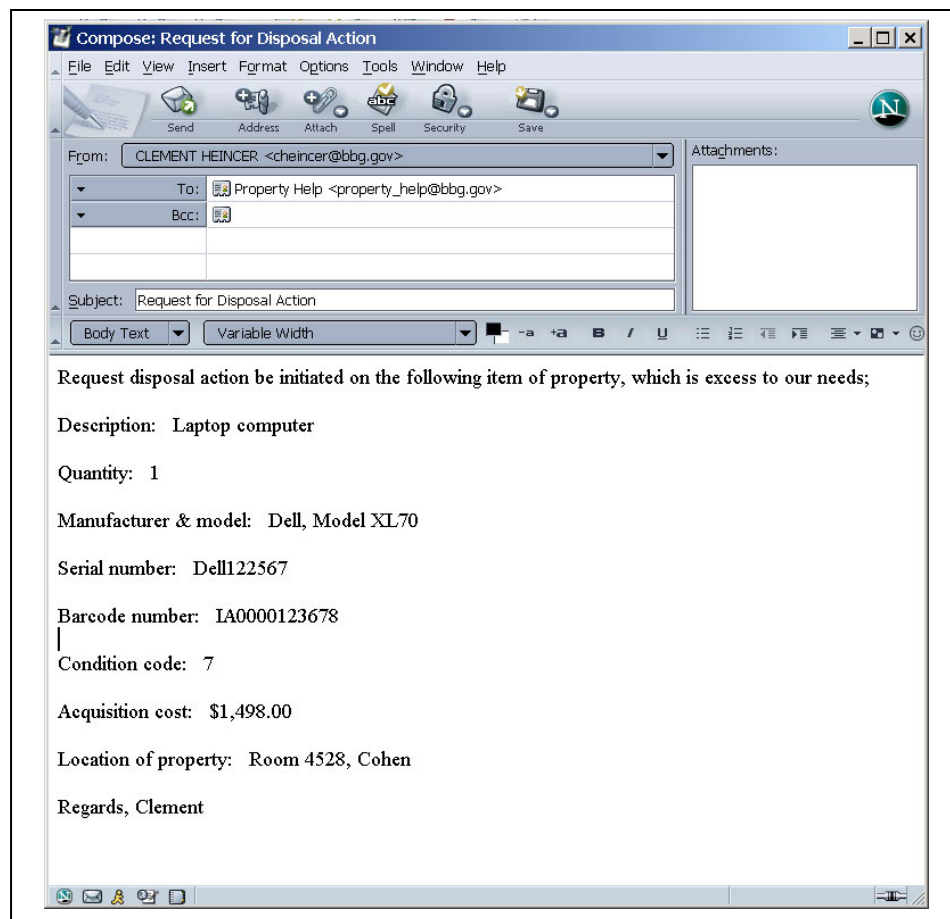
(7) Acquisition cost

(8) Location of the Property

**NOTE:** If the property is being transferred to another Federal agency, be sure to note this on the e-mail. Also provide the point of contact and telephone number for the receiving Federal agency.

b. Once the e-mail is received, E/OT personnel will arrange to have the property picked up from the accountable officer and process it for disposal with GSA or transfer to another Federal agency.

c. Once the disposal action is complete, E/OT will update the property records in the PIPS property database with the disposal information, and remove the property records from the active database and place them in the **Archive** file. E/OT will also provide the accountable officer with a copy of the final disposal documentation for the accountable officer's files.



**Compose: Request for Disposal Action**

File Edit View Insert Format Options Tools Window Help

Send Address Attach Spell Security Save

From: CLEMENT HEINCER <cheincer@bbg.gov>

To: Property Help <property\_help@bbg.gov>

Bcc:

Subject: Request for Disposal Action

Body Text Variable Width

Request disposal action be initiated on the following item of property, which is excess to our needs;

Description: Laptop computer

Quantity: 1

Manufacturer & model: Dell, Model XL70

Serial number: Dell122567

Barcode number: IA0000123678

Condition code: 7

Acquisition cost: \$1,498.00

Location of property: Room 4528, Cohen

Regards, Clement

**Sample E-Mail Request for Disposal Action**

## **7111 REPORTING LOST, STOLEN, DAMAGED, OR DESTROYED PROPERTY**

7111.1 The employee in possession of the property at the time of the incident, in coordination with the accountable officer, will initiate the IBB-0400, Report of Lost, Stolen, Damaged, or Destroyed Property, immediately after the incident is discovered. The accountable officer will ensure that Blocks 1-8 of the IA-0400 are properly completed.

**Note:** If theft is suspected, the incident should be immediately reported to the Agency's Office of Security (M/SEC), and the Federal Protective Service or the appropriate local law enforcement authority.

7111.2 The accountable officer will forward the completed IBB-0400 with any attachments to the property control officer, who will check it for completeness, and who will then forward it through management channels to E/OT.

7111.3 E/OT will review the report and provide a recommendation to the IBB Property Management Officer (E) as to whether the action can be closed out administratively or if a board of survey needs to be convened.

7111.4 Once all actions have been completed by E/OT or if required, a board of survey, E/OT will update the property record in PIPS, and inform the appropriate accountable officer and property control officer in writing of the final resolution of the incident.

## **7112 CHANGES IN ACCOUNTABLE OFFICERS**

**NOTE 1:** If the departing accountable officer is also leaving Agency's employ, all the following tasks must be completed before E/OT can sign off on the individual's clearance papers.

**NOTE 2:** If the incoming accountable officer has not yet arrived, an acting accountable officer will have to be assigned so that the joint inventory can be conducted and results certified.

7112.1 The departing accountable officer requests a property inventory report from the property control officer.

7112.2 The incoming and departing accountable officers will physically inventory the property together, and annotate the results of the inventory on the property inventory report. Both the incoming and departing accountable officer will sign and date the property inventory report certifying the results of the inventory.

7112.3 The property control officer will review the inventory results and will mark with an asterisk (\*) all property items that could not be located during the physical inventory. If property is missing, the departing accountable officer will prepare a missing property report(s) (Form IBB-0400).

7112.4 When the inventory packet is correct, the property control officer will:

- a. Attach the original copy of any IBB-0400 missing property reports that were prepared to the original copy of the duly certified change in accountable officer property report.
- b. Forward the completed inventory packet through management channels to E/OT.
- c. Retain a copy of the completed inventory packet with any attachments for three years.
- d. Sign a copy of the completed inventory packet certifying that the departing accountable officer completed the above requirement, and provide this certified packet to the departing accountable officer. The departing accountable officer will need this certified packet in order to complete the clearance process with E/OT.

**NOTE:** Departing accountable officers who are located elsewhere must present the duly certified property inventory report to the individual that approves the employee's clearance papers.

7112.5 E/OT will review the results of the inventory, and process any IBB-0400 loss reports that were submitted. Based on the final review of the inventory, and the conclusion of any actions undertaken based on the review of the loss reports (to include convening a board of survey if required), E/OT will advise the accountable officer and/or the property control officer if any additional action is required on their part.

## **7113 REPORTING ON PROPERTY**

**7113.1 Annual Property Inventory Report:** The accountable officer will provide a certified hard copy of the inventory results through management channels to E/OT **no later than April 10, 200X**.

**7113.2 Annual Capitalized Property Inventory Report:** Using the inventory information submitted by the accountable officers in April, E/OT extracts the information on capitalized property and submits an inventory report on capitalized property to Office of the Chief Financial Officer (CFO) no later than **May 1, 200X**.

**7113.3 Quarterly Report on Capitalized Property:** At the end of each quarter, E/OT provides the CFO's office with an update on capitalized property that had been received, transferred, and/or disposed of during the quarter. Documents supporting these changes in capitalized property are included as part of the packet.

**NOTE:** Because the capitalized property records are used to prepare the Agency's financial statements, no information can be changed on the PIPS property record unless supporting documentation is submitted as part of the Quarterly Report on Capitalized Property submission.

**7113.4 Feeder Reports on Capitalized Property** - Any time an item of capitalized property is received, transferred, disposed of, or the information on its property record is updated, E/OT must be notified by e-mail ([property\\_help@bbg.gov](mailto:property_help@bbg.gov)) so that the property information on the Agency's financial statement can be updated. Attached to the e-mail will be a copy of the appropriate documentation as follows:

- a. **For receipts:** Provide the purchase orders and invoices. The invoices are used to support acquisition costs and date items were received. For motor vehicles purchased locally, please ensure that a copy of the dealer's invoice is included.
- b. **For disposals:** The documentation should show how and when the item was disposed of and to whom. If the item was sold, be sure the documentation shows how much the item sold for.
- c. **For transfers:** The documentation should show why the item of property was transferred, who authorized the transfer, where the item was transferred to and when.
- d. **For adjustments or changes to the information on the property record:** The documentation should identify what information was changed, explain why the change was necessary, and substantiate the new information entered on the property record.
- e. **Motor vehicles:** In addition to the above supporting documentation, when providing documentation on motor vehicles, please ensure that the documentation provided clearly shows the vehicle's make, model, model year, license plate (TAG) number, and VIN number.

**7114 RECORDS RETENTION** - Records and files pertaining to nonexpendable property will be maintained, retired, and/or destroyed in accordance with the guidance provided in BAM Part III, Communications and Records, Section 500, Records Management Handbook. The only exception is the records and files pertaining to nonexpendable property that also qualify as capitalized property. In these



cases, a copy of the documentation that supports the property record entries will be retained as long as the items remain active in the Agency inventory, since these entries support the Agency's financial statement. After a capitalized property item is disposed of, the documentation pertaining to this item will be retired and/or destroyed in accordance with the guidance provided in the Records Management Handbook.

**Title:** BAM Title IV, Chapter 720, Leasing, Purchasing, Accounting for, and Reporting on Motor Vehicles

**Policy Tracking #:** TSI-12-03

**Effective Date:** 07/23/2014

**Originating Office:** Network Support Branch (T/EOS/N), Office of Technology, Services, and Innovation, (202) 382-7360

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**(a) PURPOSE:** This policy describes the procedures for purchasing or leasing, accounting for, and reporting on Agency-owned or -leased motor vehicles. (The term “the Agency” is defined in paragraph (b) (4).) It also documents the actions the Agency must take to meet the requirements of Federal Energy Management Program (FEMP) that relate to motor vehicles.

**(b) AUTHORITY & SCOPE:**

(1) Authority.

- (i) [Federal Management Regulation 41 CFR, Chapter 102-34, \*Motor Vehicle Management\*](#)
- (ii) [Federal Acquisition Regulation, Part 13, \*Simplified Acquisition Procedures\*](#)
- (iii) [Foreign Affairs Manual, 14 FAM Chapter 400, \*Asset Management\*](#)
- (iv) [Foreign Affairs Handbook, 14 FAH-1, H-800, \*Use and Control of Official Vehicles at Posts\*](#)
- (v) [Executive Order 13514, \*Federal Leadership in Environmental, Energy, and Economic Performance\*, October 5, 2009](#)
- (vi) [Executive Order 13423, \*Strengthening Federal Environmental, Energy and Transportation Management\*, January 24, 2007](#)
- (vii) [Presidential Memorandum--\*Federal Fleet Performance\*, May 24, 2011](#)
- (viii) [GSA Bulletin FMR B-30, \*Motor Vehicle Management\*, August 22, 2011](#)
- (ix) [42 U.S.C. 13212, \*Minimum Federal Fleet Requirements\*](#)
- (x) [42 U.S.C. 6374e, \*Federal Fleet Conservation Requirements\*](#)

(2) Conflicts. If this policy conflicts in any way with local embassy policies, procedures at overseas posts, or any other local law or policy, contact the Network Support Branch (T/EOS/N), within the Office of Technology, Services, and Innovation (TSI), for clarification and guidance on how to proceed.

(3) Other Applicable References.

- (i) The transmitting stations under the direction of TSI also must follow the policies and procedures contained in Transmitting Station Instruction – 111, *Motor Vehicles*.
- (ii) [BAM Title IV, Chapter 460, Safety Program](#) contains policies and procedures for reporting motor vehicle accidents.
- (iii) [BAM Title IV, Chapters 710 and 950](#), on Personal Property Management contain the policies and procedures for accounting for motor vehicles.
- (iv) The Agency's Office of Security Armored Vehicle Program Resource shall be utilized in conjunction with applicable motor vehicle guidelines for the management of armored vehicle assets.

(4) Scope. This policy applies to the Voice of America, Office of Cuba Broadcasting (OCB), and the Offices of the International Broadcasting Bureau and their sub-elements supervised by the Broadcasting Board of Governors (collectively "the Agency") and to all motor vehicles owned or leased by these Agency elements (collectively "the Fleet"). The Agency elements who procure, lease, or otherwise acquire motor vehicles are the **Responsible Agency Elements (RAE)** for the purposes of this policy.

(c) **POLICY:**

(1) T/EOS/N shall complete a Vehicle Allocation Methodology to develop an optimal fleet inventory and develop a Fleet Management Plan to achieve that optimal fleet inventory. (See [GSA Bulletin FMR B-30, Motor Vehicle Management](#) for additional information)

(2) Purchasing or Leasing Low-Greenhouse Gas (GHG)-Emitting Vehicles.

- (i) The Responsible Agency Elements (RAE) shall not purchase, lease, or acquire a sedan, light duty (LD) vehicle, or medium duty (MD) passenger vehicle unless it is a low-GHG-emitting vehicle, as defined by the Environmental Protection Agency. (*Refer to Paragraph (e)(9) for the definition of a low-GHG-emitting vehicle.*)
- (ii) Waiving the Purchase or Lease of a Low Greenhouse Gas Emitting Vehicle. The RAE may acquire a vehicle, that is not a Low-GHG Emitting Vehicle, only if, in advance of the acquisition, the Director of Global Operations, or designee, issues a written certification in compliance with [42 U.S.C. § 13212\(f\)\(2\)\(B\)](#).
- (iii) Special purpose vehicles whose function would prohibit the use of small, energy efficient, Alternative Fuel Vehicle (AFV), or low-GHG-emitting powertrains shall be exempt. Such vehicles include but are not limited to armored vehicles managed by the Agency's Office of Security (BBG/SEC).

(3) Beginning with FY 2013, the Agency will start transitioning its current fleet of motor vehicles operating on petroleum products (gasoline and diesel fuel) to a fleet of motor vehicles that is smaller, is more efficient, emits less GHG, and operates primarily on alternative fuels. In order to achieve this transition, all the following actions will be taken by the RAEs:

(i) The RAEs will not increase the total number of motor vehicles currently in their fleets without approval from the Director of Global Operations; and will reduce the total number of vehicles in their fleets whenever possible;

(ii) Due to the costs involved in converting the Agency's fleet, the RAEs will use normal attrition in accomplishing this transition;

(iii) An RAE shall only use the appropriate alternative fuel (e.g. E-85 [85% ethanol] or B20 fuel [20% bio-diesel]) to fuel any Agency purchased or leased flex-fuel vehicle, i.e. a vehicle that can operate using either petroleum products or an alternative fuel;

(iv) Purchasing or Leasing Motor Vehicles for Domestic Operations.

(A) Sedans, LD Motor Vehicles, and MD Passenger Vehicles. When a sedan, LD vehicle, or MD passenger vehicle operating on petroleum products becomes eligible for replacement, it will be replaced with a sedan, LD motor vehicles or MD passenger vehicle operating on alternative fuels.

(1) An RAE will only procure flex-fuel vehicles when the E-85 or B20 fuel is readily available in the vehicle's area of operation. In those areas with limited E-85 or B20 sources, hybrid vehicles will be leased or purchased.

(2) An alternative fuel is reasonably available if it can be obtained within a 15-minute drive or within 5 miles (one way) from the vehicle's garaged location, and the alternative fuel costs the same or less per gallon as the gasoline at the same station.

(B) MD Trucks and Heavy Duty (HD) Motor Vehicles. The vehicle selected by a RAE must be as small and energy efficient as possible while still meeting mission requirements. If the selected vehicle type has an alternative fuel version, AFV must be purchased.

(v) Procuring Motor Vehicles for Overseas Operations.

(A) Where the overseas infrastructure can support vehicles operating on alternative fuels, sedans, LD motor vehicles, and MD passenger vehicles operating in these areas will convert to AFVs at the time of replacement, if suitable AFVs are available and maintainable locally. If the infrastructure cannot support AFVs, the types of vehicles selected as replacements are to be as small and energy efficient as possible while still meeting mission requirements.

(B) MD trucks and HD motor vehicles also must be as small and energy efficient as possible while still meeting mission requirements. If the selected vehicle has an alternative fuel version, the AFV must be purchased.

(4) The Agency shall, as a whole, reduce the Agency's annual use of petroleum products by:

(i) 20%, relative to petroleum products the Agency used in fiscal year 2005, by the end of fiscal year 2015;

(ii) 30%, relative to petroleum products the Agency used in fiscal year 2005, by the end of fiscal year 2020; and

(iii) a minimum of 2%, relative to petroleum products the Agency used in fiscal year 2005, for each fiscal year until the end of fiscal year 2020.

(5) The Agency shall, as a whole, increase the Agency's annual use of alternative fuel by:

(i) 10% relative to the Alternative Fuel the Agency used in fiscal year 2005, by the end of fiscal year 2015; and

(ii) 10% over the previous fiscal year, compounding, until 2020.

(6) The Agency shall report on its motor vehicles, as required, to the Office of Management and Budget, the General Services Administration, and the Department of Energy. *(Refer to Paragraph (d)(3) for additional information.)*

**(d) PROCEDURES AND PRIMARY RESPONSIBILITIES:**

**(1) Primary Responsibilities.**

(i) The Director of Global Operations, or his/her designee, must approve the following before any of these changes can take place:

(A) Increasing the number of motor vehicles currently assigned to an RAE;

(B) Purchasing or leasing domestically a new non-AFV when a suitable AFV is available;

(C) Purchasing or leasing domestically a new non-low-GHG-emitting vehicle; and

(D) Replacing a motor vehicle before it meets the minimum replacement requirements in paragraph (d)(4)(iii).

(ii) The Head of each RAE, or his/her designee, is responsible for:

(A) Transitioning the RAE's portion of the Agency's fleet from a fleet of motor vehicles operating on petroleum products to a fleet of motor vehicles that is smaller, is more efficient, emits less greenhouse-gas, and operates primarily on alternative fuels;

- (B) Maintaining, budgeting for all expenses related to, and controlling use of motor vehicles that the RAE purchases or leases;
  - (C) Ensuring all motor vehicles are properly accounted for per agency guidelines, to include compliance with BAM Title IV, Chapter 710;
  - (D) Ensuring the RAE's compliance with energy management and environmental programs outlined in Paragraph (b)(1), entitled Authority & Scope, as they apply to motor vehicles;
  - (E) Ensuring that the RAE does not increase the total number of motor vehicles under its control without prior approval from the Director of Global Operations, or his/her designee;
  - (F) Reducing the total number of vehicles under the RAE's control whenever possible;
  - (G) Ensuring that the RAE purchases or leases its motor vehicles in accordance with the procedures found in this policy;
  - (H) Providing T/EOS/N with information and data required to complete the Agency's reporting requirements to outside agencies in a timely manner (*Refer to Paragraph (d)(3) for additional information.*);
  - (I) Monitoring the RAE's fuel consumption and vehicle use;
  - (J) Taking appropriate action to reduce the RAE's use of petroleum products, and increase its use of alternative fuels, according to the goals established by the Agency (*Refer to Paragraphs (c)(4)-(5) for additional information.*);
  - (K) Developing a scheduled maintenance program, in accordance with [Federal Management Regulation 102-34.285](#) (*Refer to Paragraph (d)(6)(ii) for additional information.*);
  - (L) Establishing a program for controlling and documenting the use of its portion of the Agency's Fleet on a daily, monthly, and annual basis (*Refer to Paragraph (d)(6)(i) for additional information on reporting requirements.*);
  - (M) Ensuring that RAE's overseas locations comply [with 14 FAM, Logistics Management](#), and [14 FAH-1, H-800, Use and Control of Official Vehicles at Posts](#), which provide guidance on controlling motor vehicles and documenting their use; and
  - (N) Conducting an annual review of the RAE's motor vehicles (*Refer to Paragraph (d)(2) for additional information.*).
- (iii) Contracting Officer. All motor vehicles being leased or purchased by the Agency for use domestically shall be procured by Contracting Officers in the IBB Office of Contracts or in OCB. The Contracting Officer shall be responsible for reviewing requests to procure

motor vehicles (including RAE recommendations regarding which type of vehicle to procure), consulting with T/EOS/N regarding which vehicle to procure (see paragraph (d)(1)(v) below), procuring a vehicle that complies with the policies established in this document, determining whether to lease or purchase the vehicle, and determining the source from which the Agency will procure the vehicle. The source for motor vehicles will be the General Services Administration (GSA), unless GSA cannot provide the vehicle required, or a suitable substitute. Additionally, the Contracting Officer should ensure vehicles are procured using the correct Budget Object Code (BOC) for capitalized property.

(iv) Local Warranted Contracting Officer. With Head of RAE approval, a Local Warranted Contracting Officer will lease or purchase motor vehicles at Agency duty stations outside of the United States, such as transmitting stations or foreign correspondent offices. The lease or purchase must be made within the scope of the Local Warranted Contracting Officer's procurement authority, in accordance with all applicable laws, regulations, policies and Agency procedures to include ensuring that the vehicle selected is in compliance with the policies established in this document.

(v) T/EOS/N is responsible for advising RAEs, Contracting Officers, and Local Warranted Contracting Officers regarding which motor vehicles meet the requirements of this policy and the authorities in paragraph (b)(1) above.

(vi) T/EOS/N is responsible for reporting on the Agency's fleet inventory, fleet management, and compliance with Federal environmental programs to other Federal Agencies.

(vii) BBG/SEC: All armored vehicles shall be coordinated through and comply with the policies and procedures contained within the Agency's Office of Security Armored Vehicle Program Resource.

(2) Annual Review of Motor Vehicle Requirements.

(i) The goal for this review is to determine the minimum number and types of motor vehicles that the RAE needs to accomplish its mission, keeping in mind the need to transition from the current mix of motor vehicles to a fleet of motor vehicles that is smaller, more efficient, less GHG-emitting, and operates primarily on alternative fuels. To accomplish this goal, the Head of each RAE, or designee, will annually review the RAE's motor vehicles to ensure that each motor vehicle is still required, is the right type of vehicle for the mission assigned, and that the mix of motor vehicles used at his or her domestic and overseas locations supports the goal of maintaining a fleet of smaller, more efficient, less GHG-emitting vehicles that operate primarily on alternative fuels. This review also shall include:

(A) Determining if the requirements for each vehicle warrant maintaining a full-time vehicle or if the vehicle needs can be met through the use of "shared fleet-on-demand services" such as the use of public transportation or short-term rentals;

(B) Identifying vehicles that are no longer required and processing them for disposal; and

(C) Identifying vehicles that need to be replaced during the next three fiscal years, and the type and size of vehicle required as a replacement. If the vehicle being replaced is a sedan, LD vehicle, or a MD passenger vehicle operating domestically, the replacement vehicle must be an AFV. Otherwise, the replacement must be as small and energy efficient as possible while still meeting mission requirements.

(ii) The RAE shall report information from this review to T/EOS/N by October 15<sup>th</sup> each year.

(3) Reporting Requirements.

(i) Annual Report: The Agency must report on its motor vehicles annually to the Office of Management and Budget, GSA, and the Department of Energy. The Agency must report on information from an entire fiscal year, i.e. from October 1<sup>st</sup> to the following September 30<sup>th</sup>. The annual report captures usage and cost information for each motor vehicle for the fiscal year ending on September 30<sup>th</sup>, as well as, information on planned motor vehicle acquisitions and disposals for the next three fiscal years. T/EOS/N is responsible for consolidating the information received from all elements of the Agency, obtaining relevant clearances from within the Agency, and reporting information on Agency motor vehicles to other Federal agencies. Accordingly, all RAEs must provide their usage, cost, and planned acquisition and disposal information to the BBG Property Management Office by e-mail ([property\\_help@bbg.gov](mailto:property_help@bbg.gov)), no later than October 15<sup>th</sup> each year. Refer to Attachment A for the information required, format, and instructions on reporting the necessary information.

(ii) Planning Documents: T/EOS/N also is responsible for consolidating information received from all elements of the Agency, and using this information to develop plans (Vehicle Allocation Methodology [VAM], fleet management plans, optimal fleet inventories, etc.) for the whole Agency, and reporting on these plans to other Federal agencies. Since the type of information and reporting timeframes can vary, RAE's will be sent a request for information outlining the information that is needed, and providing a suspense date. All RAE's must provide this information by the date requested.

(4) Procuring Replacement or Additional Vehicles.

(i) Authority to Procure an Additional Vehicle. The Director of Global Operations, or designee, must approve increasing the number of motor vehicles currently assigned to an RAE. This requirement applies to both domestic and overseas locations.

(ii) Authority to Procure a Replacement Vehicle.

(A) The Head of each RAE may approve replacing a motor vehicle, as long as the replacement vehicle meets the criteria established in this document.



(B) The Director of Global Operations, or designee, must approve the procurement of the replacement vehicle if the RAE is:

(1) Replacing an old sedan, LD motor vehicle, or a MD passenger vehicle domestically with a non-AFV, when a suitable AFV is available in the class of vehicle being purchased or leased;

(2) Replacing an old sedan, LD motor vehicle, or a MD passenger vehicle domestically with a non-low GHG-emitting vehicle; and

(3) Replacing a motor vehicle that is less than seven years old or has been driven less than 80,000 miles. *(Refer to Paragraph (d)(4)(iii) for additional information.)*

(iii) Replacement Criteria - Minimum Time and Use Requirements. The Agency will not replace a motor vehicle before it has been in use for seven years, or has been driven for 80,000 miles. Since most vehicles can be economically maintained for longer periods, the Agency will not replace a motor vehicle that it owns until the Head of a RAE, or designee, determines that the motor vehicle is no longer economical to repair or maintain. For planning purposes, a vehicle is economically repairable as long as the cost to repair is less than 60% of the current value of the vehicle. Leased vehicles may be replaced at the end of the lease period.

(iv) Waiving the Replacement Criteria - Minimum Time and Use Requirements. The Director of Global Operations, or designee, may waive the seven years or 80,000 mile requirement, if he or she receives a request from an RAE with attached, documented evidence (e.g. a quote for repairs) of operational problems (e.g. very high operating costs, local operating conditions, safety issues, security issues, etc.) that the Director of Global Operations determines warrants early replacement of the vehicle.

(v) Selecting a Motor Vehicle.

(A) The Agency shall purchase, lease, or acquire low-GHG-emitting vehicles, as defined by the Environmental Protection Agency. *(See Section (e)(9) below, EPA's Green Vehicle Guide, and Regulations & Standards for Federal Fleets for additional information.)*

(B) Each RAE is responsible for recommending to the relevant Contracting Officer a type of vehicle, as well as recommending whether the new vehicle should be purchased or leased, based on what the RAE believes would result in the best value for the Government. However, after consultation with T/EOS/N, the Contracting Officer is responsible for the final determination on the type of vehicle the Agency will procure, the source from which the Agency will procure the vehicle, and whether to lease or purchase the vehicle based on the Contracting Officer's independent judgment. The following rules govern motor vehicle selection:

(1) Limitation on Upgrades. The Agency will only lease or purchase a motor vehicle with the minimal upgrades (e.g. automatic transmissions, air conditioning, and trailer hitches) necessary to meet mission requirements or environmental

conditions. Under no circumstances are RAEs authorized to lease or purchase vehicles with leather seats, upgraded audio (radio/CD) systems, special wheels, sports-type packages, or luxury-type packages.

(2) Procuring a Vehicle for Use Domestically.

(i) Sedans, LD Motor Vehicles and MD Passenger. The vehicle purchased or leased must meet the criteria established in Paragraph (c)(3)(iv)(B) above.

(ii) Medium-Duty and Heavy Duty Motor Vehicles. The vehicle purchased or leased must meet the criteria established in Paragraph (c)(3)(iv)(C).

(iii) For future consideration, per Executive Order 13423, Section 2, Paragraph (g), Item (iii), the Agency shall use Plug-In-Hybrid Vehicles domestically, when they are commercially available at a life-cycle-cost comparable to Non-Plug-In-Hybrids.

(3) Procuring a Vehicle for Use Overseas.

(i) The Head of the RAE shall approve in advance the lease or purchase of a vehicle by an overseas element.

(ii) The vehicle purchased or leased must meet the criteria established in Paragraph (c)(3)(v)(A)-(B).

(iii) Lease or Purchase of a Foreign Manufactured Motor Vehicle. A Local Warranted Contracting Officer at an overseas office or transmitting station may lease or purchase a foreign-manufactured vehicle when it is advantageous to the site's mission. When deciding whether to procure a foreign-manufactured vehicle, the Local Warranted Contracting Officer must consider: local operating conditions, safety concerns, availability of parts and service, and/or overall cost considerations, and/or a requirement to use right-hand drive vehicles.

(iv) Acquiring Foreign AFV. A Local Warranted Contracting Officer, stationed outside of the United States, must also acquire AFV when purchasing or leasing a sedan, LD motor vehicle or MD passenger vehicle according to the same guidelines that apply to the Agency's Domestic Fleet, as described above, unless the Local Warranted Contracting Officer determines:

1. AFV are not available at his or her duty station;
2. Alternative fuel is not available within five (5) miles of his or her duty station; or

3. He or she would not be able to maintain an AFV at his or her duty station because parts or maintenance services for AFV are not available locally.

(5) Receiving and Accounting for Motor Vehicles.

(i) Upon receipt of a leased or purchased motor vehicle, the receiving element's accountable officer, in coordination with the element's property control officer, will:

(A) Create a property record for the motor vehicle in the Property Inventory Processing System (PIPS).

(B) Notify the BBG Property Management Office by e-mail ([property\\_help@bbg.gov](mailto:property_help@bbg.gov)) so that the vehicle can be added to the Agency's capitalized property report. The information on the e-mail shall include:

- (1) Whether the Agency Purchased or Leased the vehicle
- (2) Barcode Number
- (3) Make and Model
- (4) Model Year
- (5) Vehicle Identification Number (VIN)
- (6) Type of Vehicle (sedan, pickup, SUV, etc.)
- (7) Type of Drive Train (4x2 or 4x4)
- (8) Number of seatbelts (i.e. passenger capacity)
- (9) Gross Vehicle Weight Rating (GVWR) in pounds
- (10) Type of Fuel (Diesel, Gasoline, E-85, B20, etc.)
- (11) Acquisition Cost or Lease Cost
- (12) Date Vehicle Received
- (13) License Plate (TAG) Number
- (14) Documentation: Attach to the e-mail a copy of the following documentation and please ensure that the documentation shows the vehicle's make, model, model year, license plate number, and VIN number.
  - (i) Purchase or lease document
  - (ii) Dealer's invoice to support the acquisition cost or the cost of the lease

(6) Use, Control, and Maintenance of the Agency's Fleet.

(i) Each RAE shall establish a program for controlling and documenting the use of its portion of the Agency's Fleet on a daily, monthly, and annual basis. Refer to Paragraph (d)(3) and Attachment A for the information required to complete the annual report on motor vehicles.

(ii) Each RAE shall develop a scheduled maintenance program for each motor vehicle it owns or leases, in accordance with [Federal Management Regulation 102-34.285](#). This requirement applies to motor vehicles operated domestically and overseas. The scheduled maintenance program must:

(A) Meet Federal, State, and local emission and safety standards;

(B) Meet manufacturer warranty requirements;

(C) Ensure the safe and economical operating condition of the motor vehicle throughout its life; and

(D) Ensure that inspections and servicing occur as recommended by the manufacturer or more often if local operating conditions require.”

(iii) Each of the RAE's overseas locations must also comply [with 14 FAM, Logistics Management](#), and [14 FAH-1, H-800, Use and Control of Official Vehicles at Posts](#), which provide guidance on controlling motor vehicles and documenting their use.

(7) Disposing of Vehicles.

(i) When a vehicle is identified for disposal or is excess to the RAE's needs, the accountable officer responsible for the motor vehicle in coordination with the RAE's property control officer will notify the BBG Property Management Office by e-mail ([property\\_help@bbg.gov](mailto:property_help@bbg.gov)) and will request disposition instructions. When reporting a vehicle, the e-mail shall contain the following information:

(A) Type of Vehicle (sedan, pickup, SUV, etc.)

(B) Make and Model

(C) Model Year

(D) Vehicle Identification Number (VIN)

(E) Barcode Number

(F) Brief description of the condition of the vehicle

(G) The number of years the vehicle was in use

(H) Mileage

(I) Location of the Vehicle

(J) Justification for Disposing of the Vehicle

(K) Proposed Method of Disposal

(L) For vehicles located outside of the United States - Statement on whether or not the ICASS agreement with the embassy provides for property disposal support because this will affect the type of disposal actions that can be authorized.

(ii) If the BBG Property Management Office approves the RAEs request to dispose of a vehicle, the Property Management Office will provide the RAE with disposition instructions.

(iii) If the RAE disposes of the vehicle itself, then the element's accountable officer, in coordination with the element's property control officer, will do the following after they dispose of the vehicle:

(A) Update the property record in PIPS.

(B) Notify the BBG Property Management Office by e-mail ([property\\_help@bbg.gov](mailto:property_help@bbg.gov)) so that the vehicle can be deleted from the Agency's capitalized property report. The e-mail should include:

(1) Vehicle's Make and Model

(2) Vehicle Identification Number (VIN)

(3) Barcode Number

(4) Date of Disposal

(5) Method of Disposal

(6) Documentation: Attach to the e-mail a copy of the property disposal documentation (e.g. a bill of sale).

**(e) DEFINITIONS:**

(1) Fleet means all motor vehicles that the Agency owns, or leases, for a period greater than one month.

(2) Domestic Fleet means all motor vehicles in the Agency's fleet which the Agency operates within the United States, including in the Commonwealth of the Northern Mariana Islands.

(3) Overseas Fleet means all motor vehicles in the Agency's fleet which the Agency operates outside of the United States.

(4) Local Warranted Contracting Officer means an Agency employee stationed at a transmitting station, or other office outside of the United States, with a warrant to lease and purchase supplies and equipment.

(5) Light Duty (LD) Motor Vehicle means any motor vehicle with a gross vehicle weight rating of 8,500 pounds or less. LD Motor Vehicles generally include sedans, station wagons, mini-vans, small to medium size sport utility vehicles, light duty pickup trucks (e.g. a Ford F-150), and light duty passenger and cargo vans (e.g. a Ford E-150).

(6) Alternative Fuel Vehicles (AFV) means:

- (i) Electric vehicles;
- (ii) Hybrid vehicles, which operate on either petroleum products or electricity;
- (iii) Flex-fuel vehicles that operate using petroleum products or E-85 (85% ethanol);
- (iv) Vehicles that operate using compressed natural gas (CNG); or
- (v) Vehicles that operate using biofuels (biodiesel – B20 or above).

(7) Greenhouse gas score (GHG Score) means a numerical rating, determined by the Environmental Protection Agency (EPA) that indicates a vehicle's fuel efficiency. (See [the EPA's website](#) for additional information)

(8) Low-Greenhouse Gas Emitting Vehicles. The EPA issues annual guidance on which vehicles are Low-Greenhouse Gas (GHG)-Emitting Vehicles. For motor vehicles with model year 2012 and earlier, Low-GHG Emitting Vehicles are defined by vehicle size and GHG Score. See EPA's [Green Vehicle Guide](#) for additional information. For motor vehicles with model year 2013 and beyond, Low-GHG Emitting Vehicles are defined by vehicle size and grams of carbon-dioxide the vehicle emits per mile. See EPA's webpage on [Regulations & Standards for Federal Fleets](#) for additional information.

**(f) AUTHORIZATION DATE AND APPROVAL:**

International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

Material within this Manual of Operations and Administration may no longer be current. To ensure having the most current policy or procedure, please contact the Agency office responsible for the subject matter, e.g., information about performance appraisal, staffing, or compensation should be directed to the Office of Human Resources. For assistance in determining which office to contact, please contact Cathy Brown or Renee Tyrance-Gauff of the Analysis and Administration Division on (202) 203-4664 or feel free to email this staff at cabrown@bbg.gov or crgauff@bbg.gov.

MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART IV ADMINISTRATIVE SERVICES, 700 PROPERTY MANAGEMENT PROCEDURES  
Please refer to Directive D-7201.3 dated July 16, 1998.

The subject directive prescribes policies and procedures regarding the International Broadcasting Bureau's property management program.

The Directive applies to all personnel and all accountable, personal property at all domestic and overseas offices, except transmitting stations and technical monitoring offices. The Office of Engineering and Technical Services is responsible for ensuring transmitting station compliance with property management regulations under former USIA regulations which are outlined in Transmitting Station Instruction 108, "Property Accountability."

A copy of Directive D-7201.3 and Transmitting Station Instruction 108 should be filed behind this section of the MOA.

PROPERTY MANAGEMENT LOCATION CODES

Director for Broadcasting	B01
Office of Administration	B05
Office of the Comptroller	B07
Office of Personnel	B08
Training and Development Division (Personnel)	B09
Broadcast Operations/Special Support Division	B10
Audience Relations	B11
Office of Policy	B12
Office of Programs	B20
Special English	B22
News Division	B30
Capitol Hill Correspondent	B31
Chicago News Bureau	B32
Pentagon Correspondent	B33
Los Angeles News Bureau	B34

Miami News Bureau	B36
New York News Bureau	B38
UN Correspondent	B39
African Division	B40
European Division	B42
East Asia and Pacific Division	B43
American Republics Division	B45
North African, Near East, South Asia Division	B47
Eurasia Division	B49
Technical Operations Division	B52
Director, Broadcast Operations	B55
Computing Services	B56
Office of Engineering and Technical Services	B59
Engineering Resource Directorate	B60, Y11, Y35
Engineering Operations Directorate	B65
Engineering Broadcast Technologies Division	Y15, Y40
Engineering Spectrum Management Division	B67
Engineering Satellite Systems Division	Y-62, Y-64
Engineering Network Support Division	B69
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Miami Bureau TV Marti	R13
Cuba Office of Field Research	R16
Cuba Office of Technical Operations	R20
Cuba Chief, Technical Services	R21
Cuba Office of the Director	R23
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Cuba Chief of Radio Operations	R26
Cuba Chief of Technical Services	R28
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Cuba TV Programs Division	R45
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TV Marti News Division	R55
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Television Services Division	T20
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Television Services & Dist. Control Branch	T24
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Television Maintenance Branch	T35
Television Studio & Field Operations Branch	T36
Television Video Tape Branch	T38



Television Traffic Branch	T39
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Television Program Services Division	T54
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PART IV ADMINISTRATIVE SERVICES, 800 MISCELLANEOUS SERVICE  
Section 810

USE OF LOCAL TRANSPORTATION FACILITIES

811 Coverage

812 Public Transportation Facilities

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- 812.2 Obtaining Supplies of Tokens, Tickets, and Farecards
- 812.3 Issuance of Tokens, Tickets, and Farecards
- 812.4 Maintenance of Records
- 812.5 Audit
- 812.6 Cash Payment for Public Transportation

813 Taxicabs and Privately Owned Automobiles at Permanent Post of Duty

- 813.1 Use of Taxicabs
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814 Government-Owned Vehicles

- 814.1 Delegation of Authority
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- 814.3 Government Driver's Identification Card

Section 810

USE OF LOCAL TRANSPORTATION FACILITIES

811 COVERAGE - Employees engaged in official business in the metropolitan area of their official duty station may use local transportation facilities at Government expense, "Metropolitan area" is defined as not exceeding 25 miles from the corporate limits of the city in which the

official duty station is located. Dulles International Airport is considered in the "metropolitan area of Washington, D.C." for this purpose.

## 812 PUBLIC TRANSPORTATION FACILITIES

812.1 General - Public transportation such as Metrorail and buses should be used for official travel within the Metropolitan area, and employees are urged to use these modes whenever time and circumstances permit.

### 812.2 Obtaining Supplies of Tokens, Tickets, and Farecards -

To obtain Metro tokens, tickets, or farecards, submit a requisition bearing an authorized signature (see MOA II-494) to the Office of Administration. The items will be delivered to the requesting offices for issuance to individual users.

812.3 Issuance of Tokens, Tickets, and Farecards - Employees obtain tokens, tickets, and farecards for official local transportation from administrative officers or other authorized employees. Tokens, tickets, and farecards are issued on a trip basis.

812.4 Maintenance of Records - Record of Tokens Received and Issued is provided to enable each issuing office to record the number of tokens, tickets, and farecards received and issued and to reflect the number on hand at all times. A separate form must be used for each type. The form also provides for the signature of the person to whom the tokens, tickets, and farecards were issued and his or her destination. When requesting tokens, tickets, and farecards, each office will submit with its requisition a copy of the form used bearing the signature of the person responsible for their issuance as certification that the record is accurate.

812.5 Audit - Periodically, the files on the use of farecards, etc. will be audited. Issuing offices, will retain Forms in their files for a minimum of two years for possible GAO and internal audit.

812.6 Cash Payment for Public Transportation - When it is not possible for an employee to obtain tokens, tickets, and/or farecards as provided in paragraph 812.3 above, reimbursement may be made for official travel on SF-1164, Claim for Reimbursement for Expenditures on Official Business. The SF-1164 is completed, approved, and submitted to a cashier for payment in the same manner as prescribed for taxicabs. See generally MOA IV-813.3a, 813.3b(1), 813.4a, and 813.5.

## 813 TAXICABS AND PRIVATELY OWNED AUTOMOBILES AT PERMANENT POST OF DUTY

### 813.1 Use of Taxicabs

a. Reimbursement - Reimbursement for use of taxicabs, when allowable, will be made when charges are properly vouchered and approved in accordance with the succeeding paragraphs. Reimbursement is limited to the actual fares paid, not exceeding the usual rates. In addition, tips to drivers will be reimbursed, when actually paid, not exceeding 15 cents

where the fare is \$1 or less, or 15% of the fare where the fare exceeds \$1. If the amount of the tip, computed at 15 percent, is not a multiple of 5, it may be increased to the next multiple of 5.

b. Between Places Where Official Business Is Transacted -Taxicabs may be used only when advantageous to the Government and the expense of the taxicabs is justified by official needs that cannot be met through the use of public transportation. A taxicab should not be used for a trip of less than six blocks (each way) except for reasons of physical incapacity, seriously inclement weather, or when transporting official materials too cumbersome to carry. In each such case of use, the claimant must state the reason on the voucher. Also, reimbursement for use of a taxicab for a trip of less than six blocks (each way) may be allowed if the officer administratively approving the voucher certifies on the voucher for each such use that time or official security factors were sufficiently critical to warrant the use of a taxicab.

c. Between Home and Office in Case of Necessity

(1) Basic Rule - The basic rule is that an employee is personally responsible for the cost of transportation between his or her home and place of duty.

(2) Employee Dependent on Public Transportation - Overtime Work - Reimbursement for taxi fare between office and home may be allowed in cases where the following conditions apply:

- (a) the employee working the overtime is dependent on public transportation and without alternative transportation; and
- (b) travel time is during hours of infrequently scheduled public transportation or darkness.

"Infrequently scheduled public transportation" does not mean that public transportation is not as readily available as at the height of rush hour. The determination involves such factors as risk of harm, and unusual and lengthy delays because of curtailment of service. "Darkness" connotes late evening hours when few people are using public transportation. Darkness is not a valid condition when solely based on early evening hours when much of the employed population is commuting from work.

(3) Unusual Nature of Assignment-- Overtime Work - Reimbursement for taxicabs between the place where official business is transacted and home for travel incident to officially ordered work outside an employee's regular working hours performed on a "call-back" basis or on a regular non-work day may be allowed in such rare situations where the use of taxicabs is demonstrably necessary to successfully perform the particular assignment. Such reimbursement is limited to taxicab use immediately proceeding and/or following the officially ordered overtime, and is allowable only when the employee and the officer ordering the overtime could not reasonably have taken action to preclude the necessity for use of taxicabs.

813.2 Use of Privately Owned Automobile -

a. Reimbursement - Reimbursement for use of privately owned automobile, when allowable, will be made when expenses are properly vouchered and approved in accordance with the succeeding paragraphs. Please contact your administrative officer for current mileage rate reimbursement. An Employee will, in addition, be reimbursed for the necessary cost of parking fees, ferry fares, and bridge, road, and tunnel tolls, unless administrative determination restricts their allowance. Employees are expected to exercise prudence and avoid such charges or keep them to a minimum.

b. Between Places Where Official Business Is Transacted -Privately owned automobile may be used only when advantageous to the Government and the expense of such means of travel is justified by official needs that cannot be met through use of other means of transportation. Privately owned automobiles should not be used for trips of less than six blocks (each way) except for reasons of physical incapacity, seriously inclement weather, or when transporting materials too cumbersome to carry. In such case of use, the claimant must state the reason on the voucher. Also, reimbursement for use of a privately owned automobile for a trip of less than six blocks (each way) may be allowed if the officer administratively approving the voucher certifies on the voucher for each such use that time or official security factors were sufficiently critical to warrant the use of the automobile.

c. Between Home and Office in Case of Necessity

(1) Basic Rule - The basic rule is that an employee is personally responsible for the cost of transportation between his or her home and place of duty.

(2) Use of Personally Owned Automobile Determined Advantageous to the Government During Regular Hours of Duty and/or Overtime Hours Immediately Preceding and/or Following Regular Hours - When it is determined advantageous to the Government for the employee to have his or her privately owned automobile available during the working day for use for travel between places where official business will be transacted, reimbursement will not be allowed between the employee's home and the places where official business is transacted. However, ferry fares, and bridge, road and tunnel tolls between such points will be allowed if they would not normally be incurred in driving to and from the employee's regular headquarters building, unless administrative determination restricts their allowance. Parking fees, when necessarily incurred, will be allowed at all places where official business is transacted, including parking fees incurred incident to duty at the employee's regular headquarters building.

When an employee pays for parking incident to duty at his or her regular headquarters building on a monthly basis, he or she may be reimbursed for those days during which the automobile is used for official travel on a prorated basis to be based on the number of days of actual rental period. Under no circumstances are parking fees allowable incident to duty at headquarters building if the automobile is not used as advantageous to the Government on official business to another place or places of duty during the day.

(3) Unusual Nature of Assignment - Reimbursement for use of privately owned automobile between place or places where official business is transacted and home in connection with overtime work not immediately preceding or following regular working hours (including overtime work on a regular non-work day) may be allowed in such rare situations where the use of a privately owned automobile is demonstrably necessary to successfully perform the particular overtime assignment. Reimbursement for use of private automobile is not authorized, however, when used as transportation in lieu of public transportation in such overtime situations for the convenience of the employee. Reimbursement may include mileage to and from home and all fees necessarily incurred listed in paragraph 813.2a above. Reimbursement is allowable only when the employee and the office ordering the overtime could not reasonably have taken action to preclude the necessity for use of the privately owned automobile.

### 813.3 Preparing Vouchers for Reimbursement

a. Form and Frequency of Filing Vouchers - Vouchers for reimbursement of expenditures for use of taxicabs and privately owned automobiles are prepared in original only by typewriter or pen and ink on SF-1164, Claim for Reimbursement for Expenditures on Official Business. Vouchers may be prepared as frequently as necessary, but preferably not more than once a week for those employees whose duties require recurring trips. However, vouchers should be submitted not later than one month after the expense has been incurred.

#### b. Data To Be Shown

(1) All Vouchers - Enter the name of the Organization, name and organizational symbol of the claimant, and office address of the claimant. For each trip, enter date, origin and destination, and the amount claimed. Specify the purpose of each trip on the line (or lines) immediately following the entry for the trip; general statements such as "Official Business" or "To attend meeting" are not adequate. In the case of use of taxicabs, show the amounts of the fare and tip separately. In the case of use of privately owned automobile, enter the speedometer readings at the beginning and end of each trip, total miles, and mileage claimed; also itemize and enter the amount of each parking fee and other allowable fees (par. 813.2). If travel is less than six blocks (each way), state reason why taxicab or use of privately owned automobile was necessary (pars. 813.1b and 813.2b). Enter totals of each column and grand total. The claimant dates and signs the SF-1164 in ink in the space provided.

(2) Additional Data To Be Shown on Vouchers for Taxicabs Between Place of Duty and Home--Overtime Work. If claim is made for taxicab fares under provisions of paragraph 813.1c(2) or (3) above, itemize in connection with each claimed trip the conditions set forth in that paragraph and make the following affirmative statement that such conditions were met. "Travel performed by the claimant met the requirements of MOA IV-813.1c(2)'br(3) as appropriate). Allow space before the next entry for a special approving officer (par. 813.4b below) to indicate his or her approval or disapproval and signature. If claim is made for taxicab fares

under provisions of paragraph 813.1c (3) above, enter for each claimed trip the reason why use of a taxicab was necessary to successfully perform the assignment.

General statements such as "Time element" or "For security reasons" are not satisfactory; be specific. Allow space before the next entry for a special approving officer (par. 813.4b below) to indicate his or her approval and signature.

(3) Additional Data To Be Shown on Vouchers Involving Use of Privately Owned Automobile Between Place of Duty and Home - Where claim is made for parking incident to duty at regular headquarters building under provisions of paragraph 813.2c(2) above, the mere fact that claims may be made for use of the automobile on that day for travel between places of duty is not sufficient to support the charge. Enter for each such parking fee claimed an affirmative statement that use of the privately owned automobile was advantageous to the Government. If the amount claimed is computed on a prorated basis, enter computation. Allow space before the next entry for a special approving officer (par. 813.4b below) to indicate his or her approval and signature. When claim is made for mileage and allowable fees under provisions of paragraph 813.2c(3) above, enter for each claimed use of the automobile, why use of the automobile was necessary to perform the assignment. General statements such as "Time element" or "Need for mobility" are not satisfactory. Be specific. Allow space before the next entry for a special approving officer (par. 813.4b below) to indicate his or her approval and signature.

#### 813.4 Administratively Approving Vouchers

a. All Vouchers - All vouchers must be approved by the claimant's supervisor or comparable official. However, if the claimant is a Division Chief or higher ranking official, or a person serving in such position on an acting basis, or if an claimant's supervisor or comparable official is not located in the headquarters city involved, the claimant may sign the SF-1164 as both claimant and as approving official.

b. Additional Approval on Vouchers Involving Charges for Travel Between Place of Official Duty and Home - In order to establish stringent administrative controls as directed by the Federal Travel Regulations and decisions of the Comptroller General of the United States, specific explanation for each claim involving travel between place of official duty and home must be included by the claimant on his or her voucher as set forth in pertinent paragraphs above. Each claim must be reviewed and approved by an official who occupies one of the positions below before reimbursement will be made. The approving officer must consider each claim separately in the letter and spirit of these regulations and approve only those cases that are fully justified.

#### List of Positions

Director  
Element Directors  
Assistants to the Director  
General Counsel



### 813.5 Paying Vouchers -

a. Means of Payment - After all required approval have been obtained, the voucher is submitted to the appropriate cashier for payment (MOA VII-710.)

b. Acknowledgment of Payment - When payment is made by a cashier to the claimant, the claimant signs in the "Paid in Cash" block in the lower portion of SF-1164. When payment is made to a person other than the claimant, the person actually receiving the cash signs in the "Paid in Cash" block.

c. Refusal by Cashier To Pay Claim or Disallowance by Authorized Certifying Officer After Payment - The Cashier is authorized to refuse payment of a claim if the form is not properly prepared or signed, or if for any other reason he or she does not consider the claim to be proper. Any claim paid by a cashier that is subsequently disapproved by the authorized certifying officer in the Office of Comptroller Services, will be returned to the cashier for adjustment. The cashier will arrange for the necessary correction on the claim or obtain a refund from the claimant as appropriate. Failure to receive the refund within a reasonable time will be reported by the cashier to his or her supervisor for further necessary action.

### 814 GOVERNMENT-OWNED VEHICLES

814.1 Delegation of Authority - Authority is delegated to the Director, Office of Administration to approve the use of Government-owned vehicles by employees engaged in field work in the United States. This approval includes the use of the vehicle for transportation between such places where the employee's presence is required incident to official business, between such places and places of temporary lodging, and, when public transportation is unavailable or its use is impractical, between either of the above places and places necessary to obtain suitable meals, and to drugstores, places of worship, cleaning establishments, and similar places required for the sustenance, comfort, or health of the employee in order to foster the continued efficient performance of Government business.

814.2 Redelegations - This authority may be redelegated by the Director of Administration to other appropriate officials.

814.3 Government Driver's Identification Card - An employee need not have a Government driver's identification card in order to use Government-owned vehicles when he or she is away from his or her official station and would be authorized to use a commercial rental vehicle if a Government-owned vehicle were not available.

International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

Material within this Manual of Operations and Administration may no longer be current. To ensure having the most current policy or procedure, please contact the Agency office responsible for the subject matter, e.g., information about performance appraisal, staffing, or compensation should be directed to the Office of Human Resources. For assistance in determining which office to contact, please contact Cathy Brown or Renee Tyrance-Gauff of the Analysis and Administration Division on (202) 203-4664 or feel free to email this staff at [cabrown@bbg.gov](mailto:cabrown@bbg.gov) or [crgauff@bbg.gov](mailto:crgauff@bbg.gov).

MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART IV ADMINISTRATIVE SERVICES, 800 MISCELLANEOUS SERVICE  
Section 830

BROADCASTING BOARD OF GOVERNORS  
INTERNATIONAL BROADCASTING BUREAU  
POLICY FOR PURCHASING BUSINESS CARDS FOR AGENCY EMPLOYEES

831 Purpose

832 Background

833 Policy of the International Broadcasting Bureau

834 Eligibility for Business Cards

835 Procedure for Ordering Cards

836 Standard Business Card Styles

Section 830

BROADCASTING BOARD OF GOVERNORS  
INTERNATIONAL BROADCASTING BUREAU  
POLICY FOR PURCHASING BUSINESS CARDS FOR AGENCY EMPLOYEES

831 PURPOSE

The purpose of this document is to establish the policy and procedures for the use of appropriated funds to purchase business cards for International Broadcasting Bureau (IBB) employees. It applies to all IBB employees worldwide and to the immediate staff and members of the Broadcasting Board of Governors (BBG).

832 BACKGROUND

Business cards have long been ruled by the General Accounting Office (GAO) to be a personal expense, thus employees had to purchase the cards themselves. The GAO has reversed this position in an official opinion which states that business cards may be a "necessary expense" for certain employees and thus, be purchased with appropriated funds.

The GAO decision relied heavily on a Department of Justice (DOJ) legal opinion which concluded that "an agency head may reasonably determine that the appropriate use of business cards by agency employees who deal with outside organizations will further the agency's statutory mission and therefore constitutes a proper expenditure from its general appropriations." The GAO decision agrees with the DOJ opinion on the application of the "necessary expense" doctrine to determine availability of appropriated funds to obtain business cards for government employees who regularly deal with the public or organizations outside of their agency.

#### 833 POLICY OF THE IBB

To ensure prudent and consistent application of the GAO decision, the IBB Director has delegated the following senior managers the authority to and responsibility for evaluating and making the determination that a particular employee's official duties involve regular dealings with the public or organizations (federal or otherwise) outside the IBB:

The Executive Director of the BBG  
The Director of the Voice of America,  
The Director of the Office of Cuba Broadcasting,  
The Director of Worldnet Television and Film Service,  
The Comptroller,  
The Associate Director for Program Support,  
The Associate Director for Management, and  
The Director of Engineering and Technical Services.

These officials are authorized to approve business card applications/orders from those office directors within their respective purview, and to utilize for this purpose, appropriated funds within their respective budget allotments.

#### 834 ELIGIBILITY FOR BUSINESS CARDS

Agency employees eligible for business cards are those employees listed on IBB's payroll on a permanent, term, or temporary appointment (longer than six months duration). It does not include any person detailed to or working at IBB who is on the payroll of another agency or company. It also does not include contractors or persons working under contract with the IBB as stringers or Purchase Order Vendors (POVs).

In general, interns, fellows, and those utilized in similar type positions employed by IBB are not eligible for business cards, but exceptions may be made dependent on the nature and duration of their assignments.

#### 835 PROCEDURE FOR ORDERING CARDS

Requests for the purchase of business cards from appropriated funds should be submitted on the application/order form (Form Number Ibb 0001), through your immediate office/division head, to the appropriate official listed above for consideration. Approved requests should then be sent to your Administrative Officer for certification of availability of funding and to have necessary accounting data entered onto the application/order form. The funded application/order form should then be sent to the Facilities Management Division (M/AF), Office of Administration, ATTN: Printing and Reproduction Manager, Room G-074 Cohen.

Orders will be limited to 250 cards and will be purchased from The Lighthouse for the Blind, Inc. (a mandatory source unless IBB's requirements cannot be met). Current cost is \$19.79 per 250 card order. Orders will be sent to the printer once per month. Funded orders received in the Facilities Management Division by the 5th of the month, will be sent to the printer within approximately 5 work days. Estimated delivery time is three weeks from the date the order is sent to the printer. Upon return from the printer, the printed cards will be inspected, and then delivered to the Administrative Officer who funded the order for distribution to the employee whose names are on the cards.

#### 836 STANDARD BUSINESS CARD STYLES

In order to maintain uniformity in appearance and to hold costs to a minimum, IBB-funded business cards will be ordered in accordance with established style formats. It is IBB policy that only regular printed, non foil-embossed, one-color, one-sided cards, in blue or black ink be purchased with appropriated funds. Established style formats are attached to the application/order form. Applications/orders for business cards deviating from the established format will require approval from the IBB Associate Director for Management.

Upgraded Business Cards: Should an employee want to order an "upgraded" business card (i.e. printing on the reverse side of the card for a total card cost of \$25.29 instead of \$22.99), he/she may do so by supplementing appropriated funding with his/her personal funding. The employee will need to pay the full cost of the cards and then submit a reimbursement request only for the maximum allowable amount of \$19.79 under this policy. We cannot process orders for upgraded cards using a mix of appropriated and employee personal funds. To request "upgraded" business cards, the card application/order form needs to be completed and approved in the same manner as described above, but NOT sent to your Administrative Officer for funding. Instead, the approved application/order form is to be submitted to Printing and Reproduction Manager in the Facilities Management Division along with your personal credit card account information. The business card printing order will be forwarded to The Lighthouse for the Blind for printing. Upon receiving the printed cards, employees should follow the standard procedures for petty cash reimbursement (submitting a claim for reimbursements with appropriate receipts) through his/her Administrative Officer to claim the \$19.79 maximum reimbursement. Reimbursements will not be approved for any portion of the cost of cards printed by other than The Lighthouse for the Blind.

International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

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MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART IV ADMINISTRATIVE SERVICES, 800 MISCELLANEOUS SERVICE, 860 GOVERNMENT CHARGE CARD-CREDIT WORTHINESS POLICY

Section 860  
GOVERNMENT CHARGE CARD - CREDIT WORTHINESS POLICY

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869.1 OFFICE OF PRIMARY RESPONSIBILITY FOR THIS MOA

861 PURPOSE - The purpose of this Manual of Operations & Administration (MOA) is to issue implementing instructions of Office of Management and Budget (OMB) Circular A-123, Appendix B, Chapter 6, "Credit Worthiness" provisions for new applicants of a U.S. Government purchase and travel charge card.

862 SCOPE - Effective October 1, 2005, all new applicants for a U.S. Government purchase or travel charge card must have a credit worthiness assessment on the applicant's personal credit history completed before issuance of a purchase or travel charge card. This Assessment is done by a review of the Applicant's personal credit score maintained by private credit bureaus.

863 AUTHORITY - 1) Consolidated Appropriations Act, 2005 (Public Law 108-447), 118 STAT. 328, Division H—Transportation, Treasury, Independent Agencies, and General Government Appropriations Act, 2005, Title VI—General Provisions, Section 639 and 2) OMB Circular No. A-123, Appendix B, August 5, 2005, "Improving the Management of Government Charge Card Programs." Consolidated Appropriations Act, 2005 - Public Law 108-447 December 8, 2004, (118 STAT. 3282), Division H—Title VI—General Provisions

SEC. 639. Each Executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government purchase charge card or government travel charge card. The department or agency may not issue a government purchase charge card or government travel charge card to an individual who either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: Provided, that this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to: (1) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card; or (2) an individual who lacks a credit history. Each Executive department and agency shall establish guidelines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct.

Section 639 of the "Act" is attached to this MOA. OMB Circular A-123, Appendix B, can be found at the following web site: [www.whitehouse.gov/omb/circulars/index.html](http://www.whitehouse.gov/omb/circulars/index.html).

864 POLICY - It is the policy of the Broadcasting Board of Governors (BBG) to implement Government-wide laws and regulations such as those contained in OMB Circular A-123 for guidance on management's responsibility to improve the accountability and effectiveness of Federal programs and operations. Appendix B of OMB Circular A-123 establishes standard requirements and practices for improving the management of government charge card programs.

#### 865 PROCESS FOR ASSESSMENT OF CREDIT WORTHINESS

##### 865.1 The Application Process - For Purchase and Travel Charge Card Applicants

- a. All employees requiring a purchase or travel charge card to carry out their official duties should contact the designated purchase or travel charge card Agency Program Coordinator (APC) in M/C (for purchase); M/A (for travel), or OCB (for travel). For the purposes of this Section, the term "charge card" includes travel cards and purchase cards.
- b. The APC will inform new card applicants of the need to obtain a credit worthiness assessment in addition to completing required application forms.
- c. The APC will contact the Security Office (M/S) to obtain the applicant's credit score (i.e., a Beacon numerical score from Equifax, Inc.).
- d. M/S will communicate the score results only to the officially designated APC or other officials having a need to know. Communication will be in a manner to protect the privacy of the applicant's credit information. M/S will obtain the credit score from the applicant's security file. M/S will request a credit score as part of the security process for all new Agency employees. The Security Office will maintain all scores.
- e. M/S will obtain a credit score from Equifax, Inc. for charge card applicants who either do not have a credit score in their security file or have a credit score more than twelve (12) months old. The APC will require the applicant to complete a credit release form. M/S will communicate the score results as noted in "d" above.
- f. The APC will complete the appropriate form to notify the applicant and the applicant's supervisor of the issuance of a standard or restricted card or the denial of a card to the applicant based on the applicant's credit score obtained from Equifax, Inc.

##### 865.2 Alternative Credit Worthiness Assessment

- a. When 1) a credit score is unavailable or 2) the applicant refuses to sign a credit release form or 3) the applicant is a foreign national employee not having a credit history to produce a credit score, M/S will provide input of financial related information from the applicant's security file. Information for the alternative

credit worthiness assessment consists of a review of the applicant's security form, SF-86, "Questionnaire for National Security Positions," maintained in the applicant's security file.

b. If the most recent SF-86 is more than 12 months old, the applicant will be required to complete a new SF-86 for further consideration of a Government charge card application.

c. M/S will provide financial related information found in the SF-86 to the appropriate Purchase or Travel Card APC or higher level charge card administrator as appropriate. The APC may consult with M/S regarding the risk analysis associated with the information provided. The APC or higher-level charge card administrator will consult with the applicant's supervisor to determine if the applicant has a satisfactory credit history in order to issue a charge card.

The APC or higher level charge card administrator, in consultation with the applicant's supervisor, has the primary lead responsibility for the final alternative credit worthiness assessment and is responsible for the effective and proper conduct of the Government charge card program.

d. If the applicant's supervisor does not agree with the APC's determination of credit worthiness for the applicant, the assessment of credit worthiness will be routed to the Associate Director for Management for a determination. Note : for Office of Cuba Broadcasting (OCB) charge card applicants, the assessment will be routed to OCB's Director of Administration for a determination. The APC will communicate the decision of its alternative assessment only to Agency officials having a need to know. Communication will be in a manner to protect the privacy of the applicant's personal financial information contained in security forms.

e. The APC will document the determination, in writing (form IBB-0090d), of the alternative credit worthiness assessment and provide the written determination to the appropriate officials including the applicant's supervisor.

f. Should the APC or Associate Director for Management (or the OCB Director of Administration for OCB charge card applicants) make an alternative credit worthiness assessment resulting in a determination of unsatisfactory credit history, the card applicant will be notified appropriately in writing (form IBB-0090c).

g. The APC shall file the written determination with the applicant's Government charge card application and maintain the file in accordance with the BBG's applicable system of records (forms IBB-0090e and IBB-0090f).

## 866 CREDIT WORTHINESS ASSESSMENT SCORE RESULTS

OMB Circular A-123 sets forth pre-determined minimum credit scores for issuing standard (unrestricted) or restricted charge cards or for denying an applicant a charge card. This subsection restates the minimum scores established by OMB.

### 866.1 For Purchase Card Applicants

a. A score of 660 or higher - A standard purchase charge card application will be processed without restrictions (form IBB-0090a).

b. A score between 500 and 660 - A purchase card application will be processed but with restrictions (form IBB-0090b) applied by the Purchase Card APC.

c. A score lower than 500 - No purchase card may be issued to the applicant. The APC will notify the card applicant (form IBB-0090c) of the result of the credit worthiness assessment and determination not to issue a card.

d. No score available or no credit history with the private credit bureau maintaining information on the card applicant - An alternative credit worthiness assessment will be done in accordance with section 865.2 above.

## 866.2 For Travel Card Applicants

- a. A score of 660 or higher - A standard travel charge card application will be processed without restrictions (form IBB-0090a).
- b. A score less than 660 - A travel card application will be processed but with restrictions (form IBB-0090b) applied by the Travel Card APC.
- c. No score available or no credit history with the private credit bureau maintaining information on the card applicant - An alternative credit worthiness assessment will be done in accordance with section 865.2 above.

867 IMPACT ON EXISTING CHARGE CARD APPLICATION REQUIREMENTS - This MOA supplements those existing purchase and travel charge card policies contained in MOA Part IV Administrative Services, 600 "Planning and Performing TDY Travel," Section 660, Travel Card Program, correspondence and notices from BBG offices and/or Program Coordinators responsible for the purchase and travel card program or other official correspondence.

867. 1 Purchase Card Application Requirements - Purchase card applicants, in addition to credit score requirements discussed in this MOA, must complete and sign a Citibank application form and complete classroom training or other requirements established by the M/C or responsible APC.

867.2 Travel Card Application Requirements - Travel card applicants, in addition to credit score requirements discussed in this MOA, must comply with training or other application requirements contained in the existing MOA Section 660, "Travel Card Program" or other issuances from the Office of Administration. These additional requirements include:

- 1) The applicant's completion of a signed and dated "NOTICE OF RULES FOR USE OF A GOVERNMENT TRAVEL CARD" authorization from his/her supervisor.
- 2) The applicant's submission of a certificate issued by General Services Administration's (GSA) on-line travel card training course at: <http://fss.gsa.gov/webtraining/trainingdocs/traveltraining/introPart1.cfm>.
- 3) The applicant's completion of a signed Citibank application form ("Citibank Government Travel Card (Individually Billed Account) Setup Form" CB-004).

868 LIST OF FORMS - The following forms are to be used by the APC for M/A, M/C, and OCB for the BBG charge card application process:

Credit Release Form (Office of Security)

IBB - 0090a: Notice of Approval to Apply for Charge Card

IBB - 0090b: Notice of Approval to Apply for Charge Card but with Restrictions

IBB - 0090c: Notice of Rejection

IBB - 0090d: Government Charge Card Alternative Assessment

IBB - 0090e: Purchase Charge Card: Record of Credit Score or Assessment Results

IBB - 0090f: Travel Charge Card: Record of Credit Score or Assessment Results



Broadcasting Board of Governors  
International Broadcasting Bureau  
Office of Security

Fair Credit Reporting Act of 1970, as amended

PLEASE TAKE NOTICE THAT ONE OR MORE CONSUMER CREDIT REPORTS AND SCORES MAY BE OBTAINED FOR THE PURPOSE OF OBTAINING A GOVERNMENT ISSUED TRAVEL OR PURCHASE CARD PURSUANT OMB CIRCULAR A-123. SHOULD A DECISION TO TAKE ANY ADVERSE ACTION AGAINST YOU BE MADE, BASED EITHER IN WHOLE OR IN PART ON THE CONSUMER CREDIT REPORT, THE CONSUMER REPORTING AGENCY THAT PROVIDED THE REPORT PLAYED NO ROLE IN THE BOARD'S DECISION TO TAKE SUCH ADVERSE ACTION.

Information provided by you on this form will be furnished to the consumer reporting agency in order to obtain information in connection with an investigation to determine your (1) fitness for Federal employment, (2) clearance to perform contractual service for the Federal Government, (3) fitness for a government charge card, and/or (4) security clearance or access. The information obtained may be redisclosed to other Federal agencies for the above purposes and in fulfillment of official responsibilities to the extent that such disclosure is permitted by law. I hereby authorize the Broadcasting Board of Governors to obtain such report(s) from any consumer/credit reporting agency for employment purposes.

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Signature) (Date)

Rev: 3/06

BROADCASTING BOARD OF GOVERNORS  
International Broadcasting Bureau  
\_\_\_\_\_[Date]

Dear \_\_\_\_\_ [Travel Cardholder]:

In accordance with procedures set forth in OMB Circular A-123, the Office of Administration, Administrative Operations Division (M/AO) is pleased to issue you a Government Travel Charge Card. Before using your card, please call the 1(800) number indicated on the sticker affixed to the front of your card for activation. Once activated, remove the sticker and you then may begin using the card for government-related travel matters only. You are reminded the Office of Administration has responsibility for reviewing account statements and sending reports alerting IBB/BBG Elements of potential Government Travel Card misuse and/or delinquency. Upon completion of travel, please be sure to make timely payments. You may also wish to avail yourself of the opportunity to make payments online at <https://www.onlinestatements.cards.citidirect.com>

Should you have questions concerning this matter, please feel free contact to Ms. Vivian Chisolm at (202) 203-4595 or via e-mail to Travel Help@ ibb.gov.

Sincerely,  
Office of Administration Travel Card Program Team  
Copy to Applicant's Supervisor  
IBB - 0090a  
3/2006

BROADCASTING BOARD OF GOVERNORS  
International Broadcasting Bureau  
\_\_\_\_\_[Date]

Dear \_\_\_\_\_ [Applicant]:

In accordance with procedures set forth in OMB Circular A-123, we are pleased to inform you that we have approved your request for a Government \_\_\_\_\_[insert Purchase or Travel] Charge Card. However, some restrictions must be imposed as described below: (Items checked (X) apply to you):

1. \_\_\_\_\_--For Purchase Charge Card Applicants: The Office of Administration, Administrative Operations Division (M/AO) must impose some restrictions at this time because your credit score is between 500 and 660.
2. \_\_\_\_\_--For Travel Charge Card Applicants: The Office of Administration, Administrative Operations Division (M/AO) must impose some restrictions at this time because your credit score is less than 660.
3. \_\_\_\_\_--For Purchase or Travel Charge Card Applicants: \_\_\_\_ The Office of Administration, Administrative Operations Division (M/AO)/ \_\_\_\_ the Office of Contracts (M/CON) was unable to make a determination based upon your numerical credit score. Therefore, M/AO/M/CON conducted an alternative credit worthiness assessment based upon personal financial information listed on forms maintained in Security Office files. Some restrictions will be imposed on your charge card.

\*\*\*\*\*

Restrictions checked (X) below apply to your charge card:

- \_\_\_\_\_ • Reduce the overall dollar limit for the card;
- \_\_\_\_\_ • Reduce the limit on individual transaction amounts;
- \_\_\_\_\_ • Limit (or further limit, if applicable) the types of transactions allowed;
- \_\_\_\_\_ • Issue a pre-paid card that automatically restricts dollar amount and transaction types;
- \_\_\_\_\_ • Limit (or further limit, if applicable) the dollar amount of transactions that can be applied to the card within a particular time period;
- \_\_\_\_\_ • Limit (or further limit, if applicable) the length of time a card remains active, such as for the length of time in travel status only; and/or
- \_\_\_\_\_ • Restrict (or further restrict, if applicable) use at ATMs.

Equifax Information Services (Equifax) is responsible for providing us with your credit score. However, Equifax did not make any decisions with regard to your application, nor are they able to provide you with specific reasons for our decision. You do, however, have a right under the Fair Credit Reporting Act to know the information contained in your credit file. You may also dispute the accuracy or completeness of any information found in the file. A free copy of this report can be obtained within 60 days from whose contact information is listed below.

Equifax Information Services  
P.O. Box 740241  
Atlanta, GA 30374

Your letter to Equifax must contain your name, Social Security Number, Home Address (covering the last two years), and date of birth. You also may call the Office of Security at (202) 619-5817 for information on how to obtain a copy of information in your credit file.

Should you have questions regarding this matter, please feel free to contact the appropriate program coordinator.

Sincerely,

\_\_\_\_\_  
Vivian Chisolm  
BBG Travel Charge Card Program Coordinator

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Mary Ann Amps  
OCB Travel Charge Card Program Coordinator

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Brenda Dade  
BBG Purchase Charge Card Program Coordinator  
Copy to Applicant's Supervisor

Notice: The Federal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age (provided the applicant has the capacity to enter into a binding contract); because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The federal agency that administers compliance with this law is the Federal Trade Commission, Washington, DC 20580.

IBB - 0090b  
3/2006

BROADCASTING BOARD OF GOVERNORS  
International Broadcasting Bureau

\_\_\_\_\_[Date]

Dear \_\_\_\_\_[Applicant]:

[The sections checked with an "X" are applicable to your Application for a Government charge card.]

1. \_\_\_\_\_After careful review of your application, we regret to inform you that we are not able to approve your request for a Government Purchase Charge Card at this time because your credit score is lower than 500. This decision complies with guidance in Section 6.3.3, of Office of Management & Budget Circular A-123, Appendix B, "Improving the Management of Government Charge Card Programs", dated August 5, 2005.

Equifax Information Services (Equifax) is responsible for providing us with your credit score. However, Equifax did not make any decisions with regard to your application, nor are they able to provide you with specific reasons for our decision. You do, however, have a right under the Fair Credit Reporting Act to know the information contained in your credit file. You may also dispute the accuracy or completeness of any information found in the file. A free copy of this report can be obtained within 60 days from whose contact information is listed below.

Equifax Information Services  
P.O. Box 740241  
Atlanta, GA 30374

Your letter to Equifax must contain your name, Social Security Number, Home Address (covering the last two years), and date of birth. You also may call the Office of Security at 202-619-5817 for information on how to obtain a copy of information in your credit file.

2. \_\_\_\_\_After review of your answers to financial related questions on your security form SF-86 maintained in the Security Office, a determination has been made that you do not possess a satisfactory credit history. A Government charge card cannot be issued to you at this time.

Should you have any questions regarding your application, please feel free to contact our office.

Sincerely,

\_\_\_\_\_  
Karen Holliday/Vivian Chisolm  
BBG Travel Charge Card Program Coordinator

\_\_\_\_\_  
Mary Ann Amps  
OCB Travel Charge Card Program Coordinator

\_\_\_\_\_  
Brenda Dade  
BBG Purchase Charge Card Program Coordinator

Copy to Applicant's Supervisor

Notice: The Federal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age (provided the applicant has the capacity to enter into a binding contract); because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The federal agency that administers compliance with this law is the Federal Trade Commission, Washington, DC 20580.

IBB - 0090c  
3/2006

## BROADCASTING BOARD OF GOVERNORS

### GOVERNMENT CHARGE CARD ALTERNATIVE ASSESSMENT

#### Purpose and Instructions

1. For use when 1) a credit score is unavailable; 2) the applicant refuses to sign a credit release form ; 3) the applicant is a foreign national employee not having a credit history to produce a credit score.
2. This determination is based upon information contained in the applicant's security form SF-86, "Questionnaire for National Security Positions" maintained in Applicant's Security File maintained by the Security Office. The Security Office will provide financial related information to the purchase or travel card Agency Program Coordinator (APC), or other designated program official. The APC, or other designated official, will consult with the applicant's supervisor prior to making a final determination of credit worthiness.
3. If the most recent SF-86 is more than 12 months old, the applicant will be required to complete a new SF-86 for further consideration of a Government charge card application.
4. Upon completion of Section IV of this Form, the APC, or other designated official, shall file the form with the applicant's Government charge card application and maintain the file in accordance with the BBG's applicable system of records.

---

#### SECTION I - TO BE COMPLETED BY THE SECURITY OFFICE (M/S)

Name of Charge Card Applicant: \_\_\_\_\_

Date Form was signed by Applicant: \_\_\_\_\_

\_\_\_\_\_ SF 86

Date Form was signed by Applicant: \_\_\_\_\_

The Office of Security's finding of related financial information: [X one]

\_\_\_\_\_ No financial issues identified on Security Forms.

\_\_\_\_\_ Financial issues identified on Security Forms. The APC should contact the Security Office to discuss relevant information.

M/S staff member's Name (Print or Type Last, First, Middle Initial)

\_\_\_\_\_

Signature of Security staff: \_\_\_\_\_ Date: \_\_\_\_\_

#### SECTION II - DETERMINATION MADE BY THE APC AFTER DISCUSSION WITH THE APPLICANT'S SUPERVISOR:

a. By the APC, or other designated program official, for Purchase or Travel: [X one]

\_\_\_\_\_ Satisfactory Credit History.

\_\_\_\_\_Unsatisfactory Credit History.

Signature of the APC or other designated program official: \_\_\_\_\_

Date: \_\_\_\_\_

b. By the Applicant's Supervisor:- [X one]

\_\_\_\_\_Concur with Determination

\_\_\_\_\_Do Not Concur with Determination:

Signature of Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_

SECTION III - IF THE APPLICANT'S SUPERVISOR DOES NOT AGREE WITH THE APC'S, OR OTHER DESIGNATED PROGRAM OFFICIAL'S DETERMINATION OF CREDIT WORTHINESS FOR THE APPLICANT, THE ASSESSMENT OF CREDIT WORTHINESS WILL BE ROUTED TO THE ASSOCIATE DIRECTOR FOR MANAGEMENT: [Note: For OCB card applicants, this is elevated to the Director of Administration/OCB] [X one]

\_\_\_\_\_Satisfactory Credit History.

\_\_\_\_\_Unsatisfactory Credit History.

Signature of the Associate Director for Management: \_\_\_\_\_ Date: \_\_\_\_\_

SECTION IV - TO BE COMPLETED BY THE AGENCY PROGRAM COORDINATOR (APC)

CARD TYPE (X one)

\_\_\_\_PURCHASE; \_\_\_\_CBA TRAVEL; \_\_\_\_IBA TRAVEL

For Purchase Charge Cards. APC for the Office of Contracts - M/C

a. NAME (Last, First, Middle Initial) b. SIGNATURE c. DATE

\_\_\_\_\_

For Purchase Charge Cards. Approving Official for the Purchase Cardholder

a. NAME (Last, First, Middle Initial) b. OFFICE SYMBOL: \_\_\_\_\_

\_\_\_\_\_

For Travel Charge Cards. APC for the Office of Administrative Operations (M/A or OCB/A)

a. NAME (Last, First, Middle Initial) b. SIGNATURE c. DATE

\_\_\_\_\_

Description of Restrictions Applied to the Applicant's Charge Card:

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_



IBB - 0090d  
31/2006

BROADCASTING BOARD OF GOVERNORS

PURCHASE CHARGE CARD: RECORD OF CREDIT SCORE OR ASSESSMENT RESULTS  
[To be completed by the Agency's Purchase Charge Card Program Coordinator]

Name of Purchase Charge Card Applicant: \_\_\_\_\_ Office Symbol: \_\_\_\_\_

Date of Contact (by phone/personal contact; no e-mail) with M/SECURITY: \_\_\_\_\_

Name of M/SECURITY Point of Contact: \_\_\_\_\_

Name of Purchase Charge Card Program Coordinator: \_\_\_\_\_

\*\*\*\*\*

SCORE RESULTS COMMUNICATED BY M/SECURITY: Check [X] as applicable

\_\_\_\_\_ A SCORE OF 660 OR HIGHER.

Next Action: Process for standard purchase charge card without restrictions. Issue Form IBB-0090a to Applicant.

\_\_\_\_\_ A SCORE BETWEEN 500 AND 660

Next Action: Process for purchase card with restrictions. Issue Form IBB-0090b to Applicant.

\_\_\_\_\_ A SCORE LOWER THAN 500

Next Action: Do not process purchase card application. Issue Form IBB-0090c to Applicant.

\_\_\_\_\_ NO SCORE AVAILABLE/NO CREDIT HISTORY

Next Action: Contact M/Security for Alternative Assessment to be documented on IBB Form 0090d.

\*\*\*\*\*

\*\*\*\*\*

Dates of meetings with staff to discuss Applicant's charge card application and/or any personal financial history:

Date: \_\_\_\_\_ BBG staff members & Offices Participating in Meetings:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BROADCASTING BOARD OF GOVERNORS

TRAVEL CHARGE CARD: RECORD OF CREDIT SCORE OR ASSESSMENT RESULTS

[To be completed by the Agency's Travel Charge Card Program Coordinator]

Name of Travel Charge Card Applicant:\_\_\_\_\_Office Symbol:\_\_\_\_\_

Date of Contact (by phone/personal contact; no e-mail) with M/SECURITY:\_\_\_\_\_

Name of M/SECURITY Point of Contact:\_\_\_\_\_

Name of Travel Charge Card Program Coordinator:\_\_\_\_\_

\*\*\*\*\*

SCORE RESULTS COMMUNICATED BY M/SECURITY: Check [X] as applicable

\_\_\_\_\_A SCORE OF 660 OR HIGHER.

Next Action: Process for standard Travel charge card without restrictions. Issue Form IBB-0090a to Applicant.

\_\_\_\_\_A SCORE LESS THAN 660

Next Action: Process for travel card with restrictions. Issue Form IBB-0090b to Applicant.

\_\_\_\_\_NO SCORE AVAILABLE/NO CREDIT HISTORY

Next Action: Contact M/Security for Alternative Assessment to be documented on IBB Form 0090d.

\*\*\*\*\*

\*\*\*\*\*

Dates of meetings with staff to discuss Applicant's charge card application and/or any personal financial history:

Date:\_\_\_\_\_BBG staff members & Offices Participating in Meetings:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IBB - 0090f

31/2006

869 SUPPLEMENTAL INFORMATION FOR CHARGE CARD APPLICANTS - For additional information please see questions and answers below. Any questions regarding credit worthiness should be directed to the Purchase Card Program Coordinator in the Office of Contracts (M/C) or the Travel Card Program Coordinators in the Office of Administration (M/A) or at the Office of Cuba Broadcasting Administration Office (OCB/A) for OCB travel card applicants.

#### 869.1 OFFICE OF PRIMARY RESPONSIBILITY FOR THIS MOA

The Office of Administration (M/A) and Office of Contracts (M/C) have primary responsibility for the periodic updating of this MOA.

#### CREDIT WORTHINESS POLICY QUESTIONS AND ANSWERS

1. Q: Who is subject to a credit worthiness assessment?

A: All new charge card applicants must be evaluated for credit worthiness prior to issuance of a government charge card. A current cardholder who leaves government service and then returns will be considered a new applicant for the purposes of credit worthiness requirements. A current cardholder changing Elements within BBG will not be considered a new applicant.

2. Q: How will credit worthiness be assessed?

A: The Agency's Security Office (M/S) will obtain a credit score for new applicants from Equifax, Inc. Next, M/S will provide the credit score to the appropriate APC (for the agency Travel Card Program or Purchase Card Program). The APC will compare the score to the minimum scores required for the type of charge card the applicant is applying for (travel card or purchase card) and the APC will determine the applicant's eligibility for a standard card or a restricted card or if the applicant will be denied a charge card.

3. Q: Is there a passing score?

A: The numerical score indicates the credit risk level associated with a specific credit applicant. First time applicants will receive a charge card with standard spending limits if the applicant has a credit score of 660 or higher. Credit scoring information is contained in Section 866 of this MOA. Information on how credit bureaus determine credit scores is available at [www.myfico.com](http://www.myfico.com).

4. Q: What if my credit score is less than 660?

A: For the first time travel card applicant with a credit score of less than 660, BBG may issue a card, but more stringent restrictions will apply. For the first time purchase card applicant with a credit score between 500 and 660, the BBG may issue a card but more stringent restrictions will apply. BBG will not issue the purchase card to an applicant with a credit score lower than 500.

5. Q: What is the process if obtaining a credit score is not possible?

A: If obtaining a credit score is not possible (e.g., the applicant refuses to provide consent or does not have a credit history), the OMB policy allows agencies to issue a charge card with restrictions only after the Agency conducts an alternative credit worthiness assessment and determines that the applicant possesses a satisfactory credit history.

6. Q: In keeping with the Privacy Act, what are the record keeping requirements for credit scores?

A: The Office of Contracts (administering the Purchase Card) and the Administrative Operations Division and Office of Cuba Broadcasting (administering the Travel Card) will not keep your credit score. Only BBG's Security Office will maintain your credit score. Since the Security Office is obtaining the numerical credit score record, they are responsible for maintaining those records in accordance with the requirements of the Privacy Act.

7. Q: How will I be notified if my credit score is less than 660 required for the standard card?

A: The Office of Security will notify the Purchase or Travel Card Program Coordinator (APC) of an applicant's score. If the applicant's credit score is less than 660, the APC will notify both the charge card applicant and the applicant's supervisor of the applicant's eligibility for a restricted charge card or if the applicant has been denied.

8. Q: What is the purpose of the supervisor being notified?

A: The supervisor will need to be aware that the employee's ability to travel or make purchases may be affected.

9. Q: I received a restricted card or was denied a card. How can I get a copy of the credit report that triggered this?

A: If you are issued a restricted card, or are denied a card, you may request a free copy of your credit report by contacting Equifax Credit Information Services at (800) 685-1111. General credit scoring information is available on-line at [www.equifax.com](http://www.equifax.com).

10. Q: When are re-evaluations of credit worthiness required?

A: A credit worthiness assessment must be conducted for restricted cardholders before the cardholder is issued a renewed card. The re-evaluation of credit worthiness may be conducted by obtaining a credit score or, at the BBG's discretion, may be made by reviewing the restricted cardholder's card usage during the initial period of card issuance, i.e., entire history prior to notification of card renewal.

11. Q: How often may a credit check be obtained?

A: Applicants who were denied a charge card due to the outcome of their numerical score or alternative credit worthiness assessment, can be re-evaluated at a time deemed most appropriate by the BBG. The applicant's credit worthiness will again be evaluated based on the requirements in this MOA.

12. Q: Are there any circumstances in which credit worthiness restrictions may be temporarily lifted?

A: Yes. The credit worthiness restrictions may be temporarily lifted at the discretion of the Agency Head or his or her designee, in order to ensure the safety of American citizens and/or property (e.g., during times of national emergency, contingency, peacekeeping, or humanitarian missions).

13. Q: Will my government charge card restrictions affect my credit?

A: If you receive a government travel charge card with restrictions, your restrictions will not be included in your credit report. Regarding travel cardholders, however, if your travel charge card is cancelled due to your delinquency, your delinquency may be reported as a bad debt.

14. Q: Will requesting a credit check affect my credit rating?

A: One credit inquiry will not significantly affect your credit rating.

Attachment

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MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART IV ADMINISTRATIVE SERVICES, 800 MISCELLANEOUS SERVICE

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PART IV ADMINISTRATIVE SERVICES, 900 ADMINISTRATIVE SERVICES - OVERSEAS  
Section 910

TRAVEL-FOREIGN SERVICE PERSONNEL

911 Foreign Service Travel Regulations

912 Travel Authorities

914 Voucher Certification - Government Lodging

Section 910

TRAVEL - FOREIGN SERVICE PERSONNEL

911 FOREIGN SERVICE TRAVEL REGULATIONS

The Uniform State Foreign Service Travel Regulations (FSTR) published in the Foreign Affairs Manual (6 FAM 100) of the Department of State apply jointly to Foreign Service personnel of the International Broadcasting Bureau, the Agency for International Development, and the Department of State.

912 TRAVEL AUTHORITIES

Although the Foreign Service Travel Regulations are issued jointly, there are certain provisions that apply only to Broadcasting and others only to State or AID. A number of differences occur in the provisions dealing with the delegations of travel authorities. The provisions applicable to the travel authorities of the heads of overseas establishments are contained in 6 FAM 121.2. They are based on authorities delegated in writing by the Broadcasting Director.

914 VOUCHER CERTIFICATION - GOVERNMENT LODGING

The following certification will be typed on all vouchers submitted for overseas travel expenses (FS-286) and will be initialed by the Traveler.

"I certify that I have not used Government-furnished quarters either directly or indirectly as a guest of an individual who occupies Government-furnished quarters except as indicated herein."

Travelers are reminded that a 50% per diem reduction is required when lodging in Government-furnished quarters is provided to a traveler directly or indirectly as a guest of an individual who occupies Government-furnished quarters (Government-owned, leased, or quarters funded through quarters allowances).



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PART IV ADMINISTRATIVE SERVICES, 900 ADMINISTRATIVE SERVICES - OVERSEAS  
Section 930

ACQUIRING ADMINISTRATIVE PROPERTY, SUPPLIES, AND EQUIPMENT

931 Scope

932 Policy

933 Limitations on Purchases

- 933.1 From Any Source, Foreign or Domestic
- 933.2 Outside of the U.S.

934 Administrative Supplies, Property, and Equipment

- 934.1 Supplies
- 934.2 Property and Equipment

935 Program Supplies and Equipment

Section 930

ACQUIRING ADMINISTRATIVE PROPERTY, SUPPLIES, AND EQUIPMENT

931 SCOPE

This Section describes the ways and means by which overseas establishments acquire administrative property, supplies, and equipment. Also included are references to other parts of the MOA that cover similar information for program equipment and supplies.

932 POLICY

It is policy to purchase property, supplies, and equipment in the most economical manner consistent with operational and regulatory requirements.

Overseas establishments are encouraged to explore all sources of supply - U.S., local, and third country. For vehicles, see para 933.1 below, and for limitations on local and third country procurement of foreign end products see para 933.2 below).

### 933 LIMITATIONS ON PURCHASES

933.1 From Any Source, Foreign or Domestic - Prior approval from Washington is required for purchase of any type of motorized transportation regardless of country of manufacture.

#### 933.2 Outside of the U.S.

a. The Balance of Payments Program restricts local or third country purchase of a foreign product or service costing more than \$25,000 by requiring a determination based upon a comparison of the total cost of the foreign product with the estimated delivered cost of the comparable U.S. product, and by requiring approval as discussed in para. 933.2a (2) below.

(1) Cost Comparison - A foreign product may be procured only when the cost of the U.S. product (packing and shipping costs included) is greater than 150% of the foreign product's cost.

#### (2) Approvals

(a) Prior approval by the (Director, Office of Contracts ) is required before a foreign product can be purchased which meets the cost differential test explained in para. 933.2a(1) above.

b. Exceptions from the Balance of Payments Program include (1) any foreign product whose estimated cost is not more than \$25,000 or (2) procurements using excess foreign currencies. See Department of State Acquisition Regulation (DOSAR 625.1 for additional details and other possible exceptions.)

### 934 ADMINISTRATIVE SUPPLIES, PROPERTY, AND EQUIPMENT

#### 934.1 Supplies

a. Common Use Administrative Supplies - Office supplies such as pencils, pens, paper clips, lined pads, staplers, carbon paper, stationery envelopes etc., that are used by both Broadcasting and the Embassy should be furnished as needed by the Embassy. These common use supplies are funded under ICASS and not charged to GOE.

b. Other Administrative Office Supplies - primarily used by a Broadcasting establishment are funded from GOE and acquired through the Embassy GSO. Supplies may be purchased locally or through a third country when in compliance with paragraph 933.2 or DOSAR 6-6.8.

#### 934.2 Property and Equipment

a. Procurement Through Embassy GSO

(1) Office Space - The purchase of office furniture, furnishings, equipment, generators and window or split unit air conditioners should be funded from GOE. If procurement is to be made in a local or third country, see para. 933.2 above. For vehicles see para. 933.1 above and IV-960

(2) Requests for service or assistance concerning equipment initially purchased through the Embassy GSO or directly from overseas distributors should be directed to those sources.

b. Procurement Through Washington

(1) - When circumstances prevent procurement through the Embassy GSO, submit requests with pertinent details and GOE fiscal data to Washington. Requests for office furniture, computer supplies (such as paper, labels, diskettes, printwheels, ribbons, disk packs, computer vacuums, and acoustical covers), and vehicles should be referred to the appropriate Washington element.

(2) - Requests for information processing equipment (word processors, mini-computers, CRT display terminals) should be referred to the Office of Computing Services. CIO approval is required for the purchase of information processing equipment whether purchased overseas or stateside.

c. Procurement by Broadcasting overseas establishments - Where it has been determined that the Broadcasting staff can more economically effect procurement operations (as opposed to ICASS charges for Administrative Support) purchases, from local, third country, U.S. (including GSA), may be authorized by the appropriate Washington element.

935 PROGRAM SUPPLIES AND EQUIPMENT

These items are usually procured through the appropriate Washington element or a control office.

International Broadcasting Bureau  
Manual of Operations & Administration

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PART IV ADMINISTRATIVE SERVICES, 900 ADMINISTRATIVE SERVICES - OVERSEAS

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PART IV ADMINISTRATIVE SERVICES, 900 ADMINISTRATIVE SERVICES - OVERSEAS  
Section 950

OVERSEAS PERSONAL PROPERTY MANAGEMENT

951 Procedures and Scope

- 951.1 Applicability of the Foreign Affairs Manual
- 951.2 Scope

952 Definitions

- 952.1 Definitions of Personal Property

953 Responsibilities

- 953.1 Heads of Overseas Establishments
- 953.2 Accountable Property Officers
- 953.3 Other Employees
- 953.4 Property Survey Boards
- 953.5 Control of Accountable Property

954 Control of Expendable Property or Supplies

- 954.1 Purpose
- 954.2 Methods of Control

955 Inventory Control of Accountable Property

- 955.1 Coverage
- 955.2 Marking Property
- 955.3 Legal Requirements
- 955.4 Procedures for Property Accountability
- 955.5 Annual Audits

956 Loaning Property

- 956.1 Authority and Responsibility
- 956.3 External Loans

## 957 Property Survey Board

## 958 Disposal of Accountable Property

- 958.1 General
- 958.2 Disposal Categories
- 958.3 Standard Condition Codes
- 958.4 Approval Requirements for Disposal
- 958.5 Methods of Disposal

## 959 Reporting Disposals

- 959.1 Identification of Property Disposals
- 959.2 Disposal Documentation Required
- 959.3 Deposit and Recording of Sales Proceeds

## 951 PROCEDURES AND SCOPE

951.1 Applicability of Affairs Manual - The Foreign Affairs Manual (6 FAM 220 - 230, Personal Property Management ) concerning control, maintenance, and loss or damage of personal property applies to overseas establishments, except as modified or replaced in this Section and MOA IV 720 to accommodate Broadcasting's requirements on personal property management.

951.2 Scope - This Section applies to all overseas establishments. It covers accountability for all non-expendable personal property except certain expendable program materials retained or distributed in the course of operations.

See MOA IV-960 (Procurement and Inventory of Motor Vehicles) for regulations covering motor vehicles.

## 952 DEFINITIONS

952.1 Personal Property - Personal property is classified as either program property, administrative property, or vehicles. Classification of personal property items as expendable or nonexpendable will determine the appropriate procurement, disposal, and accountability procedures to be used.

a. Expendable Personal Property - Items which, when used or consumed, lose their identity, or normally become a component part of other property; and items with an expected useful life of less than two years.

b. Nonexpendable Personal Property - Individual items of personal property which are complete in themselves, do not lose their identity or become a component part of another item when put into use, have an expected useful life of two years or more, and have an acquisition cost of \$1000 or more, or which are considered Sensitive (see 6 FAM 221.5).

Nonexpendable personal property is divided into Administrative and Program property. Administrative property includes all office and residential furniture, furnishings, household appliances, and standard office equipment. Program property is all Broadcasting-owned accountable property of a technical or specialized nature that is usually acquired to

carry out a particular phase of an overseas location's program operation. Vehicles are considered program property.

c. Capitalized Personal Property - Nonexpendable personal property which has a useful life of two years or more and an item acquisition value of \$5,000 or more. This property is recorded in the general ledger accounts.

d. Sensitive Property - Nonexpendable personal property that is controlled by detailed accountable property records, regardless of acquisition cost, because of its high probability of theft or misuse. Sensitive property is, by its nature, subject to theft or loss, or is difficult to differentiate from commonly used commercial items, and is therefore subject to more stringent controls. To record the condition and fix the responsibility for care by the custodians to whom this property is loaned it must be recorded on an item by item basis, regardless of purchase price.

Sensitive program property includes:

Weapons, typewriters, cameras & lenses, telecopiers, two-way radios, video recorders, portable test equipment, receiver/monitor, (TV sets) audio recorders, (excluding handheld or microcassette recorders) computer-related equipment such as minicomputer, CPUs, modems, hard disk drives, (not installed in CPUs, printers) repeaters/boosters, controllers, multipurpose controls, scanners, and plotters.

This list does not preclude control of other equipment. A manager may elect to designate as Sensitive and control items not included above, as a result of circumstances specific to an overseas establishment.

e. Expendable Personal Property - Items which, when used or consumed, lose their identity, or normally become a component part of other property; and items with an expected useful life of less than two years.

## 953 RESPONSIBILITIES

### 953.1 Heads of Overseas Establishments

a. The head of each overseas establishment is responsible for the control, preservation, and maintenance of non-expendable administrative and program property assigned to that particular establishment.

b. The head of the overseas establishment plans an orderly schedule of replacement for accountable property. He or she anticipates replacement of both types of property in the budget submission and reserves funds for this purpose in the General Operating Expense (GOE) allotment. Disposal of property is covered in paragraph 958 below.

c. Although the accountability and inventory control of property may be maintained by the administrative staff of the Embassy or Consulate as part of Administrative Support in the ICASS agreement, the head of the overseas establishment is technically the accountable property officer and should ensure that such functions are properly performed. This

includes an accurate transfer of accountable property assets to a successor.

d. The head of an overseas establishment is the Accountable Officer for property assigned to the establishment. This responsibility may be delegated to the Executive Officer if the position exists. In large overseas establishments where there are officers responsible for a specific program and its property, an assistant Accountable Officer may be designated for that property.

953.2 Accountable Officers - The Accountable Officer and designated assistant Accountable Officers at each establishment are responsible for:

a. Custody, care, and safekeeping of all property for which they are accountable.

b. Maintaining property records.

c. Annual audits (physical inventories) of the overseas establishment's property assets.

d. An audit prior to the Station Manager's or Correspondent's departure from the overseas establishment; and audit upon arrival at an overseas establishment, to verify the inventory of accountable property.

e. Reporting accountable property that is unserviceable or no longer needed. See paragraph 958.4b for required disposal authorization.

f. Reporting to the Embassy Property Survey Board (see par. 957) all lost, stolen, destroyed, or damaged property. The term "destroyed" does not include property authorized for destruction under the provisions of paragraph 958.5g. See 6 FAM 226.5.

g. Supervising the annual audit (physical inventory) of accountable property as necessary to verify the records.

953.3 Other Employees - Each employee is responsible for the proper use and protection of Government property in his/her custody, and is financially liable for loss or damage of such property if due to willful neglect, misuse, or carelessness. Except in emergencies threatening loss of life or property, or when otherwise authorized by law, property must not be used for any purpose other than in the performance of official duties. An employee will not appropriate for personal use any property that has been officially approved for abandonment or destruction unless specific permission is given in writing by an authorized official (also see par. 958.5d(2)b, Bids by U.S. Government Employees). Each employee to whom property is entrusted or assigned for official use is accountable for that property. As requested by Accountable Officers, employees will conduct or assist in conducting audits of property.

953.4 Property Survey Boards - Embassy or Consulate Boards of Survey, under administrative support ICASS agreements, may act for the head of an overseas establishment in investigating and fixing responsibility for property that is lost, stolen, destroyed, or damaged (see par. 957). See



6 FAM 226.5-2. If the staff of American officers is sufficiently large to provide the three persons required, the Accountable Officer may convene a Board from Broadcasting personnel.

#### 953.5 Control of Accountable Property -

a. Single Point of Contact - The Office of Administration is the issuing and receiving office for the annual property audit request, which includes all of the overseas establishment's accountable property items. The Office of Administration's responsibilities include: (1) insuring that the appropriate Washington element processes the update diskettes received for all accountable properties purchased or acquired overseas; (2) preparing the exceptions report of items listed in the previous audit but not found in the current year's audit; (3) distributing the report to the overseas establishment, the appropriate Washington element, and the Office of Inspector General; and (4) corresponds with Washington elements and overseas establishments as necessary to ensure accuracy of property records.

#### b. Control by Overseas Establishment

(1) Vehicles - are individually recorded when received or when title is otherwise acquired. For other details concerning vehicles see MOA IV 960. Vehicles are controlled by the appropriate Washington element and the Office of Administration.

(2) All Other Accountable Property - The Accountable Officer at each overseas establishment ensures the accuracy and timeliness of property records by designating an American officer or direct hire FSN to maintain the records, and to verify the location of property items by an audit no less than annually.

#### 954 CONTROL OF EXPENDABLE PROPERTY OR SUPPLIES

954.1 Purpose - The head of each overseas establishment should determine whether records are necessary for expendable property or supplies. Expendable supply records may be useful when such supplies are stocked in quantities sufficient to justify control (more than 30 days' supply) or whenever cost of a particular expendable item justifies control. The records provide a running inventory for the item, permit establishing a reordering level timed for low-cost surface shipment, enable determination of proper excessive usage, and provide accurate information for reordering by name, part, model, stock number, etc. Proper stock control will prevent the unwarranted accumulation of large stocks of slow moving or obsolete items.

954.2 Methods of Control - Stock control cards are available for this purpose. Supply records are not required for cupboard stock used to meet immediate internal requirements, usually not to exceed a 30-day supply.

#### 955 INVENTORY CONTROL OF ACCOUNTABLE PROPERTY

955.1 Coverage - All accountable property costing \$1000 or more or considered Sensitive, regardless of the overseas location, is subject to

inventory control. Property held by an overseas establishment under lease or loan must be controlled to ensure proper management and disposition of the property, and should be barcoded and included in inventory records for the duration of the loan or lease.

#### 955.2 Marking Property

- a. Accountable Property will be identified by a barcode label.

955.3 Legal Requirements - Public Law 863 - 84th Congress requires that the accounts of Government agencies be maintained on an accrual basis to show the resources, liabilities, and costs of operations, and that agency accounting systems include adequate monetary property accounting records.

#### 955.4 Procedures for Property Accountability -

- a. Heads of overseas establishments are Accountable Officers (AOs).
- b. Property management functions may be delegated, but the final responsibility is the head of an overseas establishment. Physical control of accountable property may be delegated to an American officer, but not to a Foreign Service National. However, administrative control may be delegated to a Foreign Service National.
- c. The Accountable Officer is responsible for all aspects of property management from receipt of an asset up to but not including disposal. The Accountable Officer must request authorization from the appropriate Property Control Office in Washington, for all deletions in fair condition or better, and for all proposed trade-ins.
- d. Before authorizing a disposal, the PCO will ensure that the asset is not needed at another Broadcasting location. Written authorization must be provided to the overseas installation, to be considered official.
- e. Overseas establishments must maintain all appropriate documentation concerning the status of accountable items for examination by OIG auditors for 6 years from data of disposals for items costing \$25,000 or more, and for 3 years for items costing under \$25,000. NOTE: Items transferred to the Embassy GSO for eventual sale are still maintained on inventories until the Embassy provides documentation of the sale.

#### 955.5 Annual Audits

- a. The heads of overseas establishments will ensure that an audit (that is, a physical inventory) of all accountable property is conducted every year. Audits may be conducted by barcode scanner, if available, or by visual inspection. Audits will be entered into inventory records.
- b. When requested, the Embassy/Consulate property staff may conduct all or part of the annual audit. Whatever portion of the audit the Embassy/Consulate does not cover must be performed by the staff, regardless of ICASS provisions to reimburse State.

#### 955.6 Non- Personnel Posts

a. When all personnel are temporarily withdrawn from an overseas installation, and time permits, a report of accountable property should be given to the GSO so that the property can be reclaimed when personnel return.

b. When all personnel are permanently withdrawn from a post, accountable property would preferably be transferred to State. If feasible, the appropriate Washington element may alternatively request that State enter accountable property into its property system (NEPA) and maintain the records as part of the ICASS agreement.

## 956 LOANING PROPERTY

956.1 Authority and Responsibility - Accountable property may only be loaned in accordance with approved practices. AOs are responsible for the temporary loan of property, and for any loss or damage that may be sustained, unless the loan was made in accordance with para. 956.3, below.

### 956.3 External Loans

a. Purpose and Authorization - The dissemination of information through external loans to local government sources, private organizations, and individuals interested in actively supporting the overseas programs has proved to be an effective means of augmenting programs. To utilize these overseas outlets, it may be advisable to lend items such as motion picture, recording and playback equipment, etc. to local cooperating groups or individuals. Authorization for these loans is contained in Public Law 402, 80th Congress. See para. 951.2 concerning expendable program materials. In some instances, a grant may be preferred.

b. Policy -Overseas establishments are encouraged to develop, whenever possible, additional opportunities for increasing the dissemination of information programs and may, at their discretion, lend without deposit accountable property items to local sources and to contractors when they can perform their task more efficiently because of such loans. The following questions are relevant in determining when loans are justified:

(1) Is the intended audience within Broadcasting's priority objectives?

(2) To what extent will Broadcasting audiovisual materials be used on the loaned equipment?

(3) Would the borrower be able to use Broadcasting audiovisual materials if Broadcasting did not furnish the equipment? NOTE: Whenever feasible, borrowers should be encouraged to provide any equipment necessary for use with audiovisual materials.

c. Recording Loans of Accountable Property - AOs must obtain receipts for all loaned property and enter pertinent information in the Comments section of the item's Property record. The AO should keep the signed copy of each receipt on file until the property has been returned. When, in the opinion of the head of an overseas establishment, it is not advisable to request a signed receipt from the borrower, the loan may be made, but

the Property record notation, explaining the circumstances, is still required.

d. Loan Period

(1) General Guidelines - Maximum use of program equipment can usually be achieved through short term loans of up to 30 days. However, loans may be authorized up to 90 days when the overseas establishment has assurance that the equipment will be used during the entire period to further program objectives. When circumstances justify renewal of the loan, the original equipment should be returned and exchanged for like equipment if available. With loans limited to a definite period, maintenance personnel will be able to keep the equipment in repair, and closer control over the use of the equipment is achieved.

(2) Special Loans - The Head of the establishment may personally authorize a loan not to exceed one year in exceptional circumstances if the loan would be of prime importance to Broadcasting. The termination date must be specified in the loan agreement. The agreement should provide for preventive maintenance and supervisory checks at suitable intervals. If it is to Broadcasting's advantage to renew a special loan, arrangements should be made to substitute like equipment bearing different serial and barcode numbers.

Instead of long-term loans to State/Marine Corps or other USG agencies, the preferred procedure is a property transfer by memorandum, with appropriate entries in the item's Property record.

e. Inspections - Periodic maintenance checks and inspections of loaned property should be made to prevent misuse and undue deterioration of the equipment.

f. Indefinite Loans - All property should be loaned for a specified length of time and renewed after appropriate periodic review. Indefinite loans are not permitted.

957 PROPERTY SURVEY BOARD

As stated in paragraph 953.4, Embassy or Consulate Boards of Survey, under administrative support ICASS agreements, may act for the overseas establishment in investigating and fixing responsibility for Broadcasting property that is lost, stolen, destroyed, or damaged (see 6 FAM 226.5-2). If the staff of American officers is sufficiently large to provide the three persons required, the Accountable Officer may convene a Board from Broadcasting personnel.

The term "destroyed" does not include property destroyed under the provisions of para. 958.5f, Disposal by Cannibalization and Destruction. A Property Disposal Authorization and Survey (Form OF-132) containing the available facts should be prepared immediately after a loss occurs for submission to the Board of Survey. Each item of property involved should be identified in accordance with para. 959.1. Once the Board has rendered its judgment, the item(s) may be removed from Property Inventory. A copy of the Survey Report, completed and executed, should be retained in the

overseas establishment's files. The original should be forwarded to the appropriate element in Washington.

#### 958 DISPOSAL OF ACCOUNTABLE PROPERTY

958.1 General - The AO will make periodic inspections of accountable property to verify utilization and serviceability, and initiate appropriate action when property is determined to be in poor condition or is excess to requirements. Before disposing of any item, the AO must determine that clear title exists. The AO (or designee) will evaluate the condition of proposed disposals. Disposal of items in fair condition or better, and items to be used as trade-ins, require authorization from Headquarters. Items considered to have no useful life and/or in poor condition, or where repair is unavailable or too costly, does not require prior authorization but must be reported to Washington and deleted from the Property records.

958.2 Disposal Categories - The applicable uniform regulations for the disposal of Government property are contained in 6 FAM 220-230. Property is identified as Replacement or Foreign Excess in disposal documents. Most property qualifies as replacement-type property. Additional information follows.

a. Replacement Property - This refers to an item that is in continuing usage by one or more establishments throughout the world. Proceeds resulting from the sale of principal or major items of replacement property in most instances are available for element to use to purchase new "similar" property. The proceeds are deposited in the element's GOE.

b. Foreign Excess - Use of the word "excess" in overseas sales and disposal documents requires Washington authorization that the particular property is excess to the needs of the entire element, as distinguished from excess at a single location. Accountable property will not be disposed of as Foreign Excess without specific (PCO, element office) authorization. Funds from the sale of Foreign Excess property are not available for reuse by the Agency and are deposited as General Fund Receipts (see para. 959.3b).

#### 958.4 Approval Requirements for Disposals

a. (1) Element authorization is required for the disposal of accountable property other than furniture, furnishings, appliances and equipment (FFA&E; see 6 FAM 770), to ensure that disposal rather than repair or transfer is most appropriate under the circumstances. Specialized technical or electronic properties may sometimes be repaired at a fraction of the cost of new equipment. Sufficient details should be provided to enable the Property Control Office to diagnose a specific problem and estimate repair costs before authorizing a disposal. Other required approvals include any other elements which have an interest in the item. Vehicle disposals are approved by the element head and the Office of Administration.

(2) Equipment once authorized for disposal should not be used again by the overseas establishment. Inspectors and auditors will check to confirm compliance.

(3) The overseas establishment should send the disposal request to the appropriate PCO.

The request must contain the item name, manufacturer, model number, serial number, and barcode number. The sender must briefly describe the condition of the property or assign a condition code. When appropriate, the sender should recommend the method of disposal (sale, transfer, repair, destruction, grant, etc.) based upon such factors as suitability for sale in the host country, anticipated sales proceeds, present condition, availability of parts and repair in host country, etc.

(6) The PCO will authorize the method of disposal, specify the account for deposit of proceeds if sale is authorized, and indicate the documentation needed.

(7) If final disposition is to be made (by destruction, transfer, grant, donation, trade-in, Board of Survey report), a memorandum acknowledging the final disposal by the establishment, or the completed Survey Form, is needed by the Washington element and the Office of Administration.

(8) If authorized for disposal through the Embassy/Consulate property disposal facilities by sale or other means, a copy of the Washington authorization should accompany the memo to the Embassy Disposal Officer. If the property is to be sold, the Washington authorization will identify the account to which the proceeds should be deposited.

(9) Disposal delivery of property to the Embassy/Consulate Property Disposal Officer, a Custody Receipt bearing the current date and a signature acknowledging receipt of the items must be obtained. The Custody Receipt identifies each article of property, references the memorandum (para. 8, above), and the letter of authorization (para. 6, above). If property of more than one Agency PCO is involved, separate receipts should be executed. In addition to identifying each item of property, the Custody Receipt will read as follows:

"I acknowledge receipt of the items listed herein for disposal in accordance with the attached authorization, or otherwise in accordance with MOA IV-950. Return of this property to the custody of the Broadcasting overseas establishment is prohibited unless for emergency use evidenced by written request bearing the signature of the head of the establishment, with concurrent notification to the appropriate Washington element.

Date	Embassy/Consulate	Property Disposal Officer
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(10) Retain the Custody Receipt at the overseas establishment.

Major items of accountable property to be sold or otherwise disposed of, as identified by the Property Control Office in the authorizing document, will remain in the establishment's inventory until final sales documents

are received from the Embassy/Consulate Budget and Fiscal Section (see para. 959), or until other appropriate disposal documents (grants, Certificates of Destruction, etc.) have been finalized. Overseas establishments should endeavor to expedite the disposal of such property and promptly forward the required disposal documents to the appropriate Washington element.

Once the disposal process is complete, the overseas establishment may remove the item from its Property inventory.

#### 958.5 Methods of Disposal

Property may be disposed of by memorandum transfer to another U.S. Government agency overseas; by sale or exchange (trade in); or by grant, destruction, abandonment, or described below and in accordance with prior Washington approval requirements (see para. 958.4, above). The overseas establishment will ensure that such disposal action does not violate any existing treaties or agreement. In determining the method of disposing of property, the overseas establishment will seek to obtain the maximum possible advantage to the U.S. Government.

##### a. Disposal by Transfer or Exchange within the U.S. Government

(1) Transfer or Exchange between Overseas Establishments - An establishment may authorize the transfer or exchange of property between subordinate offices of that establishment. Prior authorization is required to transfer accountable property from one location to another. The receiving location will pay all shipping costs.

(2) Transfer to Other U.S. Government Agencies - Property authorized by an overseas establishment for disposal may be transferred to other U.S. Government agencies overseas, as described in 6 FAM 227.3-2. Transfer shall be made upon the terms agreed to by the USG agencies; the offering agency shall not require reimbursement greater than the best estimate of gross proceeds if the property were sold competitively, plus any transportation and freight forwarding costs. Overseas establishments should ensure that the other agency's representative has authority to receive the property.

##### b. Disposal by Sale or Exchange (Trade-in)

(1) Use of Exchange or Proceeds of Sale - Property authorized for disposal (para. 958.4) may be offered for sale, or exchanged. When property is disposed of by sale, and is not excess, salvage or scrap but is a major replaceable item, any exchange (trade-in) allowance available may be used to acquire identical or similar new property. The use of proceeds from the sale of major replaceable items is controlled by the appropriate Washington element.

##### (2) Sales through Bids

(a) Soliciting Bids. Embassy/Consulate administrative staffs, will solicit bids when selling property (6 FAM 220-230), except when experience has shown that such solicitation would clearly be ineffective

in increasing the return to the U.S. Government, or when determined by the head of the overseas establishment to be to the disadvantage of the U.S. Government. Where the Embassy/Consulate does not provide this service, Broadcasting staff must execute solicitation procedures.

(b) Bids by U.S. Government Employees. U.S. Government employees may only submit bids in property disposal sales that are held on a competitive bid basis, and provided that collusion or fraud is precluded by adequate administrative controls and safeguards.

(c) Disposal by Donation - If property cannot be disposed of by one of the methods in the preceding paragraphs and it has little or no commercial value, or the cost of handling or storage would exceed the estimated proceeds from sale, it may be considered for donation. "No commercial value" means that the property has no market value either for the purpose for which it was originally intended or for use as an entity for any other purpose (see 6 FAM 230).

(d) Disposal by Cannibalization and Destruction - Electrical and/or Mechanical Equipment - Where disposal of property by transfer, sale, or grant is not practical due to the property's condition, low sales potential, or other unfavorable circumstances, and the value and condition of useful parts and components are high enough to justify the time and labor required to remove them, the property may be dismantled to obtain the useful parts as replacements in other identical or similar property. The unusable parts should be destroyed or rendered inoperable before discarding.

In the case of motion picture projectors or other audiovisual equipment, destroy the amplifier and main body casting. Property destroyed as above must be identified on a Certificate of Destruction ), which is sent to the appropriate Washington element. A copy will be retained at the overseas establishment. An unauthorized destruction caused by negligence, abuse, or carelessness must be documented for the Property Survey Board in accordance with para. 957, above.

g. Disposal by Abandonment - Abandonment, or discarding as trash, is used as a last resort, that is, after all disposal possibilities, including donation and sale as scrap, have been exhausted. The property should first be rendered completely inoperable. See 6 FAM 227.3-6 for further details.

h. Disposal of Obsolete Seals, Flags, Insignia, Signs, etc. -see 6 FAM 227.4.

#### 959 REPORTING DISPOSALS

959.1 Identification of Disposals - Disposals must be included or referenced in the disposal documents required by paragraph 959.2 below. Vehicle and Accountable Property identification information is available in the overseas establishment's Property Inventory . The information needed is as follows;

(1) Property description; specify item, make, and model.



(2) Serial number, barcode number, and Federal Supply Classification (FSC) number.

#### 959.2 Disposal Documentation Required

a. Disposal by Sale - Each disposal action from which proceeds are realized must be documented by a sale agreement (contract) and a completed Form SF-1036, Statement and Certificate of Award. The agreement must bear the date of sale and state that any duty or sales tax will be paid by the purchaser. Information identifying the property sold (para. 959.1 above) must appear within the sale agreement or covering memorandum.

(1) Information Needed in Memorandum or Sale Agreement - Unless appearing in the sales agreement, the covering memorandum to the appropriate Washington element must provide the following information:

The dollar amount received, or the amount in dollars as converted from the local currency; The total amount in dollars, minus any sales expenses, deposited to the authorized account; The overseas establishment's request and the document authorizing the sale; and The property identification (para. 959.1), to enable the element to use sales proceeds to purchase replacement properties.

(2) Sales Document - A signed original and one copy of the completed Form SF-1036 must be forwarded by covering memorandum to the appropriate Washington element. Subsequent distribution of sales documents by the element is made within 5 working days to the Property Control Office (Office of Administration).

b. Documentation for Property Disposals by Means Other Than Sale - Lost, stolen, destroyed, or damaged accountable property should be processed through the Embassy Property Survey Board (para. 957). The original of the OF-132 should be sent to the appropriate Washington element.

Properties or vehicles authorized for disposal by means other than sale (scrapping, destruction, abandonment, grant, etc.) should be reported by memorandum when finally disposed of; the property will be identified as in para. 959.1 above.

International Broadcasting Bureau  
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NOTICE

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MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART IV ADMINISTRATIVE SERVICES, 900 ADMINISTRATIVE SERVICES - OVERSEAS  
Section 970

OFFICE AND RESIDENTIAL QUARTERS ABROAD

971 Management of Government-Held Property

972 Short Term Leased Space

- 972.1 Prior Washington Approval
- 972.3 Procedures
- 972.4 Abrogation of Leases
- 972.5 Unacceptable Justification
- 972.6 Penalty for early Termination
- 972.7 Interagency Housing Boards
- 972.8 Tandem Couples
- 972.9 Negotiation Tactics
- 972.10 Diplomatic Escape Clause
- 972.11 Restoration and Alteration Clauses
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- 972.13 Documentation
- 972.14 Lease Proposals

974 Security Expenses

975 Minor Capital Improvements, Alterations and Major Repairs

976 Furniture, Furnishings, Appliances and Equipment For Residential Quarters

- 976.1 FFA&E
- 976.2 Maintenance, Repair and Purchase of Accessories for Swimming Pools

977 Reports on Government-Owned Property

978 Reporting Overseas Real Property

978.1 Background  
979.2 Procedures

## SECTION 970

### OFFICE AND RESIDENTIAL QUARTERS ABROAD

#### INTRODUCTION

The following has been issued and is discussed in detail as UNIFORM STATE REGULATIONS "6 FAM - GENERAL SERVICES UNIFORM REGULATIONS."

#### 971 MANAGEMENT OF GOVERNMENT-HELD PROPERTY

SEE 6 FAM 720 for detailed regulations regarding management of Government-held property.

#### 972 SHORT-TERM LEASED SPACE

Short-term leases are for a period of less than ten years. The number of renewal periods does not change the designation of a short-term lease, as long as the basic term of each lease renewal period is less than ten years.

Only one approval from the appropriate Washington element is required prior to execution of each lease as indicated in the following paragraphs. The appropriate Washington element should ensure that adequate funds are available and that the Office of the General Counsel has reviewed the lease.

972.1 Prior Washington Approval - Washington approval is required for all overseas leases regardless of rental rate. Complete justification is required for:

- a. Execution of new leases.
- b. Renewals exceeding 20 percent rent increase, and annual rent more than \$25,000.
- c. Renegotiation or amendments that change the lease term(s).
- d. Assumptions, transfer or reassignment of other USG leases or USG owned property.
- e. Termination before regularly scheduled date.

An information copy of all executed leases should be furnished to the appropriate Washington element.

#### 972.3 Procedures

When a relocation is required, the following offices will be involved:

The appropriate Washington element will review the current lease for termination rights and funding requirements.

Security will review the proposal to determine what type of co-location waiver is required. Security will also review the RSO inspection of the property.

(1) Overseas establishment must develop a program definition which outlines space and program requirements.

(2) From the program definition, overseas installation must develop a needs assessment outlining the amount of space required.

(3) Overseas installation must do a market survey to find the least expensive suitable property that will meet its needs.

(4) Obtain RSO inspection and approval of property.

(5) Submit lease request according to current lease format provided by cable periodically.

b. Residential Space

Submit lease request according to current lease format provided by cable periodically.

#### 972.4 Abrogation of Leases

a. The Comptroller General has ruled that no U.S. government employee may relinquish a valuable lease or other contract right unless the USG has received a substantially equal consideration or benefit in return.

b. Termination of leases is strongly discouraged because premature lease cancellation unduly escalates overhead costs and is wasteful of any improvement investments previously made in our properties.

c. Therefore, overseas installations must obtain element authorization before terminating valid leases or electing not to exercise firm renewal options.

#### 972.5 Unacceptable Justification

Any change not primarily motivated by better serving USG interests does not constitute compelling justification for lease termination. The following are examples of unacceptable justifications received from posts requesting early lease termination.

a. Landlord refusal to make personal preference changes.

b. Exchanging adequate location site for "better" location.

- c. Exchanging adequate quarters for "better", "more functional" or "more representational" quarters.

#### 972.6 Interagency Housing Boards

- a. Interagency Housing Boards have been established to insure that the Department's uniform Housing policies are administered equally for all USG employees.
- b. Actions taken by The Interagency Housing Boards should not be contrary to Broadcasting authority. Similarly, overseas installations may not take actions which are contrary to Mission Housing Board procedures.

#### 972.8 Tandem Couples

Tandem couples, both of whom are assigned to the same post, will be granted the space authorization for the senior member of the couple

All rental and utility costs will be shared equally by the respective parent agencies. All other costs should be shared on an equitable basis determined by the agencies.

#### 972.9 Negotiation Tactics

The following can be used as bargaining tactics where local law permits and when a clear benefit will be returned to the USG.

- a. US Dollar contract.
- b. Advance payments for one year [See 6 FAM 731.3-4]

#### 972.10 Diplomatic Escape Clause

- a. All leases must include, at a minimum, the normal diplomatic escape clause outlined in 6 FAM 734.1.
- b. For all leases, it is in the best interest of the USG to include a clause allowing for early termination when the property becomes excess to USG needs.
- c. For residential leases, the contracting officer must make every effort to include a clause allowing for termination upon transfer of the employee.

#### 972.11 Restoration and Alteration Clauses

- a. Refer to 6 FAM 734.1 (14 and 15) for complete wording. All leases should include a clause allowing alterations and renovations to the leased space. Leases should indicate that USG will leave the property in "broom clean" condition, and include a waiver from restoration requirements. If and only if the landlord demands restoration of the premises, a clause may be added which indicates that the USG will restore the premises to the same condition as that existing at the time when the USG assumed responsibility for

the property, normal wear and tear excepted. Be sure lease documents contain the exact condition of the premises so a proper level of restoration can be determined.

#### 972.12 Other Clauses

- a. Specify the condition of the space to be leased.
- b. Specify date that USG has access to property (this time would be for repair and renovation work to be done prior to effective date of lease and payment of initial rent).
- c. Clearly outline all repair/renovation and security work to be done to space.

972.13 Documentation - When a new lease is approved and executed the overseas installation should submit the following:

- a. A copy of the executed lease (renewal or transfer document, with the lease and property inventory numbers).
- b. Photographs (for new properties only).
- c. Floor plans (for new properties only).
- d. Copy of document authorizing the lease action.
- e. Position title of the occupant.

#### 972.14 Lease Proposals

The Department of State periodically issues worldwide telegrams which provide questions which must be answered before a lease request can be approved. Unless or until the BBG has its own regulations, overseas installations will follow the FAM.

#### 974 SECURITY EXPENSES

- a. Security Guards may be administered through the U.S. Embassy contract and approved by the Regional Security Officer.
- b. Funding for all other security requirements should be handled through the Regional Security Officer. Where local threats or security incidents dictate that emergency funding is required to upgrade a residence beyond standards or in advance of implementation of a mission-wide upgrade program, the Broadcasting Office of Security and RSO should coordinate and request funding from State DS/FPD/RES, with a copy to Broadcasting Security.

#### 975 MINOR CAPITAL IMPROVEMENTS, ALTERATIONS, AND MAJOR REPAIRS

See 6 FAM 760 for detailed regulations regarding minor capital improvements, alterations, and major repairs.

976 FURNITURE, FURNISHINGS, APPLIANCES, AND EQUIPMENT FOR SHORT-TERM  
LEASED RESIDENTIAL QUARTERS (FFA&E) -

976.1 For full details on furniture, furnishings, appliances and equipment authorized for residential quarters see 6 FAM 772 and 6 FAM Exhibit 772.1. The appropriate Washington element has final authority on any FFA&E.

976.2 Maintenance, Repair and Purchase of Accessories for Swimming Pools

The following is intended to provide guidance on occupant responsibility for swimming pools on Government-leased residential property. Although swimming pools are not specifically mentioned in 6 FAM 725.3a, 725.3b, 734.1 (10), these rules are directly applicable to such situations. This guidance in no way implies that all official-leased residences should include swimming pools; rather it is issued to underscore the special responsibilities of the lessor and the occupant.

- a. Responsibility of the Lessor - Leases for Government-leased residential properties that include already constructed swimming pools as an integral part of the property should conform to 6 FAM 734.1 (10). The lease should include a clause specifying the lessor's responsibility for all mechanical and structural repairs to the pools. This would include, for example, the repair of the pool pump and similar mechanical equipment. Failure to include this clause in the lease could result in the occupant bearing personal responsibility for payment for such repairs.
- b. Responsibility of Occupant - The occupant is responsible for the general operating costs of the pool such as chemicals, replaceable filters, brushes, etc.

977 REPORTS ON GOVERNMENT-OWNED PROPERTY

See 6 FAM 790 for detailed regulations regarding reports on Government-owned property.

978 REPORTING OVERSEAS REAL PROPERTY

978.1 Background - Accurate information about overseas residential and functional property is essential for replying to Congressional inquiries and providing backup for the annual Congressional budget hearings. To facilitate this reporting, two reports are required; one for each residential and one for each functional property.

978.2 Procedures

- a. Forms - Use , GSA form 1166 for each property occupied by Broadcasting elements but also use Annual Report of Residential Property and Annual Report of Functional Property.
- b. b.Due Date - Reports are due in the Office of Administration each year by November 1.

- c. Effective Date - The reports are to reflect real property occupied as of September 30, the close of the most recent fiscal year.
- d. Coverage - A completed form is required for each Government-owned or leased residential and functional property at all overseas establishments.

LEASES REQUIRING APPROVAL:

APPROVAL IS REQUIRED FOR ALL LEASES. THIS INCLUDES: NEW LEASES, RENEWALS EXCEEDING 20 PERCENT RENT INCREASE, RENEGOTIATIONS, AMENDMENTS, ASSUMPTION/TRANSFERS TO OR FROM ANOTHER USG AGENCY, REASSIGNMENT, TERMINATION BEFORE END OF REGULAR LEASE TERM OR ELECTION NOT TO EXERCISE FIRM RENEWAL OPTIONS. OVERSEAS INSTALLATIONS SHOULD SEND THE REQUEST DIRECTLY TO THE APPROPRIATE WASHINGTON ELEMENT, USING THE SAME FORMAT THAT IS PROVIDED BY STATE DEPARTMENT PERIODICALLY.

EACH ITEM SHOULD BE CAREFULLY COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS. THE REQUEST MUST LIST THE FULL QUESTION FOLLOWED BY THE APPROPRIATE INFORMATION REQUIRED FOR WASHINGTON APPROVAL.



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PART IV ADMINISTRATIVE SERVICES, 900 ADMINISTRATIVE SERVICES - OVERSEAS  
Section 990

MISCELLANEOUS SERVICES

- 991 Loss or Damage in Overseas Shipments of Supplies and Equipment
  - 991.1 Applicability of Foreign Affairs Manual
  - 991.2 Responsibilities
  - 991.3 Claim Procedures
  - 991.4 Other

Section 990

MISCELLANEOUS SERVICES

991 LOSS OR DAMAGE IN OVERSEAS SHIPMENTS OF SUPPLIES AND EQUIPMENT

991.1 Applicability of Foreign Affairs Manual - Shipments of supplies and equipment are received and processed on arrival at ports of entry overseas by personnel of the Department of State under foreign affairs administrative support arrangements. Cases involving the loss or damage of these shipments are handled in accordance with the Foreign Affairs Manual, 6 FAM 217 and 223. The responsibilities of personnel and the procedures to be followed are outlined below.

991.2 Responsibilities

a. Reporting Loss or Damage to Shipments - The head of the overseas establishment must report to the Administrative Officer of the Embassy or Consulate all losses and damages of equipment or supplies immediately upon discovery of the damage or loss. If claims are not filed within a limited time after shipment, the carrier is relieved of responsibility.

b. Handling Loss or Damage Claims - Appropriate disposition of cases involving loss or damage resulting from faulty packing or other causes

sustained prior to arrival of shipment at a post of entry is the responsibility of the ordering office. If post places the order with a US vendor directly, arrangements for replacement or reimbursement must be handled by the post. Cases of loss or damage sustained after arrival at the foreign port of entry will be processed by the post to which the shipment is consigned.

### 991.3 Claim Procedures

#### a. Examining Shipments

Immediately upon receipt of a shipment examine the containers to determine whether there is damage. As soon as possible, examine the contents for evidence of concealed damage or shortage. If any such evidence is found, notify the Embassy or Consulate Administrative Officer or his or her designee immediately so that he or she can examine the shipment before it is disturbed further.

#### b. Claims for loss due to damage, shortage or pilferage.

Claims for reimbursement for loss due to pilferage or for damages that occurred during shipment should be initiated at the post with the assistance of the Consulate or Embassy Administrative Officer. Claims for shortages that appear to be the fault of the vendor will be initiated by the originating procurement office.

#### (1) Documentation

Post should keep all the packing cartons, materials, and container seals until discrepancies are resolved. Annotate the Bill of Lading and all other documents on which receipt is signed to show lost or damaged items. Describe the damages in detail and, if possible, take photographs.

#### (2) Use of items before claim

If it is necessary to use part or all of the shipment before the Administrative Officer performs an examination, or before a claim can be finalized, record the action together with the justification. In the case of damages, record exactly what repairs were made, and at what cost, to make the item useable.

#### (3) Report to Washington

Promptly report all details to the originating procurement element in Washington Include the following:

(a) When the discrepancy or damage was first noticed.

(b) A description of damages to the outside of the container, (was any damage concealed and only visible when the carton or container was opened).

(c) If the items were in a container, were the seals broken when post took delivery of the shipment. (Post should keep these seals.)

(d) Was the shipping company notified. (Annotations must be made on the Bill of Lading or Airway Bill and other documentation).

(e) For concealed damages, describe the contents of the items in the cartons.

(f) Provide photographs of the damaged cartons and/or item.

(g) If the damaged item is salvageable, give an estimated value of the salvageable item (the original purchase and shipping costs minus any repairs).

(h) Record exactly what repairs were made, and at what cost, to make the item useable.

(i) If the loss or damage appear to be due to faulty packing or other failure on the part of the vendor, the originating procurement element will initiate a claim against the vendor or take such action as may be indicated.

(4) Damage or Pilferage Sustained After Arrival at Port of Entry - If it is determined that the shipment was damaged or lost after arrival at the port of entry and it was NOT the result of faulty packing or processing prior to or during shipment, the Embassy or Consulate Administrative Officer will take necessary action in accordance with local practices. In such cases, the overseas establishment should notify the originating procurement office of the action taken.

#### 991.4 Other

##### a. Late arrival of shipments

(1) For orders sent from the warehouse, post should contact the originating procurement element to request that a tracer be performed. If the shipment is not located, a claim will automatically be originated by the element, and replacement will be addressed by the element.

(2) For items ordered direct from U.S. sources by the post, the Embassy should assist in contacting the U.S. Dispatch Agency or the regional USG shipping liaison (e.g., ELSO) for status.

##### b. Cargo held up in customs

(1) For orders sent from the warehouse, the post should immediately advise the ordering element so arrangements can be made with the shipper to authorize the immediate release via telex. As a secondary measure, the warehouse will send a second set of the Original Bill of Lading to post via express courier.

(2) If additional fees [demurrage, etc.,] are solicited by the shipping agent, this also should be brought to the attention of the ordering element. The Post should not pay unusual charges without notice to the element.

(3) For items ordered directly from U.S. sources by the post, the Embassy should assist in contacting the U.S. Dispatch Agency to request telex release.

##### c. Point of off-loading

Routinely shipments are prepaid and off-loaded at the port of entry. From that point, post administrative personnel are responsible for delivery to its facilities; however, special door to door delivery arrangements can be made prior to shipment with advance notice to the element.

##### d. Pursuing Collection and Settlement of Claims - See MOA VII-470.

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PART V-A PERSONNEL (DOMESTIC), 000 INTRODUCTION  
Section 040

REQUESTS FOR POSITION AND PERSONNEL ACTIONS

041 Purpose

042 Definitions

- 042.1 Position Action
- 042.2 Personnel Action
- 042.3 Mass Change Action

043 Responsibilities

- 043.1 Initiating Position and Personnel Actions
- 043.2 Signing Authority
- 043.3 Preparing and Routing SF-52
- 043.4 Action by the Office of Personnel

Section 040

REQUESTS FOR POSITION AND PERSONNEL ACTIONS

041 PURPOSE

This section supplements instructions and regulations published in the Code of Federal Regulations by assigning responsibilities within Broadcasting and prescribing policies and procedures for requesting personnel actions.

042 DEFINITIONS

042.1 Position Action is an action that involves the classification of a position as distinguished from an action that involves an employee or an applicant for employment.

042.2 Personnel Action is an action that involves an employee or an applicant for employment such as:

- a. Appointment, transfer, re-employment or reinstatement.
- b. Conversion, promotion, reassignment or change to a lower grade.
- c. Details in excess of 30 days.
- d. Leave without pay in excess of 30 days.
- e. Resignation or separation.

042.3 Mass Change Action - is an action in which a name listing is prepared in lieu of individual Notification of Personnel Action (SF-50) and which records such actions where a large number of employees are being affected by the same personnel actions, such as transfer of functions and personnel from one organizational element to another, changes in position title or occupation code, appropriation changes, etc.

#### 043 RESPONSIBILITIES

043.1 Initiating Position and Personnel Actions - Operating officials initiate SF-52, Request for Personnel Action, to request position or personnel actions.

The Office of Personnel is authorized to initiate such personnel actions as reduction-in-force, automatic conversion to career appointment, change in occupational class or series, and disciplinary actions involving suspension or separation.

043.2 Signing Authority -

- a. Requests for Personnel Action, SF-52, and Position Descriptions, OF-8, must be signed by the Head of the Office or Service.
- b. Requests should be sent to the Operations Division, Office of Personnel.

043.3 Preparing and Routing SF-52

The originating office:

- a. Prepares SF-52
- b. After obtaining necessary approvals and signatures, forwards the original to the Office of Personnel.

043.4 Action by the Office of Personnel - Upon receipt of the original signed SF-52, the personnel office will:

- a. Ascertain whether the requested action meets the standards and requirements established by the Office of Personnel Management and Broadcasting.

- b. If approved, forward the SF-52 to the Operations Division for preparation and distribution of the Notification of Personnel Action (SF-50).
- c. If not approved, return the SF-52 to the originating office with a written explanation.

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PART V-A PERSONNEL (DOMESTIC), 100 PERSONNEL POLICIES, RESPONSIBILITIES,  
AND AUTHORITIES

Section 120

DELEGATIONS OF PERSONNEL AUTHORITY

121 Purpose

122 Personnel Authorities Vested in the Director

122.1 Delegations of Authority to the Director of Personnel

122.2 Heads of Offices

123 General Conditions

Section 120

DELEGATIONS OF PERSONNEL AUTHORITY

121 PURPOSE - This Section describes the authorities within Broadcasting for taking action on personnel matters as issued in the Code of Federal Regulations.

122 PERSONNEL AUTHORITIES VESTED IN THE DIRECTOR OF PERSONNEL

a. Classify positions - under Title 5 of the U.S. Code, positions excluded from Title 5 USC, and all classes of Foreign Service schedules, wage system schedules and other systems excluded from the General Schedule.

b. Order or conduct locality wage surveys and approve wage schedules.

c. Make certifications of insurance status required under the Federal Employees Insurance program upon separation of an employee from Broadcasting.

d. Administer the oath of office and any other oath in connection with employment, to Broadcasting appointees.

e. Authorize advertising for recruitment of personnel by radio and television, or by publication of advertisements in newspapers, when such advertising is not prohibited by any applicable law or regulation (see MOA V-A-316).

f. Reconsider a determination or redetermination that an employee's work was not of an acceptable level of competence, other than employees of Personnel who will be considered by the Broadcasting Director. (See MOA V-A 236).

g. Prescribe regulations governing the conduct of employees in relation to the duties, functions and obligations of employees and approve certain outside activities of employees in coordination with the Office of the General Counsel under the provisions of the Employee Responsibilities and Conduct Regulations, where such approval is required.

h. Conduct training and development programs, employee-management relations programs, and administer systems for the resolution of employee grievances.

i. Restore forfeited annual leave in accordance with PL 93- 181.

j. Prescribe regulations for separating employees for unsatisfactory performance of duties or for such other cause as will promote the efficiency of the service, and to propose disciplinary action for employees in accordance with Office of Personnel Management regulations, and 3 FAM 760.

k. Promulgate jointly with other foreign affairs agencies regulations governing personnel (including employee-management relations), travel or transportation or financial allowance matters.

l. Make offers of employment to applicants from outside Broadcasting.

m. Administer incentive awards, quality or meritorious service increase, and employee suggestion programs.

n. Set up, administer and make such determinations and orders as may be necessary to administer the performance appraisal system and the merit pay system in accordance with the Civil Service Reform Act of 1978.

122.2 Heads of Offices are authorized to take such personnel actions as listed below and delineated in applicable Sections of the MOA.

a. Determine acceptable level of competence of work of employees under their direction who have completed the time requirements for within grade increases (see MOA V-A-230).

b. Approve additional within grade increases for high quality performance for employees under their direction (see MOA V-A-265).



123 GENERAL CONDITIONS - When written delegations of authority are issued, the following conditions apply:

a. The written delegation of authority will set forth the specific actions for which an officer has authority as well as limitations and special conditions for exercising the authority.

b. Delegations of authority are subject to all applicable provisions of law and to all instructions, regulations and directives which are in effect, or which may be issued hereafter by the BBG or Broadcasting, or by any other Government agency having competent jurisdiction.

c. No redelegation of authority can be made unless specifically authorized by law, and by the terms of the delegation. A signed copy of each redelegation of authority will be retained in the office which issued the redelegation.

d. The officers in line of command above the officer to whom authority is delegated will have the same authority as that contained in the written delegation. Division Chiefs are considered to be in line of command over areas for which they have jurisdiction).

e. An officer acting during the extended absence of a principal to whom authority has been delegated will have the full authority of that principal in accordance with the following:

(1) A Deputy, Assistant, Division Chief or other responsible officer formally designated by official personnel journal action or by official job description or in a Broadcast Announcement automatically becomes Acting Chief and may exercise authorities of the Chief during his/her absence.

(2) A Deputy, Assistant, or other responsible officer, not included in a. above, may exercise authorities of the principal when designated in writing by the principal, or by superior authority.

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PART V-A PERSONNEL (DOMESTIC), 100 PERSONNEL POLICIES, RESPONSIBILITIES, AND AUTHORITIES  
Section 130

EMPLOYEE AND POSITION DESIGNATIONS AND CATEGORIES

131 Employee and Position Designations and Categories  
131.1 Designation of Employees

Section 130

EMPLOYEE AND POSITION DESIGNATIONS AND CATEGORIES

131 EMPLOYEE AND POSITION DESIGNATIONS AND CATEGORIES

131.1 Designation of Employees - All employees in the United States and American employees abroad are designated as being in one of the following personnel categories:

Foreign Service Overseas Specialist (OS)

(1) Definition - Employees who are available for and expected to serve both abroad and in the United States in Specialist positions which are part of an overseas -- U.S. rotational system. Functional specialties include:

200 - General Administration

330 - VOA Correspondent

505 - Radio Engineer (Technical)

512 - Facility Maintenance

(2) Employment Categories Include:

(a) Foreign Service Overseas Specialist (Limited) (Career Candidate)

(b) Foreign Service Overseas Specialist (Limited) (Non-career candidate)

(c) Foreign Service Overseas Specialist (Career)

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PART V-A PERSONNEL (DOMESTIC), 200 CLASSIFICATION AND COMPENSATION  
Section 210

POSITION CLASSIFICATION

211 Purpose and Coverage

212 Obtaining Additional Information

213 Responsibilities

- 213.1 The Director
- 213.2 Office of Personnel
- 213.3 Supervisors and Managers
- 213.4 Employees

214 Position Descriptions

- 214.1 Forms
- 214.2 Format
- 214.3 Numbering of Positions
- 214.4 Additional Identical Positions
- 214.5 Position Titles and Series Codes
- 214.6 Canceling of Vacant Positions

215 Appeals

- 215.1 Policy
- 215.2 Who May Appeal
- 215.3 Procedure

Section 210

POSITION CLASSIFICATION

211 PURPOSE AND COVERAGE - The following paragraphs 211 through 215 supplement instructions and regulations in 5 CFR by:

- a. Assigning responsibilities within Broadcasting and
- b. Establishing rules and procedures for classifying domestic positions in the Foreign Service, that are not subject to the Office of Personnel Management (OPM) jurisdiction.

212 OBTAINING ADDITIONAL INFORMATION - An employee in an Office or Service should contact the Office of Personnel to obtain additional information on position classification and appeals.

### 213 RESPONSIBILITIES

213.1 The Director is responsible for assuring that all positions are described and properly classified. The discharge of this responsibility is accomplished for the Director by those in the Office of Personnel who have been delegated classification authority (see MOA V-A 120).

213.2 Office of Personnel is responsible for:

- a. Classifying all positions in the domestic service in accordance with the following classification plans:

(1) Civil Service General Schedule Plan) (Section 5102, Chapter 51, Title 5 U.S.C.) under which Broadcasting has authority and obligation to place positions within their proper classes and grades. Allocations of positions to GS-16, GS-17 and GS-18 are made by the Office of Personnel Management upon recommendations by Broadcasting. Determinations of classes and grades for positions subject to Title 5, U.S.C. must be made in conformance with, or consistent with, position classification standards published by the Office of Personnel Management. OPM may exercise at any time, at its discretion, the authority to review allocations made by Broadcasting and to make any changes that it deems necessary.

(2) The Wage Board Plan covers certain positions that are exempt from the General Schedule under Section 5102 (c) (7) Title 5, U.S.C. and are specifically exempt from the Federal Wage System for classification and pay purposes.

(3) The Federal Wage System covers all wage grade positions not specifically exempt as stated in paragraph (2) above. Positions covered by the Federal Wage System must be classified and graded in conformance with the Office of Personnel Management.

(4) The Exempted Schedule Plan includes certain types of positions specifically exempted by Title 5 of the U. S. C. and positions authorized by specific legislative authority, except those described in paragraph (5) below. These positions are allocated to an exempted schedule (GG) and are assigned grade levels patterned after those for Classification Act positions (GS-1 to GS-15). Substantially the same standards and guides are used in allocating positions to grade levels in the exempted schedule.

Positions occupied by persons employed as non-(U.S.) citizens for use in the United States (MOA V-A-820) and those occupied by persons employed under Appropriation Act authority for temporary employment (MOA V-A-840) are included in the Exempted Schedule Plan. The regulations and procedures established for classification of positions under Title 5, U.S.C., contained in paragraph (1) above, will generally be followed in classifying positions under the Exempted Schedule Plan.

(5) Foreign Service positions may be classified in the Foreign Service as Overseas Specialist (OS) (22 U.S.C. Chapter 14, Section 886 (b)), at Class 8 and above.

(6) Senior Executive Service (SES) positions.

Conducting annual systematic position reviews to assure positions are properly described and evaluated.

Integrating the position classification and pay administration system with other aspects of personnel administration to further personnel and other management objectives.

213.3 Supervisors and Managers - In their line capacities supervisors will fully discharge their responsibilities in the administration of the position classification program. These responsibilities include:

a. Utilizing classification processes in the interest of improved work force management, planning, economy, and efficiency of operations.

b. Determining and documenting the duties and responsibilities of each position under their direction, and maintaining the accuracy and currency of these position descriptions.

c. Assuring that there is a mutual understanding with the employee regarding the duties and responsibilities assigned to him or her and documented in the position description.

d. Insuring, with the guidance of the personnel office, that the employees know and understand the purpose and operation of position classification, including policies and procedures relating to appeals and audits.

213.4 Employees are responsible for assuring that major duties officially assigned to them are described in their position descriptions.

#### 214 POSITION DESCRIPTIONS

214.1 Forms - All position descriptions will be prepared on Optional Form 8, Position Description .

214.2 Format - The principal duties, responsibilities and supervisory relationships must be described specifically, clearly, and definitively so that descriptions will provide the information necessary for proper classification of positions. It is essential that position descriptions meet the standard of adequacy requirements. In order to maintain

uniformity throughout Broadcasting, position descriptions for all NON-SUPERVISORY Civil Service and Foreign Service positions should be prepared according to the format shown in Exhibit 210A. Position descriptions for SUPERVISORY AND MANAGERIAL Civil Service and Foreign Service positions are prepared according to the format shown in Exhibit 210B. Position descriptions for positions covered under the Federal Wage System (FWS) are to be prepared according to the format shown in Exhibit 210C. Position descriptions usually will not require an introduction if organization and functional charts are current and available. To the extent possible prototype and multiple position descriptions can be used.

a. Length - Position descriptions will be as concise as practicable. Every effort should be made to avoid excessive length in the interest of reducing the paperwork and time involved in their preparation and review. Normally, pertinent factors relating to duties, responsibilities, and supervisory relationships of most positions can be documented in two pages or less.

b. Signature - The signature of line supervisory and other officials directly concerned are required on OF-8 for authentication of the accuracy, completeness, and currency of position descriptions. Employees affected should be requested to sign item 19 (or a signature sheet in case of multiple number of employees on one description). The employee's signature is not required, but does signify he or she knows the content of the position description.

c. Copies for Employees and Operating Element - Copies of position descriptions reflecting the approved classification action will be provided each operating element in which the position exists. A copy of this description will also be provided each employee for his or her personal file. Supervisors will be responsible for assuring that employees are furnished a current position description.

214.3 Numbering of Positions - Each full and part-time position subject to the provisions of this Section will be designated by a separate and distinct number. Numbers will be prefixed with the letter V to denote Civil Service, including Foreign Service Domestic Specialists. Additional identical positions will be numbered serially by the basic position number.

214.4 Additional Identical Positions - Additional positions may be established by classification action against "base" positions determined to be susceptible to duplication. The procedure for establishing such positions may be used only in cases where the position is identical in duties and responsibilities to a "base" position and is in the same organizational element and under the same kind and degree of supervision.

214.5 Position Titles and Series Codes - Class titles and series listed in Office of Personnel Management standards and supplements will be used in the classification of positions under Office of Personnel Management jurisdiction. Titles for positions not specifically covered by standard should be consistent with the principles for construction of Class Titles outlined in General Introduction to Position-Classification Standards

available in the Office of Personnel. Organization titles may be used for purposes other than official classification and personnel actions.

214.6 Canceling of Vacant Positions - Normally positions should be canceled if the position remains vacant for six months. Positions may be reactivated when funding is available.

## 215 APPEALS

### 215.1 Policy

a. The Director, Office of Personnel will accept appeals from any employee regarding the classification, title, series, or grade of his or her position. Employees are encouraged to utilize the appeals procedure within Broadcasting. If an eligible (Civil Service) employee is not satisfied with the decision, he or she may appeal to the Office of Personnel Management (OPM) as authorized in Chapter 51, Title 5 U.S.C., Section 5112.

An eligible (Civil Service) employee may appeal directly to the Office of Personnel Management if he or she wishes.

b. When the OPM receives an appeal from an employee or from Broadcasting, it will make whatever inquiries it considers necessary. It may ask the employee and Broadcasting to furnish certain facts. Since it is the policy of Broadcasting to conduct the classification appeal and investigation in a spirit of candor and cooperation, Broadcasting will furnish the employee with copies of all representations sent to or requested by OPM. In addition, OPM will permit both the employee and Broadcasting to inspect the appeal file upon request.

215.2 Who May Appeal - Any employee may appeal the classification of his or her position to the Director, Office of Personnel. Employees in Civil Service positions covered by Section 5102 (GS) and those excluded by Section 5102 (c) (7) (FWS) Chapter 51, Title 5, U.S.C. may also appeal to the Office of Personnel Management.

### 215.3 Procedure

a. An employee may submit an appeal in writing directly to the Director, Office of Personnel at any time. If an employee is appealing a downgrade action, the appeal must be submitted either to the Director, Office of Personnel or the Office of Personnel Management within fifteen calendar days after the date of the Personnel Action effecting the downgrade, in order to be eligible for retroactive pay provisions if applicable.

b. The employee submitting the appeal or the employee's representative should describe fully why he or she believes the position is erroneously classified.



## Exhibit 210-A

### Guide for Preparing Position Descriptions for NON-SUPERVISORY Positions

#### INSTRUCTIONS FOR PREPARATION OF POSITION DESCRIPTIONS IN BROADCASTING

Every job description for NON-SUPERVISORY positions should be written in a uniform "nine-factor description" format. Each factor should be described in enough detail to enable jobs to be evaluated by individual factors without guess work.

#### General Instructions

All NON-SUPERVISORY civil service and (Domestic) Foreign Service new positions and redescrptions are to be prepared in the new format.

1. OF-8 is to be used for all descriptions in the Domestic Service.
2. One signed copy is to be submitted to the personnel office. Duplicated copies of the allocated and signed original will be distributed to appropriate offices and employees.
3. The original signed and allocated description will be retained in the Office of Personnel Official Classification File.

#### Factor Definitions

##### I. Knowledge Required by the Position

The nature and extent of the information and skills needed to perform the work.

##### II. Supervisory Controls

The nature and extent of controls over the position, the employee's responsibility and how the work is reviewed.

##### III. Guidelines

The nature of the guidelines and judgment needed to apply them.

##### IV. Complexity

The nature of assignments and difficulty in arriving at work products and in providing services.

##### V. Scope and Effect

The impact of the work or service performed as related to the purpose of the work.

##### VI. Personal Contacts

The people the employee must deal with in performance of the work.

#### VII. Purpose of Contacts

The reasons the employee has contact with the people.

#### VIII. Physical Demands

The physical exertion required of the employee.

#### IX. Work Environment

The employee's physical surroundings.

#### Factor Description Format

Each description should give information in accordance with the order of headings.

Duties List the major duties as concisely as possible. Answer the question, "What does the employee do in this position?" Duties are best described by using active verbs. As a general rule, duty statements should be limited to one paragraph highlighting the major duties.

Factors should be described as follows:

##### 1. Knowledge Required by the Position

Under this factor, describe:

The extent of information or facts (e.g., procedures, work practices, rules and regulations, policies, theories and concepts, principles, processes, etc.) the employee must know how to do acceptable work; and

The level of skill necessary to apply knowledge (e.g., level of skill in operating an electric typewriter or preparing engineering drawings, schematics, or editorial layouts).

Show the kinds of information, facts, or skill needed and how these knowledges are used in the work.

##### 2. Supervisory Controls

Under this factor, answer the following questions in the sequence indicated:

How does the supervisor assign work to the employee, for example: with detailed instructions concerning how to do the work; with instructions for new, difficult, or unusual aspects of the work; with suggestions for procedures; with information in terms of the objective to be achieved, priorities, and deadlines, etc.?

What responsibility does the employee have for carrying out the work, for example: performs as instructed with no deviation; performs routine assignments independently without specific instruction; refers situations not covered by instruction to supervisor; handles all work independently according to policies, previous training, or accepted practice; resolves conflicts which arise, determines approach to be taken, and methodology to be used, etc.?

How is work reviewed, for example: work is reviewed in detail for accuracy, adequacy, and compliance with instructions; review is in the form of comments from recipients of the work; part of the work is spot-checked and part is given detailed review; work is reviewed to determine appropriateness, soundness of decision, etc.?

### 3. Guidelines

In two or more sentences, answer the following:

What guides are used in performing the work, for example: desk manuals, established procedures and policies, traditional practice? Describe in terms of their availability, specificity, and extensiveness. (Do not include reference material which is part of job knowledge such as dictionaries, style manuals, engineers' handbooks, etc.)

How are these guides used? Describe in terms of whether judgment is used in following established procedures, in deviating from or interpreting the guides, and adapting or developing new guides.

### 4. Complexity

Answer:

What is the nature of the assignment (a few related tasks, related sequential steps, different processes, independent assignments with varying duties, etc.)? Describe the tasks, steps, processes, assignments, etc., briefly in terms of the occupation.

What kinds of factors and conditions are considered in arriving at the work product or performing a service (clear-cut/directly related; apparent, applicable, comparable; different according to the subject, phase of work, or specific issues; etc.)?

What kinds of variations exist in the work? Is there little variation? Or is the employee concerned with factual situations, with identifying interrelationships or deviations, with originating new techniques, or with establishing standards?

### 5. Scope and Effect

Scope and effect can usually be described in one or more sentences. Describe the effect of the work or service performed, for example: whether it facilitates the work of others; provides timely services of a personal nature; affects accuracy, reliability, or acceptability of further work processes; affects the design or operations, programs,

equipment; affects the adequacy of research conclusions, or the social, physical, or conomic well-being of persons, etc.

#### 6. Personal Contacts

Describe the kind of people whom the employee deals with in carrying out the work, e.g., coworkers, workers in related support units, recipients of direct services, members of the general public, or representatives of other operating organizations, headquarters, or field offices; managers, executives, or professionals from other agencies; national leaders, etc. (Do not include contacts with the supervisor since supervisory contacts are described under Factor I.)

#### 7. Purpose of Contacts

Describe the purpose of the personal contacts, for example: to give or exchange information; to resolve problems; to provide service; to motivate, influence, interrogate persons; or to justify, defend, negotiate, or settle matters, etc. As appropriate, include other information that might affect the nature of the contacts, e.g., dealing with persons who are skeptical, uncooperative, unreceptive, hostile (such as patients or inmates) and settling controversial issues or arriving at compromise solutions with persons who have different viewpoints, goals or objectives.

#### 8. Physical Demands

Describe the nature of physical activity involved in the work and give some indication of the frequency or intensity of this activity. Include any physical characteristics or special physical ability needed such as specific ability or dexterity requirements.

## Exhibit 210B - Guide for Preparing Supervisory Position Descriptions

The General Schedule Supervisory Guide (GSSG) provides evaluation criteria for determining the General Schedule (GS) grade level of supervisory positions in grades GS-05 through GS-15. It also outlines criteria for evaluating managerial responsibilities that may accompany supervisory responsibilities in this range of grades. However, the guide is not appropriate for evaluating managerial positions that do not include the accomplishment of work through the supervision of others or that do not require technical competence related to the work directed.

The guide employs a factor-point evaluation method that assesses:

- Program Scope and Effect, Organizational Setting,
- Supervisory and Managerial Authority Exercised, Personal Contacts,
- Difficulty of Typical Work Directed, and
- Other Conditions -- general classification concepts, principles, and policies, such as those in the introduction to the Position Classification Standards, apply to the classification of supervisory positions.

The GSSG is used to grade GS supervisory work and related managerial responsibilities that:

- require accomplishment of work through combined technical and administrative direction of others; and
- constitute a major duty occupying at least 25 percent of the position's time; and
- meet at least the lowest level of Factor 3 in the guide, based on supervising Federal civilian employees, Federal military or uniformed service employees, volunteers, or other non contractor personnel.

Positions graded by the GSSG continue to be classified in the most appropriate occupational series in accordance with instructions in the Introduction to the Position Classification Standards occupational definitions in the Handbook of Occupational groups and families and amplifying material in published classification standards.

Determine the title of a position covered by the GSSG through reference to the classification standard, classification guide, and/or series guidance used to determine the occupational series of the position. In most instances these guidelines require use of the word "Supervisory" as a prefix to the appropriate occupational title. However, in some occupations, certain titles (e.g., "Budget Officer") denote supervision and the supervisory prefix is not used.

### INSTRUCTIONS FOR APPLICATION

The GSSG uses a point-factor evaluation approach with six evaluation factors designed specifically for supervisory positions. Under each factor there are several factor level definitions which are assigned specific point values. The points for all levels are fixed and no interpolation or extrapolation of them is permitted. Work of positions at

different organizational levels often will be properly credited at the same level of a factor.

Evaluate supervisory duties by comparing them with each factor. Credit the points designated for the highest factor level which is met according to the instructions specific to each factor and level. If two or more levels of a factor are met, credit the points for the highest level met. However, if one level of a factor is exceeded, but the next higher level is not met, credit the lower level involved.

Add the total points accumulated under all factors. Use the point-to-grade conversion table in the GSSG to convert the point total to a grade.

#### GRADE EVALUATION FACTORS

##### FACTOR 1 - PROGRAM SCOPE AND EFFECT

This factor assesses the general complexity, breadth, and impact of the program areas and work directed, including its organizational and geographic coverage. It also assesses the impact of the work both within and outside the immediate organization.

##### FACTOR 2 - ORGANIZATIONAL SETTING

This factor considers the organizational situation of the supervisory position in relation to higher levels of management.

##### FACTOR 3 - SUPERVISORY AND MANAGERIAL AUTHORITY EXERCISED

This factor covers the delegated supervisory and managerial authorities which are exercised on a recurring basis. To be credited with a level under this factor, a position must meet the authorities and responsibilities to the extent described for the specific level. Levels under this factor apply equally to the direction of specialized program management organizations, line functions, staff functions, and operating support activities. Where authority is duplicated or not significantly differentiated among several organizational levels, a factor level may apply to positions at more than one organizational level.

##### FACTOR 4 - PERSONAL CONTACTS

This factor has two parts which assess the nature and the purpose of personal contacts related to supervisory and managerial responsibilities. The nature of the contacts, credited under Subfactor 4A, and the purpose of those contacts, credited under Subfactor 4B, must be based on the same contacts.

##### SUBFACTOR 4A ---- NATURE OF CONTACTS

This subfactor covers the organizational relationships, authority or influence level, setting, and difficulty of preparation associated with making personal contacts involved in supervisory and managerial work. To be credited, the level of contacts must contribute to the successful performance of the work, be a recurring requirement, have a demonstrable

impact on the difficulty and responsibility of the position, and require direct contact.

#### SUBFACTOR 4B --- PURPOSE OF CONTACTS

This subfactor covers the purpose of the personal contacts credited in subfactor 4A, including the advisory, representational, negotiating, and commitment making responsibilities related to supervision and management.

#### FACTOR 5 - DIFFICULTY OF TYPICAL WORK DIRECTED

This factor measures the difficulty and complexity of the basic work most typical of the organization directed, as well as other line, staff, or contracted work for which the supervisor has technical or oversight responsibility, either directly or through subordinate supervisors, team leaders, or others.

#### SECOND (AND HIGHER) LEVEL SUPERVISORS

First, use the method described above for first level supervisors. For many second level supervisors, the base level arrived at by that method will be the correct one.

In some cases, however, a heavy supervisory or managerial workload related to work above that base level may be present. For these positions: Determine the highest grade of nonsupervisory work directed which requires at least 50 percent of the duty time of the supervisory position under evaluation. The resulting grade may be used as the base level for second (and higher) level supervisors over large workloads --if sound alignment with other supervisory positions in the organization results.

In the assessment of the level of any work performed by non-General Schedule employees, the pertinent classification standards should be consulted to derive an appropriate GS equivalent. In assessing supervisory positions which have mostly FWS employees making up their workforce, see the information in the GSSG under Exclusions.

#### FACTOR 6 - OTHER CONDITIONS

This factor measures the extent to which various conditions contribute to the difficulty and complexity of carrying out supervisory duties, authorities, and responsibilities. Conditions affecting work for which the supervisor is responsible (whether performed by federal employees, assigned military, contractors, volunteers, or others) may be considered if they increase the difficulty of carrying out assigned supervisory or managerial duties and authorities.

#### SPECIAL SITUATIONS

Supervisory and oversight work may be complicated by special situations and/or conditions. The methodology section at the beginning of this factor explains how to credit the following situations.

##### 1. Variety of Work:

Credit when more than one kind of work, each kind representing a requirement for a distinctly different additional body of knowledge on the part of the supervisor, is present in the work of the unit. A "kind of work" usually will be the equivalent of a classification series. Each "kind of work" requires substantially full qualification in distinctly separate areas, or full knowledge and understanding of rules, regulations, procedures, and subject matter of a distinctly separate area of work. Additionally, to credit "Variety" (1) both technical and administrative responsibility must be exercised over the work, and (2) the grade level of the work cannot be more than one grade below the base level of work used in Factor 5.

## 2. Shift Operations:

Credit when the position supervises an operation carried out on at least two fully staffed shifts.

## 3/4 Fluctuating Work Force or Constantly Changing Deadlines:

Credit fluctuating work force when the workforce supervised by the position has large fluctuations in size (e.g., when there are significant seasonal variations in staff) and these fluctuations impose on the supervisor a substantially greater responsibility for training, adjusting assignments, or maintaining a smooth flow of work while absorbing and releasing employees.

Credit constantly changing deadlines when frequent, abrupt, and unexpected changes in work assignments, goals and deadlines require the supervisor to constantly adjust operations under the pressure of continuously changing and unpredictable conditions. Credit this situation when a substantial portion of the workload for which the supervisor is responsible is regularly carried out at one or more locations which are physically removed from the main unit (as in different buildings, or widely dispersed locations in a large warehouse or factory building), under conditions which make day-to-day supervision difficult to administer.

## 5. Special Staffing Situations:

Credit when: (1) a substantial portion of the work force is regularly involved in special employment programs; or in similar situations which require involvement with employee representatives to resolve difficult or complex personnel management issues and problems; (2) requirements for counseling and motivational activities are regular and recurring; and (3) job assignments, work tasks, working conditions, and/or training must be tailored to fit the special circumstances.

## 6. Impact of Specialized Programs:

Credit when supervisors are responsible for a significant technical or administrative workload in grades above the level of work credited in Factor 5, provided the grades of this work are not based upon



independence of action, freedom from supervision, or personal impact on the job.

#### 7. Changing Technology

Credit when work processes and procedures vary constantly because of the impact of changing technology, creating a requirement for extensive training and guidance of the subordinate staff.

#### 8. Special Hazard and Safety Conditions:

Credit when the supervisory position is regularly made more difficult by the need to make provision for significant unsafe or hazardous conditions occurring during performance of the work of the organization.

## Exhibit 210C - Guide for Preparing Position Descriptions for Federal Wage System (FWS) Positions

A small number of positions in Broadcasting may fall under the coverage of the Federal Wage System (FWS) for classification and pay purposes. These positions are exempted from classification as General Schedule (GS) because they involve, as the paramount requirement of their primary duty, knowledge and experience in trades, crafts or manual labor. Such schedules as WG (wage grade), WL (wage leader), WS (wage supervisor), WI/WP (printers), and WB (special schedule) require a distinct position description format because of the application of different criteria in a determining grade and series.

Position descriptions for non-supervisory wage positions (WG, WI, WP, WB) are prepared in a format which reflects the four factors used in the FWS classification standards. Position descriptions for "Leader" (WL) and "Foreman"/"General Foreman"/"Superintendent" (WS) utilize these four factors plus an additional (fifth) factor outlining "lead" or supervisory responsibilities.

### FWS Position Description Format

Duties List major duties as concisely as possible. Answer the question, "What does the employee do in this position?" Duties are best described by using active verbs. As a general rule, duty statements should be limited to one paragraph highlighting the major duties.

Factors should be described as follows:

#### 1. Skill and Knowledge

Under this factor, describe the nature and level of skills, knowledge, and mental application required in performing assigned work. Indicate both the quantity, kind, and depth of skills needed, as well as the manner, frequency, and extent to which they are used.

#### 2. Responsibility

This factor consists of three sub-factors and should be completed in the sequence indicated:

Complexity of work. Describe whether the work involves simple repetitive actions, or responsibility for a variety of different operations and machines to complete assignments; whether work sequences are simple or complex; whether work requires a low or a high degree of accuracy and precision; whether assignments involve a low or a high degree of care and skill to prevent damage to tools and materials, and injury to others.

Scope of work. Describe whether assignments involve responsibility for part of an operation or for a complete process; whether assignments include responsibility for planning and laying out work; whether the incumbent is responsible for advising management and engineering

personnel on practical trade aspects of the work, such as techniques, fabrication details, and work sequences.

Nature and degree of responsibility for making judgments and decisions. Describe whether the work is performed under close supervision, or considerable independence from supervisory controls; whether the work instructions are complete and specific, or general in nature; whether guides such as technical manuals and work precedents can be applied directly, or must be modified; whether the incumbent has authority to deviate from instructions and work precedents without prior approval; whether assignments involve the need to make decisions and judgments which affect quality and adequacy of work performed.

### 3. Physical Effort

Describe the physical effort required to perform the work. Cover such areas as (1) physical exertion related to actions such as lifting, pushing, pulling, or carrying objects of varying weights, sizes, and shapes, (2) physical effort related to movements such as walking, running, climbing, crawling, and bending, and (3) strain related to lack of movement such as standing in place, crouching, or stooping for extended period of time.

### 4. Working Conditions

Describe the hazards, physical hardships, and working conditions to which incumbent is exposed in performing assigned work. Include the nature of the work environment; the extent to which it includes unpleasant, disagreeable, or hazardous conditions; the degree to which such conditions experienced; the frequency and duration of exposure; the adequacy of protective clothing and gear, safety devices, and safe trade practices; and the possible effects on incumbent.

Position descriptions for supervisory positions should include the following factor:

### 5. Nature of Supervisory Responsibility

Describe to what extent incumbent assigns, directs, and reviews the work of subordinates, and evaluates their work performance; plans, schedules, and coordinates work operations; solves problems related to the work supervised; determines material, equipment and facilities needed; explains and gains the support of subordinates for management policies and goals; and deals effectively with employees and union representatives on employee suggestions, complaints, grievances, and other matters.

International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

Material within this Manual of Operations and Administration may no longer be current. To ensure having the most current policy or procedure, please contact the Agency office responsible for the subject matter, e.g., information about performance appraisal, staffing, or compensation should be directed to the Office of Human Resources. For assistance in determining which office to contact, please contact Cathy Brown or Renee Tyrance-Gauff of the Analysis and Administration Division on (202) 203-4664 or feel free to email this staff at cabrown@bbg.gov or crgauff@bbg.gov.

MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART V-A PERSONNEL (DOMESTIC), 200 CLASSIFICATION AND COMPENSATION  
Rates of Pay

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## SECTION 230

### RATES OF PAY

#### 232 COVERAGE

This section provides the basic rules for determining the rates of pay and acceptable level of competence for all Civil Service employees of Broadcasting. (For overseas employees, see MOA V-B 230.)

#### 233 DEFINITIONS

233.1 Basic Salary or Compensation is the salary fixed by law or administrative action that is received by an employee before any deductions, and exclusive of additional pay of any kind.

233.2 Equivalent Increase in Salary is an increase in the basic salary equal to or greater than the amount of the within-grade/class increment of the grade/class in which the employee is serving, and includes a merit increase or a zero merit increase for PMRS employees. The following are not equivalent increases in compensation:

- a. an increase in basic salary under federal statute;

b. higher minimum pay rates established under Section 5303 of Title 5 USC, or an increase in such rates;

c. a quality step or meritorious service increase;

d. the periodic adjustment of a wage scale or the application of a new pay or evaluation plan under the Federal Wage System;

e. a temporary or term promotion when returned to the permanent grade and step; or

f. an increase resulting from placement of an employee in a supervisory or managerial position who does not satisfactorily complete a probationary period and is returned to a position at the same grade and step held by the employee before such placement.

233.3 Existing Rate is the rate received immediately prior to the effective date of a transfer, promotion, demotion or step increase.

233.4 Highest Previous Rate means the highest actual rate of basic pay previously received by an individual while employed in a position in a branch of the Federal Government (executive, legislative, or judicial); a Government corporation, as defined in 5 U.S.C. 103; the United States Postal Service or the Postal Rate Commission; or the government of the District of Columbia (except as provided in 531.203(d)(2)(v) of this part); without regard to whether the position was subject to the General Schedule; or the actual rate of basic pay for the highest grade and step previously held by an individual while employed in a position subject to the General Schedule.

Highest previous rate may be based on a regular tour of duty at any rate of basic pay received by an individual while serving under an appointment not limited to 90 days or less, or for a continuous period of not less than 90 days under one or more appointments without a break in service; exceptions are listed in 5 CFR 531.

Granting highest previous rate is at the discretion of the organization. An individual on an appointment of more than 90 days may receive highest previous rate even if the employee has not completed the 90 days. There is no requirement to serve a minimum period of time at the highest salary level.

For regulations on application of highest previous rate to employees paid special salary rates under 5 U.S.C. 5303, see para. 238.

233.5 Maximum Rate means the top rate for the grade/class of the General Schedule or Foreign Service pay schedules.

#### 234 DETERMINING RATES OF PAY

234.1 Basic Rates of Pay are authorized by Chapter 53 of Title 5 U.S.C. for General Schedule, Foreign Service, Senior Level above GS-15, and Senior Executive Service employees. For Wage Grade employees under the Federal Wage System Schedule, rates are established in accordance with

provisions of 5 U.S.C. 5341 and 5343 including those for radio antenna and tower maintenance workers, and for trades, crafts, material handling, and manual labor occupations in specific wage areas.

234.2 When Payable - Basic salary is paid an employee for work actually performed during the regular basic workweek, and for authorized absence during the basic workweek on a holiday, or leave with pay, on compensatory time off, or on excused absence granted pursuant to MOA V-A 690, but not for absence on leave without pay or absence without leave.

234.3 For New Appointees - The basic rate of compensation for new appointees without prior Federal civilian service is normally set at the first step of the General Schedule grade to which appointed. Entrance salaries above the first step of the grade to which appointed may be authorized based on Office of Personnel Management criteria (5 CFR 531). All such appointments above the minimum rate must be approved in advance by the Director of Personnel (B/P) or designee. Requests for appointments above the minimum rate must be submitted in writing by the selecting official with a justification to the Director of Personnel for approval. Depending on the basis for the higher rate, advanced approval from the Office of Personnel Management (OPM) may also be required.

234.4 For Appointment of Former Federal Employees - A former federal employee appointed by Broadcasting may be paid at the minimum salary rate of the grade to which appointed or at any scheduled rate of the grade which does not exceed the highest previous rate of pay as a federal employee. If the highest previous rate falls between two steps of the new grade, the employee may be given the higher rate.

234.5 For Changes to a Higher Grade/Class - Any employee promoted, repromoted or transferred from one grade in the General Schedule to a higher grade in the General Schedule will be compensated at the rate in the new grade that exceeds his or her rate in the previous grade by an amount equal to two within-grade increases of the grade from which promoted, repromoted or transferred. This rule also applies for temporary promotions.

234.6 Changes to the Same or Lower Grade/Class - An employee who is transferred to the same or lower grade/class, reassigned or demoted may be paid at any rate of the grade/class which does not exceed his or her highest previous salary rate. If his or her highest previous rate falls between two rates of pay in the new grade/class, the employee receives the higher rate. See para. 238 regarding employees on special salary rates.

234.7 For Wage Board Appointments - It is Broadcasting's policy to set the pay of individuals hired, transferred, reassigned, into Wage Board (Radio Broadcast Technician) bargaining unit positions in the Technical Operations Division and New York News Bureau based on the grade and salary table established in the negotiated agreement with AFSME Local 1418. This policy also applies to individuals who were at one time covered by Section 3 of Article V, A of the agreement but who subsequently vacated positions covered by this part of the agreement.

Normally pay will be set initially at Step 1 of the applicable grade level. Provisions for advance in-step hiring for new employees or highest previous/existing rate for former or current Government employees entering or reentering the pay system shall be applied only in cases where:

- a. the applicant clearly possesses special qualifications (i.e., an applicant with skills and experience of an exceptional or highly specialized nature), and
- b. the organization has a compelling need for the applicant's special qualifications. Except in extraordinary circumstances, pay will not be set initially above Step 3.

Requests for setting pay above Step 1 must be submitted by the selecting official, in writing, with a justification, to the Director of Personnel for approval.

#### 234.8 Corrections

- a. If an employee is placed in a lower rate of pay than the one for which he or she may be eligible and there is evidence the action was taken in error, the error may be corrected retroactively.
- b. If an employee is placed in a lower rate of pay than the one for which he or she may be eligible because of limited funds, the rate of pay may not be increased later when funds become available.

234.9 Responsibility for Determining Rates of Pay - The Director, Office of Personnel is responsible for making final determinations on rates of pay.

#### 235 WITHIN-GRADE INCREASES

##### 235.1 Within-Grade Increases for General Schedule, Federal Wage System, Including Wage Board, Employees

- a. This section is Broadcasting's within-grade increases component of the PMS performance management plan. The PMS performance appraisal system for employee's covered under this section is contained in MOA V-A 450.
- b. Coverage - This section applies to all employees in the domestic service of Broadcasting under the General Schedule (including non-U.S. citizen [GG] employees) and Federal Wage System (including Wage Board employees). It does not apply to employees who are members of the Senior Executive Service (SES).
- c. Authority - The principal authorities for providing within-grade increases are Chapters 23 and 53 of Title 5 of the United States Code, Section 402 of Executive Order 11721 and Subchapter D of Part 531 of the Code of Federal Regulations.

##### 235.2 Definitions



a. Acceptable Level of Competence - Fully Successful performance by an employee of the duties and responsibilities of his or her assigned position which warrants advancement of the employee's rate of basic pay to the next higher step of his/her grade subject to the requirements of Sections 235.4 and 235.7. The test for a within-grade increase eligibility for Wage Grade and Wage Board employees is that the overall rating in the most recent performance appraisal is "Satisfactory," i.e., "Fully Successful," or better. Therefore, for Wage Grade and Wage Board employees, Fully Successful performance is to be substituted for "Acceptable Level of Competence" throughout these regulations.

b. Critical Requirement - A component of a position consisting of one or more duties and responsibilities which contributes toward accomplishing organizational goals and objectives and which is of such importance that unacceptable (Unsuccessful) performance on the requirement would result in Unsuccessful performance in the position ("Critical requirement" is the term used by Broadcasting for a critical element as defined in 5 CFR 430.203).

c. Permanent Position - A position filled by a General Schedule employee whose appointment is not designated as temporary by law and does not have a definite time limitation of one year or less. "Permanent position" includes a position to which an employee is promoted on a temporary or term basis for at least one year, and may include positions allocated by the Office of Personnel as temporary.

d. Equivalent Increase in Pay - An increase or increases in an employee's rate of basic pay equal to or greater than the difference between the rate of pay for the grade and step occupied by the employee and the rate of pay for the next higher step of that grade. Examples of equivalent increases in pay are:

(1) any increase in basic salary resulting from a promotion;

(2) a regularly scheduled within-grade increase;

(3) a salary adjustment or combination of adjustments made since the last equivalent increase in pay resulting from conversion from one pay system to another, and equal to or greater than the amount of the within-grade increase for the grade to which the employee was appointed; and

(4) an employee moving from PMRS to general schedule who received one-half, one-third, or no portion of a merit increase is considered to have received the equivalent of a full step increase. He/she would start a new waiting period on the effective date of receipt or non-receipt of that merit increase.

### 235.3 Responsibilities

a. The Office of Personnel is responsible for:

(1) Notifying the appropriate supervisor or manager at least 90 days in advance of the date that each employee covered by this section will

complete the waiting period for the next within-grade increase. Form WGI-03 is used for such notification.

(2) Reviewing and deciding reconsideration requests from employees of Services and Offices other than the Office of Personnel when a within-grade increase is denied. Requests from Personnel employees for reconsideration will be reviewed and decided by the Director, or his/her designee.

(3) Providing advice to supervisors and managers.

b. Head of Services and Offices or designees are responsible for:

(1) Ensuring that supervisors notify employees of any factors that raise a question about the level of their performance (see 235.8), and

(2) Approving or disapproving within grade increase determinations, including Notices of Negative Determination (see 235.8).

c. Supervisors are responsible for:

(1) Determining whether the performance of an employee who has completed the required waiting period is of an acceptable level of competence to warrant receiving a within-grade increase. Such determinations will be made using the performance appraisal process.

(2) Notifying employees of any factors that raise a question about the level of their performance (see 235.8).

(3) Obtaining the review and approval of a higher level manager/supervisor (normally the second level supervisor) on a positive determination to grant a WGI (Form WGI-03).

(4) Obtaining approval of Office or Service Head, or designee, on a Notice of Negative Determination and Form WGI-03.

235.4 Eligibility - An employee covered by this plan who has not reached the maximum rate of pay for the grade in which his or her position is placed (and, if in the General Schedule, is occupying a permanent position) shall be advanced in pay successively to the next higher rate within the grade provided that:

a. The employee's performance of the duties and responsibilities of his or her assigned position must be at an acceptable level of competence, as defined in this section by authority of Section 402 of E.O. 11721, as amended. To be determined at an acceptable level of competence, the employee's most recent rating of record as defined in MOA V-A 451.5 k., must be at least "Fully Successful."

(1) When a within-grade increase decision is not consistent with the employee's most recent rating of record a more current rating of record must be prepared.

(2) The summary rating of record used as the basis for an acceptable level of competence determination for a within-grade increase must have been assigned no earlier than the most recently completed appraisal period;

b. 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

c. The employee must not have received an equivalent increase during the waiting period.

#### 235.5 Waiting Period

##### a. Length of a waiting period

(1) For General Schedule employees with prearranged regularly scheduled tours of duty the waiting periods for advancement to the following steps in all General Schedule grades are:

- (a) Steps 2, 3, and 4 - 52 calendar weeks of creditable service;
- (b) Steps 5, 6, and 7 - 104 calendar weeks of creditable service; and
- (c) Steps 8, 9, and 10 - 156 calendar weeks of creditable service.

(2) For General Schedule employees without prearranged regularly scheduled tours of duty (e.g., for employees working on an intermittent basis), a day's credit is given for each day in a pay status. The waiting periods are:

- (a) Steps 2, 3, and 4 - 260 days of creditable service in a pay status over a period of not less than 52 calendar weeks;
- (b) Steps 5, 6, and 7 - 520 days of creditable service in a pay status over a period of not less than 104 calendar weeks; and
- (c) Steps 8, 9, and 10 - 780 days of creditable service in a pay status over a period of not less than 156 calendar weeks.

(3) For non-supervisory or leader Wage Grade employees with prearranged regularly scheduled tours of duty, the waiting periods are:

- (a) Rate 2: 26 weeks of creditable service in rate 1. (Form WGI-03 will suffice to certify an employee's performance at a satisfactory level when a performance appraisal report is not yet required.);
- (b) Rate 3: 78 weeks of creditable service in rate 2; and
- (c) If applicable, to rates 4 and 5: 104 weeks of creditable service in each of rates 3 and 4.

##### (4) For supervisory Wage Grade employees:

- (a) To rate 2: 26 weeks of creditable service in rate 1;
- (b) To rate 3: 78 weeks of creditable service in rate 2; and
- (c) To rates 4 and 5: 104 weeks of creditable service at the next lower rate.

##### (5) For Wage Board Radio Broadcast Technicians:

52 weeks of creditable service at the next lower rate.

b. Commencement of a waiting period - A waiting period begins:

(1) On the first appointment as an employee of the Federal Government, regardless of tenure;

(2) On receiving an equivalent increase; or

(3) After a period of nonpay status or a break in service (alone or in combination) in excess of 52 calendar weeks unless the non pay status or break in service is creditable service under Section 235.6.

c. A waiting period is not interrupted by non-workdays intervening between an employee's last scheduled workday in one position and his/her first scheduled workday in the new position.

#### 235.6 Creditable Service Toward a Within-Grade Increase

a. For General Schedule (GS) Employees

(1) Civilian employment in any branch of the Federal Government (executive, legislative, or judicial) or with a government corporation as defined in Section 103 of Title 5, United States Code, is creditable service in the computation of a waiting period. Service credit is given during this employment for periods of annual, sick, and other leave with pay; advanced annual and sick leave; and service under a temporary or term appointment. Depending on the specific provisions of law or regulations, service may be creditable for the completion of one waiting period or for the completion of successive waiting periods.

(2) Service creditable for one within-grade increase

(a) Military service as defined in Section 8331(13) of Title 5, United States Code, is creditable service in the computation of a waiting period when an employee is re-employed with the Federal Government not later than 52 calendar weeks after separation from such service or hospitalization continuing thereafter for a period of not more than one year.

(b) Time in a nonpay status is creditable service in the computation of a waiting period for an employee with a scheduled tour of duty when it does not exceed an aggregate of:

(i) Two workweeks in the waiting period for steps 2, 3, and 4;

(ii) Four workweeks in the waiting period for steps 5, 6, and 7;

(iii) Six workweeks in the waiting period for steps 8, 9, and 10.

Except as provided in paragraph (3) of this section, time in a nonpay status in excess of the allowable amount shall extend a waiting period by the excess amount.

(3) Service creditable for successive within-grade increases

(a) A leave of absence from a position in which an employee is covered by this section, whether the employee is on leave without pay or considered to be on furlough, is creditable service in the computation of waiting periods for successive within-grade increases when:

(i) The employee is absent due to military service as defined in Section 8331(13) of Title 5, United States Code, and returns to pay status through the exercise of a restoration of right provided by law, Executive Order or regulation;

(ii) The employee is receiving injury (worker's) compensation under Subchapter I of Chapter 81 of Title 5, United States Code;

iii) The employee is performing service that is creditable under Section 8332(b) (5) or (7) of Title 5, United States Code (applies to certain service with Peace Corps, VISTA, and ACTION);

(iv) The employee is assigned to a State or local government or institution of higher education under Sections 3371-3376 of Title 5, United States Code.

(a) The period from the date of an employee's separation from Federal Service with a restoration of re-employment right granted by law, Executive Order, or regulation to the date of restoration or re-employment with the Federal Government through the exercise of that right is creditable service in the computation of waiting periods for successive within-grade increases.

(b) The period during which a separated employee is in receipt of injury compensation under Subchapter I of Chapter 81 of Title 5, United States Code, as a result of an injury incurred by the employee in the performance of duty is creditable service in the computation of waiting periods for successive within-grade increases when the employee is re-employed with the Federal Government.

#### 235.7 Determination of Acceptable Level of Competence

a. Employees covered by the appraisal system established in MOA V-A 450 shall be informed of the specific performance requirements that constitute an acceptable level of competence within the time frame and by means of communication of performance standards established under MOA V-A 450.

b. Employees not covered by this appraisal system shall be informed of the specific requirements for performance at an acceptable level of competence within a reasonable period of time after initial appointment or permanent change in position.

c. An acceptable level of competence determination shall be based on a current rating of record made under the provisions of MOA V-A 450.

d. Personnel will notify the appropriate manager or supervisor at least 90 days in advance of the date that a covered employee will complete the waiting period for the next within-grade increase using Form WGI-03.

e. The appropriate immediate supervisor or manager will determine whether the employee's performance is of an "Acceptable Level of Competence," as described in Section 235.7h. The determination must be reviewed and approved by a higher level supervisor, normally the second level supervisor. Form WGI-03 must be signed by the immediate supervisor and reviewed and approved by a higher level supervisor, indicating the decision made, and returned to Personnel.

However, in those cases where it is determined that the employee's work is not of an acceptable level of competence, the head of the Service or Office, or designee, must sign the Form WGI-03 and attach a notice of negative determination as required in Section 235.8.

f. The decision to grant or withhold a within-grade increase must be supported by the employee's most recent rating of record. If the within-grade increase decision is not consistent with the employee's most recent rating of record, a more current rating of record must be prepared. The rating of record used as the basis for an acceptable level of competence determination for a within-grade increase must have been assigned no earlier than the most recently completed appraisal period.

g. If an employee has been reduced in grade because of unacceptable ("Unsuccessful") performance and has served in one position at the lower grade for at least the minimum appraisal period (90 days), a rating of record at the lower grade shall be used as the basis for an acceptable level of competence determination.

h. Each supervisor must determine whether an employee's performance warrants a within-grade increase once the employee has completed the required waiting period. To warrant a within-grade increase, an employee's performance must meet the acceptable level of competence (i.e., at least Fully Successful) based on his or her most recent summary rating of record and must remain at the Fully Successful or higher level at the time of the within-grade increase determination. If the employee's rating of record is less than Fully Successful, but his or her performance subsequently has improved to the Fully Successful level, a new rating of record must be prepared. When these conditions are met, the immediate supervisor must sign the WGI-03 indicating approval and a higher level supervisor (normally the second level supervisor) must also review and approve the determination granting the within-grade increase and return it to Personnel.

i. Special circumstances affecting General Schedule, and Federal Wage System, including Wage Board, employees

(1) An acceptable level of competence determination must be delayed when either of the following applies:

(a) An employee has not had 90 days to demonstrate acceptable performance because he or she has not been informed of the specific requirements for an acceptable level of competence in his or her current position and the employee has not been given a performance rating in any position within 90 days before the end of the waiting period; or

(b) An employee has been reduced in grade because of unacceptable performance to a position in which he or she is eligible for a within-grade increase or will become eligible within the minimum 90 day rating period.

(2) When a within-grade increase determination has been delayed:

(a) The employee shall be informed that his or her determination is postponed and the rating period extended and shall be told of the specific requirements for performance at an acceptable level of competence, and a copy of Form WGI-03 shall be returned to the Office of Personnel explaining the delay.

(b) An acceptable level of competence determination shall then be made upon completion of the minimum 90 day rating period and shall be based on the employee's rating of record completed at the end of the appraisal period.

(c) If, following the delay, the employee's performance is determined to be at an acceptable level of competence, the within-grade increase will be granted retroactively to the beginning of the pay period following completion of the applicable waiting period.

(3) 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 the minimum 90 day rating period during the final 52 calendar weeks of the waiting period because of one or more of the following reasons:

(a) Absences that are creditable service in the computation of a waiting period or periods under 5 CFR 531.406 (as defined in MOA V-A 235.6);

(b) Paid leave;

(c) The employee received service credit under the back pay provisions of 5 CFR 550, Subpart H;

(d) Details to another agency or employer for which no rating has been prepared; or

(e) Long-term training.

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 90 day rating period.

#### 235.8 Denying Within-Grade Increases

a. A negative determination will be made when a supervisor determines that an employee's performance is not at an acceptable level of competence. This may occur, for example, when:

(1) The most recent rating of record is at the Minimally Successful level and has not improved;

(2) Performance has deteriorated to a less than Fully Successful level since the most recent rating of record; or

(3) Performance remains at the Unsuccessful level since the most recent rating of record.

The negative determination shall be communicated through a Notice of Negative Determination (see paragraph d below) approved by the Office Head or designee. A copy of this Notice must be attached to the WGI-03 Form and sent to the Office of Personnel.

b. Minimally Successful Performer -- When an employee's most recent rating of record is Minimally Successful, and the supervisor determines that performance has improved to the Fully Successful level by the end of the WGI waiting period, the employee shall be given a new rating of record. If the employee's performance has not improved to the Fully Successful level by the end of the waiting period, the employee shall be given a Notice of Negative Determination.

c. Deteriorated Performance -- When the performance of an employee with a rating of record of Fully Successful has deteriorated to a lower level at the time of the within-grade increase determination, the supervisor must consult with the Office of Personnel and prepare and give the employee a new rating of record to support a negative determination.

See MOA V-A 450 for procedures when an employee is given an Unsuccessful rating of record.

d. Notice of Negative Within-Grade Increase Determination - If the employee's performance is not at an acceptable level of competence at the end of the waiting period, the supervisor, with the advice and assistance of the Office of Personnel and the approval of the Office Director, or Service Head, or designee, shall give the employee a Notice of Negative Within-Grade Increase Determination which shall:

(1) Set forth the reasons for any negative determination and the respects in which the employee must improve his or her performance in order to be granted a within-grade increase in the future; and

(2) Inform the employee (or the employee's representative) of his or her right to request in writing that the Director of Personnel reconsider the determination. The written request must be filed within 15 days after receiving the Notice of Negative Determination and set forth the reasons the Director should reconsider the determination. Employees in the Office of Personnel should send their requests to the Director of Broadcasting .

(NOTE: A Performance Improvement Plan may be combined with the Negative Determination to fulfill the requirement in V-A 450 when an Unsuccessful rating of record is given to an employee.)



An employee in a duty status shall be granted a reasonable amount of official time to review the material relied upon to support the negative determination and to prepare a response to the determination.

The waiting period for a within-grade increase may not be extended nor may the determination be delayed except under circumstances described in 235.7i.

e. A copy of the written notice of denial of the within-grade increase will be placed in the employee's Official Personnel Folder with the SF-50, Notification of Personnel Action. If the denial is later reversed through reconsideration or appeal, these documents will be removed from the Official Personnel Folder.

f. The Director, B/P, or designee, will review and decide reconsideration requests for employees of Services and Offices other than B/P. Requests from B/P employees for reconsideration will be reviewed and decided by the Director of International Broadcasting, or designee. Employee requests for reconsideration of a Notice of Negative Determination (WGI), as described in 235.8d. must be reviewed in accordance with procedures for such reviews at 235.8f. through l. and may not be processed as a grievance under the terms of a collective bargaining agreement. Only a negative determination sustained after completion of the reconsideration process may be raised as a grievance under a collective bargaining agreement. (See also 235.8l.)

g. When an employee files a request for reconsideration, the Office of Personnel shall establish an employee reconsideration file which shall contain all pertinent documents relating to the negative determination and request for reconsideration, including copies of the following:

- (1) The written negative determination and the basis therefore;
- (2) The employee's written request for reconsideration;
- (3) The report of investigation when an investigation is made;
- (4) The written summary or transcript of any personal presentation made; and
- (5) The final decision by the Director, B/P or the Director of Broadcasting on the request for reconsideration.

h. The employee reconsideration file shall not contain any document that has not been made available to the employee or the employee's personal representative with an opportunity to submit a written exception to any summary of the employee's personal presentation.

i. The time limit to request a reconsideration may be extended when the employee shows he/she was not notified of the time limit and was not otherwise aware of it, or that the employee was prevented by circumstances beyond his/her control from requesting reconsideration within the time limit.

j. Broadcasting may disallow as an employee's personal representative an individual whose activities as a representative would cause a conflict of interest of position, an employee whose release from his/her official duties and responsibilities would give rise to unreasonable costs to the Government, or an employee whose priority work assignment precludes his or her release from official duties and responsibilities. Section 7114 of Title 5, United States Code, and the terms of any applicable collective bargaining agreement govern representation for employees in an exclusive bargaining unit.

k. Broadcasting shall provide the employee with a written final decision normally within 30 calendar days from the request for reconsideration. If a final decision can not be issued within the 30 days, the employee will be so notified in writing during the 30 day period.

l. When a negative determination is sustained after reconsideration, the employee shall be informed in writing of the reasons for the decision. General Schedule employees will be informed of their right to appeal the decision to the Merit Systems Protection Board. Non-GS employees not covered by a collective bargaining unit agreement (e.g., wage supervisors) may grieve the decision under the administrative grievance procedures described in MOA V-A 540. For an employee covered by a collective bargaining agreement, a reconsideration decision that sustains a negative determination is only reviewable in accordance with the terms of the agreement.

m. When a within-grade increase has been withheld, a supervisor may, at any time thereafter, prepare a new rating of record for the employee and grant the within-grade increase when he or she determines that the employee demonstrated sustained performance at an acceptable level of competence. However, the supervisor shall determine whether the employee's performance is at an acceptable level of competence after no more than 52 calendar weeks following the original eligibility date for the within-grade increase and, for as long as the within-grade increase continues to be denied, determinations will be made after no longer than each 52 calendar weeks.

n. A new WGI-03 must be signed when such a redetermination is made and the employee so notified. If the employee's performance warrants granting a within-grade increase, the effective date of the within-grade increase shall be the first day of the first pay period following the redetermination.

#### 235.9 Effective Dates of Within-Grade Increases

a. Except as provided below, a within-grade increase is effective on the first day of the first pay period following completion of the required waiting period, provided that the appropriate supervisors or managers have certified that the employee has performed at an "Acceptable Level of Competence."

b. If, through an oversight, a favorable decision is delayed beyond the end of the waiting period, the pay increase will be retroactive to the

beginning of the first pay period following the end of the employee's waiting period.

c. If a reconsideration or appeal results in reversing an original denial of within-grade increase, the within-grade increase will be effective on the original eligibility date.

d. When an "Acceptable Level of Competence" is achieved at some time after a negative determination, the effective date is the first day of the first pay period after the new "Acceptable Level of Competence" determination.

e. When the effective date of within-grade increase occurs simultaneously with the effective date of another personnel action, the within-grade increase and the personnel action will be processed in the order that gives the employee the maximum benefit.

f. An improper personnel action later corrected in accordance with mandatory, statutory or regulatory requirements does not extend the waiting period for a within-grade increase. In such a case, the waiting period begins as of the date it would have begun had the improper action not occurred.

g. See MOA V-A 235.2d(4) for effective date for employees moving from PMRS to general schedule.

236 (unassigned)

## 237 RATES OF PAY FOR STATUTORY AND EXEMPTED POSITIONS

237.1 Executive Positions - Under 5 U.S.C., Chapter 53, Subchapter II, Executive Positions are identified.

237.2 Senior Executive Service (SES) Positions - Under P.L. 95-454, (Civil Service Reform Act of 1978) there are six pay rates (ES-1 through ES-6) which are periodically adjusted by the President. The lowest rate must not be less than 120 percent of the minimum rate of a GS-15 and the highest cannot exceed the rate of Executive Level IV.

237.3 Senior Level (SL) Positions Above GS-15 - PL 101-509, 11/5/90, and 5 USC 5376, authorize the Director to fix the rate of basic pay for positions classified above GS-15, other than Senior Executive Service, at not less than 120% of the minimum rate of basic pay payable for GS-15 of the General Schedule and not greater than the rate of basic pay payable for level IV of the Executive Schedule.

## 237.4 Exempted Positions

a. Experts and Consultants - The rules for determining rates of pay for experts and consultants are included in MOA V-A-800.

b. Exempted Positions Other Than Wage Board and Statutory Positions

(1) General Classification Plan

(a) Exempted positions, other than Wage Board and positions for which the compensation is set by statute, are those positions that are not subject to Chapter 51 of 5 U.S.C. (formerly known as the Classification Act of 1949, as amended), nor to any other statutory pay fixing authority.

(b) This paragraph applies to persons employed as non-(U.S.) citizens for use in the United States (see MOA V-A-820) and persons employed under appropriation act authority for temporary employment (see MOA V-A-840).

(c) Exempted positions are classified in GG grades that follow substantially the same standards and guides used in classifying GS positions.

(2) Basic Rates of Compensation - The basic rates of compensation for exempted positions are the same as those for comparable grades in the General Schedule.

(3) Determining Rates of Pay

In general, the rules for determining rates of pay for employees in exempted positions are substantially the same as those for employees in GS positions (paragraph 234.)

(4) Within-Grade Increases

Within-grade increases are not provided by law for employees occupying exempted positions, but the exempted schedule provides for successive steps within an exempted schedule grade and within-grade increases may be given, within available appropriations, in the same manner as within-grade increases are given to employees in GS positions (paragraph 235 above).

238 INCREASED MINIMUM RATES FOR GS POSITIONS (SPECIAL SALARY RATES)

238.1 Office of Personnel Management (OPM) Authority - As authorized under Title 5 CFR Part 530, OPM may establish higher minimum rates of basic compensation for one or more grades of GS positions and may make corresponding increases in all step rates of the salary range for each grade provided that:

a. The salary rates in private enterprise for one or more occupations in one or more areas or locations are so substantially above the salary rates of statutory pay schedules as to handicap significantly the Government's recruitment or retention of well-qualified persons.

238.2 Responsibility - The Office of Personnel is responsible for negotiating with the OPM and other agencies in requesting and obtaining approvals of increased minimum rates for Classification Act positions.

238.3 Determining Highest Previous Rate

a. Highest previous rate may be applied to an employee under a special salary rate if 1) the special rate of pay is the employee's current rate of basic pay; and 2) the Director of Personnel, makes the determination that the need for the services of the employee, and his or her

contribution to Broadcasting will be greater in the position to which she/he is reassigned. This can include reassignment to a position with promotion potential. However, an employee who is demoted to accept a job with growth potential or promotion potential may not retain the special salary rate because the action does not meet the 5 CFR definition of reassignment.

b. Such a determination must be made on a case-by-case basis. The receiving element must submit a written justification to the Office of Personnel, which will maintain a written record of the decision.

c. The employee must be otherwise eligible for the highest previous rate.

## 239 QUALITY STEP INCREASES

a. Purpose - Quality step increases (QSIs) are part of the Performance Management System (PMS) and are intended to recognize Outstanding performance by providing faster than normal step increases. QSIs allow Broadcasting to recognize and reward sustained high levels of performance which substantially exceed the levels required to receive a Within Grade Increase (WGI).

b. Authority - QSIs are authorized under Title 5, United States Code, Section 5336 and Title 5, Code of Federal Regulations, Part 531, Subpart E. GG (non-U.S. citizen) and negotiated Wage (WB) employees are eligible for QSIs.

c. Definitions - Quality Step Increase (QSI) - An increase in an employee's rate of basic pay from one step of the grade of his/her position to the next higher step of the grade in accordance with this section. (Also referred to as a "step" increase.)

### 239.1 Basic Requirements and Coverage:

a. A QSI shall not be required but may be granted, subject to budgetary constraints, only to an employee in a General Schedule, (GS), non-citizen (GG), or negotiated wage (WB) position, who receives a rating of record (Annual Performance Appraisal) of (Outstanding) as defined in MOA V-A 450. (Senior Executive Service (SES) and Performance Management and Recognition System (PMRS) employees are not eligible to receive QSIs.)

b. As provided by 5 USC 5336, a QSI may not be granted to a covered employee who has received a QSI within the preceding 52 consecutive calendar weeks; or to an employee who has reached the maximum step of his/her grade level.

239.2 Guidelines - In determining whether to recommend or approve a QSI, supervisors and managers should consider the following guidelines:

a. (1) The employee's performance should exceed the level which justifies recognition by a one-time only cash award. The employee's overall performance must be consistently outstanding in all respects and warrants an increase in the employee's rate of basic pay. Added consideration should be given to an employee who, due to a waiting period

of more than one year, cannot receive a within grade increase within the year;

b. The performance must have been maintained at the Outstanding level for a sufficiently substantial period of time, at least one year, to be considered characteristic of the employee;

c. The performance must not have been recognized adequately by other means such as a promotion; or be susceptible to recognition by career promotion.

d. The performance should be expected to continue at the Outstanding level; and the employee should be expected to remain in the same position or similar position and at the same grade level for at least sixty (60) days;

e. QSI's can not be based upon performance during a detail or a temporary promotion.

#### 239.3 Nominations and Approval of QSI's

a. A determination to grant a QSI should be made as soon as practicable after the Outstanding performance appraisal is approved.

b. Nominations may be initiated only by the employee's supervisor or any higher-level supervisor.

c. Authority to grant QSI's will be delegated to the lowest practicable level of management. Directors, Directors of independent Offices or Services, or their designees, will approve the granting of the QSI (with appropriate clearance for consistency with applicable guidelines by the Office of Personnel. Approving officials must be at a higher level than the recommending official.

d. QSI nominations should be processed expeditiously, so as to allow the designated approving official to take final action within thirty days from its initiation.

e. Approved QSI nominations are to be forwarded to the Office of Personnel for immediate processing. (A sample QSI nomination format is provided at Exhibit 230B.)

239.4 Effective Date - The QSI should be made effective as soon as possible after it is approved. QSI's shall be effective at the beginning of the first pay period following receipt by the Office of Personnel.

239.5 Relationship to Within-Grade Increases - A QSI is in addition to a within-grade increase and is not an equivalent increase in pay for within-grade increase purposes. A QSI does not affect an employee's anniversary date nor the waiting period for the next WGI, unless the QSI places the employee in a longer waiting period. For example, a GS employee at step 3 who receives a QSI would begin immediately to be paid at the rate of step 4, but would have to wait two years from the last equivalent increase for a WGI to step 5. Time already served at step 3 would be counted toward the total waiting period.

239.6 Informing Employees About QSIs - Personnel will publish annually a statistical compilation of the number of QSI's granted during the year by grade level.

239.7 Orientation and Training

a. New employees upon their entering on duty are provided information regarding the PMS, including the quality step increase program.

b. See provisions of MOA V-A 450 regarding training of supervisors, managers, and employees.

239.8 Annual Program Review

Program evaluation will be conducted annually by the Office of Personnel in accordance with MOA V-A 450.

Exhibit 230A

Criteria for a Quality Step Increase

- a. The performance should exceed the level which justifies recognition by a one-time only cash award. The employee's overall performance is consistently outstanding in all respects and warrants an increase in the employee's rate of basic pay. (Added consideration should be given to an employee who, due to a waiting period of more than year, cannot receive a within grade increase within the year);
- b. The performance must have been maintained at the Outstanding level for a sufficiently substantial period of time, at least one year, to be considered characteristic of the employee;
- c. The nominated employee must not have been recognized adequately by other means such as a promotion.
- d. The performance is expected to continue at the Outstanding level;
- e. QSIs can not be based on performance during a detail or temporary promotion.



Exhibit 230B - Format for a Quality Step Increase Approval

Date:

MEMORANDUM FOR: Executive Secretary, Incentive Awards Program

THROUGH: Approving Official

FROM: Recommending Official

SUBJECT: Nomination for a Quality Step Increase

1. Name of Employee:
2. Organization, title, series, grade and step:
3. Length of time at present grade level:
4. Date When Next Regular Within-Grade Increase is due:
5. Period of Service on which Recommendation is Based:

Justification: List employee's performance requirements and provide answers to a and b for each performance requirement.

- a. How employee's performance exceeded standards or requirements of position.
- b. How performance increased productivity, economy, efficiency, or effectiveness of Government operations.

I certify that the employee's last annual rating was at the Outstanding level, meets the criteria for a quality step increase, and that the employee's performance has continued at the Outstanding level and it is anticipated that the employee's performance will continue at this same level. I also certify that the nominated employee will remain in the same position or a similar position, at the same grade level, for at least sixty days.

Office Head (Date)

Attachment: Outstanding Performance Appraisal

Exhibit 230C  
MEMORANDUM OF POLICY

SENIOR LEVEL PAY

The Federal Employees Pay Comparability Act of 1990 (FEPCA) established a new pay system for GS-16, 17, and 18 employees outside of the General Schedule. In accordance with FEPCA, employees holding these personal grades were converted to the Senior Level Pay System effective May 4, 1991 at a rate of pay equal to the rate payable immediately before the conversion.

In accordance with 5 USC 5376, the Director is authorized to fix the rate of basic pay for senior level positions. Pay rates under this system must be not less than 120 percent of the minimum rate of basic pay payable for GS-15 of the General Schedule, and not greater than the rate of basic pay payable for level IV of the Executive Schedule. Pay of an individual may not be adjusted more than once by the Director in any 12-month period. If a senior level employee's salary is adjusted under 5 CFR 534.504 and it does not exceed the average General Schedule adjustment, it will not be considered to start a new 12-month period.

Any annual pay adjustment under 5 CFR 534.504, and the amount, will be determined by the Director once a year.

Pay setting under 5 CFR 534.503 is discretionary and will be determined by the Director.

Performance appraisal and performance awards are discussed in appropriate sections of MOA V-A.

International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

Material within this Manual of Operations and Administration may no longer be current. To ensure having the most current policy or procedure, please contact the Agency office responsible for the subject matter, e.g., information about performance appraisal, staffing, or compensation should be directed to the Office of Human Resources. For assistance in determining which office to contact, please contact Cathy Brown or Renee Tyrance-Gauff of the Analysis and Administration Division on (202) 203-4664 or feel free to email this staff at cabrown@bbg.gov or crgauff@bbg.gov.

MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART V-A PERSONNEL (DOMESTIC), 200 CLASSIFICATION AND COMPENSATION  
Section 240

PREMIUM COMPENSATION

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## Section 240

### PREMIUM COMPENSATION

#### 241 INTRODUCTION

241.1 Purpose and Coverage - The following material informs managers, supervisors, administrative personnel, and employees of eligibility rules for premium compensation and how to compute premium pay. These rules generally apply to all Broadcasting employees working in the United States other than members of the Senior Foreign Service and Senior Executive Service, Experts and Consultants, wage system employees, and non-U.S. citizens employed under personal services contracts. Rules in MOA V-A 246 apply to wage system employees. Premium pay rules for personal service contract employees are included in their contracts.

241.2 Basic Statute and Regulations - Chapter 55 of 5 U.S. Code prescribes premium compensation rules for GS, GG, GM, and FP personnel and wage system employees. 5 U.S.C. 5343 prescribes night shift differential rules for wage system employees.

### 241.3 Related MOA Material

a. MOA V-A 251 states that the maximum rate of GS-15 is the ceiling for premium compensation for GS, GG, GM, and FP personnel. The ceiling applies to night differential, overtime pay or compensatory time off, Sunday pay, and holiday premium pay for holiday work, authorized under 5 U.S.C.

b. MOA V-A 600 contains regulations and instructions on work scheduling, including conditions under which employees will be paid for holidays not worked and the granting of compensatory time to GS, GG, GM, and FP personnel.

c. MOA V-A 800 contains compensation regulations for Experts and Consultants.

d. MOA VII 500 contains instructions on reporting work and absences for pay-roll purposes.

242 OVERTIME COMPENSATION AND COMPENSATORY TIME OFF - All employees as stated in MOA V-A 241.1 are covered by these overtime compensation provisions if they are exempt from the Fair Labor Standards Act under the definitions for executive, administrative, or professional employees. The FLSA exemption criteria are narrowly defined and Broadcasting is responsible for proving that an employee is exempt.

### 242.1 Definitions

a. Irregular or Occasional Overtime is hours of duty in excess of 40 hours in an administrative workweek or in excess of 8 in a workday that is officially ordered in advance by management but cannot be scheduled in advance of the administrative workweek as part of the employee's regularly scheduled workweek. See paragraph 242.6 for regulations regarding premium pay and compensatory time for irregular or occasional overtime.

b. Regularly Scheduled Overtime is hours of duty in excess of 40 hours in an employee's administrative workweek or in excess of 8 hours in an employee's workday that is officially ordered and scheduled (or should have been scheduled) by management prior to the beginning of the administrative workweek, designated by calendar days and number of hours per day as part of the administrative work-week. Federal statute prohibits the earning of compensatory time in lieu of payment for regularly scheduled overtime, but the maximum limitation in MOA V-A 251 applies for overtime compensated under 5 U.S.C.

Failure to schedule overtime before the administrative workweek begins when the supervisor has knowledge that overtime will be required, knows the day(s) and hour(s) the work is performed, and has the opportunity to determine which employee(s) is to be scheduled or re-scheduled, will probably result in a determination that the employee(s) is entitled to regularly scheduled overtime, and night pay differential for overtime work performed between 6 p.m. and 6 a.m.

c. Administrative workweek, basic workweek, irregular workweek, basic workday, flextime, regularly scheduled administrative workweek, and "suffer or permit" overtime, are defined in MOA V-A 601.2.

d. If an employee is officially ordered by management to work more than 40 hours during an administrative work-week or more than 8 hours during one or more days of the same administrative workweek, his or her overtime hours are determined on the basis that results in the larger number of overtime hours.

242.2 Units of Overtime Work - The minimum amount of overtime work that is credited and compensated is one-quarter of an hour. Additional amounts of over-time for each workday are reported and compensated for in quarter-hour multiples. Smaller fractions are dropped and may not be saved from day to day for compensation at the end of the week or pay period. This rule applies to both overtime pay and compensatory time off in lieu of overtime pay. For example, an employee who works one hour and fifty minutes of approved overtime on one day and one hour and twenty-five minutes on another during a pay period is compensated for one and three-quarter hours of overtime on the first day and one and one-quarter on the second. The remaining periods that are less than one-quarter of an hour are dropped.

#### 242.3 Call-Back Overtime

a. Employees who are required to perform unscheduled overtime work on a day when no work was regularly scheduled for them or who are required to return to their place of employment to perform unscheduled overtime work are entitled to overtime compensation for at least two hours, even though they work less than two hours.

b. Employees are entitled to the callback minimum of two hours if they are directed in advance to return to work more than one hour after they complete their regular workday or after they complete an overtime assignment.

c. Employees are not entitled to the call-back minimum of two hours if:

(1) They are directed in advance to return to their place of employment no more than one hour after the completion of their scheduled workday or after completion of an overtime assignment.

(2) They elect to go home or leave the work premises to eat a meal between the end of their regular workday and a period of overtime work or between periods of overtime work.

(3) They are required to report early for duty that merges with and continues into a scheduled daily tour. (Compensation will be only for the time actually worked -- CG Decision B154332 8-2-65).

#### 242.4 Effect of Absences

a. Leave or Absences with Pay - Authorized absence from duty in a pay status (for example -- annual or sick leave, excused absence on a holiday, or excused absence for voting) during an employee's basic workday or workweek does not, of itself, preclude overtime compensation for overtime actually worked during the administrative workday or workweek in which the absence occurred.

b. Time in Non-pay Status - Periods in non-pay status (LWOP, suspension, or AWOL) are not creditable in determining whether an employee is entitled to overtime (42 CG 429).

c. Effect of Travel - Hours of travel are treated as hours of work for determining entitlement to overtime compensation only if:

(1) The hours of travel fall within the days and hours of the employee's regularly scheduled administrative workweek, including regularly scheduled overtime hours.

(2) The travel (a) involves performance of authorized or approved work (b) immediately precedes or follows travel that involves the performance of work while traveling (c) is carried out under such arduous or unusual conditions that the travel is inseparable from work, or (d) results from an event which could not be scheduled or controlled administratively.

#### 242.5 Rate of Overtime Pay

a. Overtime pay for an employee whose salary does not exceed the first step of GS-10 is one and one-half times his or her regular pay, exclusive of any other premium pay (night-pay, holiday pay, or Sunday pay).

b. Overtime pay for an employee whose salary exceeds the first step of GS-10 is one and one-half times the first step of GS-10.

c. An employee whose overtime pay rate is less than his or her straight-time pay rate is paid straight-time rates for any regularly scheduled over-time within his or her daily tour of duty, but his or her pay rate for over-time in addition to his or her 40-hour basic workweek is determined under (b) immediately above.

#### 242.6 Compensatory Time Off

a. Definition - Compensatory time off is authorized absence from duty in lieu of pay for irregular or occasional overtime work (see MOA V-A 602.6e).

b. Compensatory Time Not Authorized for Regularly Scheduled Overtime - Federal statute provides that an employee who performs regularly scheduled overtime work must receive pay for such overtime and may not be granted compensatory time off in lieu of overtime pay.

c. Effect of Maximum Aggregate Compensation Limitation on Compensatory Time Off - Compensatory time off may not be granted for overtime work for which overtime pay is precluded by the maximum aggregate salary limitation (maximum rate of GS-15).

d. Employee Whose Salary Is Above Top GS-10 Rate - It is the policy of Broadcasting to grant compensatory time off for officially ordered or approved irregular or occasional overtime, in lieu of overtime pay, to all GS, GG, GM, and FP employees whose salary exceeds the maximum GS-10 rate. Exceptions to this policy may be made only as follows: An employee whose salary is above the top GS-10 rate, but whose salary is below the minimum GS-14 rate may be paid for irregular or occasional overtime, provided:

(1) The overtime worked has first been recorded as compensatory time,

(2) Every effort has been made to grant the compensatory time off, and

(3) Following the end of the eighth full pay period after the pay period in which the compensatory time off was earned, payment is scheduled for any remaining hours. The Director, Office or Service head, or his or her designee, must certify to Finance on the Time and Attendance Report, for the pay period in which payment is to be made that such remaining compensatory time off could not be granted within the allowed period.

An employee whose salary is at the minimum GS-14 rate and above may not be paid for irregular or occasional overtime, and forfeits the compensatory time off if it is not taken within eight pay periods.

e. Employees at the maximum rate of GS-15 (or Foreign Service equivalent) and above are prohibited from receiving overtime pay and compensatory time off.

f. Employees at or Below Top GS-10 Rate - A GS, GG, GM, or FP employee whose salary does not exceed the maximum rate for GS-10 has a legal right to choose to receive pay for irregular or occasional overtime. However, in line with Broadcasting's cost reduction policy, such employees should be encouraged to exercise their option to take compensatory time off in lieu of overtime pay.

#### 243 NIGHT-WORK AND NIGHT PAY DIFFERENTIAL

243.1 Definition - Night-work is regularly scheduled work that is performed between the hours of 6 p.m. and 6 a.m. based upon the time observed (standard or daylight saving), and scheduled (or should have been scheduled) in advance of the administrative workweek for an employee for a specific day(s) and hour(s).

Night pay differential is a premium of 10 percent of the employee's basic pay added to the basic pay and is payable for night-work occurring during an employee's daily tour of duty and/or during a period of regularly scheduled overtime, but not during a period of irregular or occasional overtime.

243.2 Applicability - Except for Experts and Consultants, wage system employees, members of the Senior Foreign Service and Senior Executive Service, and non-U.S. citizens employed under personal services contracts, all full-time employees and part-time employees with a scheduled duty



tour working in the United States are eligible for night pay differential. See paragraph 246 for night pay differential for wage system employees. Intermittent employees with no prearranged duty tour are not eligible for night pay differential. Employees who elect to work beyond 6:00 p.m. under the Flextime program are not eligible for night pay differential.

243.3 Units of Night-work - The minimum of night-work that is credited and compensated is one-quarter of an hour. Additional amounts of night pay differential for each workday are reported and compensated in quarter-hour multiples. Smaller fractions are dropped and may not be saved from day to day for compensation at the end of the week or pay period.

243.4 Temporary Assignment to Night-work - When an employee is temporarily assigned after the start of the administrative workweek to a daily tour of duty (non-overtime hours) which includes hours between 6 p.m. and 6 a.m., night pay differential is authorized. When overtime work is also required between 6 p.m. and 6 a.m. in addition to the daily tour of duty, and the overtime is scheduled after the start of the administrative workweek, the overtime performed is considered irregular or occasional and night pay differential is not authorized.

#### 243.5 Effect of Absences

a. Excused Absences - Night pay differential is paid during periods when an employee is excused on a holiday or a day observed in lieu of the holiday, is on compensatory time off, court leave or military leave, or otherwise excused with pay and without charge to annual or sick leave.

b. Travel Status - Night pay differential is paid for all night hours of the employee's regularly scheduled daily duty tour while on official travel, even though he or she performs no work.

c. Effect on Pay, Annual, or Sick Leave - Night pay differential does not affect deductions for Civil Service or Foreign Service Retirement nor the amount of insurance under FEGLI, nor is it used in computing overtime, Sunday, or holiday premium pay authorized under 5 U.S.C.

Night pay differential is paid during periods when an employee is on annual or sick leave only if his or her total paid annual and sick leave during the pay period, including both day and night hours, does not exceed seven hours.

#### 244 SUNDAY PAY

244.1 Definition - Sunday pay is premium pay for non-overtime work performed during an employee's regularly scheduled daily tour of duty, any part of which occurs between midnight Saturday and midnight Sunday. Sunday is defined as the calendar day, not as a day "in lieu of Sunday" as described in holiday pay regulations.

244.2 Amount - Sunday pay is 25 percent of the employee's basic compensation not to exceed eight hours of the employee's workday. Basic

compensation is the salary rate for the employee's grade or class and step level.

#### 244.3 Eligible Employees

a. Full-time employees with a prearranged duty tour are eligible for Sunday pay if they perform scheduled work on Sunday.

b. Part-time employees are not eligible for Sunday pay.

c. Intermittent employees are not eligible for Sunday pay.

244.4 Two Sunday Tours - An employee who has two separate regularly scheduled duty tours on Sunday (such as beginning on Saturday and ending on Sunday and another beginning on Sunday) is entitled to Sunday pay for not to exceed eight hours for each of the two duty tours.

#### 244.5 Relationship to Overtime and Holiday Work

a. Sunday pay is not authorized for overtime work.

b. An employee who performs scheduled work that is not overtime on a Sunday that is also a holiday is entitled to both Sunday and holiday premium pay, subject to the rules applicable to each.

#### 244.6 Effect of Absences

a. Sunday pay is a premium for work performed. An employee who takes annual or sick leave or is absent for any other reason, is not eligible for Sunday pay for the period of absence.

b. An employee who is absent during the entire part of his or her daily duty tour that occurs on calendar Sunday is not eligible for Sunday pay for any part of that duty tour. For example, an employee who is scheduled to work from 10:00 p.m. Sunday to 6:45 a.m. Monday is absent from 10:00 p.m. to midnight, and then works the balance of this shift. He or she is not eligible for Sunday pay because he or she did not work on Sunday. If the employee works the first six hours of the same shift, and is absent the last two hours, he or she is entitled to Sunday pay for six hours.

c. An employee is entitled to Sunday pay while excused on military, court or funeral leave if the employee's hours of duty permit payment of Sunday pay on a regular basis (CG B-160622, January 13, 1967).

244.7 Effect of Travel - Travel during a scheduled duty tour that entitles an employee to Sunday premium pay is treated as work. If an employee takes leave while in travel status, paragraph 244.6 applies.

#### 245 HOLIDAY PREMIUM PAY

245.1 Identifying and Observing Federal Holidays - MOA V-A 605 identifies Federal legal holidays and states general rules for observing them. It states the rules for pay for holidays not worked.

245.2 Applicability - The following material on holiday premium pay applies to all Broadcasting employees in the U.S. eligible for premium pay except wage system employees and non-U.S. citizens employed under personal services contracts.

245.3 Definition - Holiday premium pay is extra pay for working on a holiday or a day designated as a non-workday in lieu of a holiday.

#### 245.4 Eligibility

a. Full-Time Employees - A full-time employee who has a regularly scheduled duty tour of 40 hours or more in his or her administrative workweek is eligible to receive holiday premium pay for non-overtime work performed on a holiday that falls within, or is observed within, his or her established basic workweek. (See MOA V-A 605.2c for rules on a workday that begins on one calendar day and ends on the following.)

b. Part-Time Employees - A part-time employee is not entitled to holiday premium pay for working on a day observed in lieu of the holiday. A part-time employee is eligible for holiday premium pay for work performed on the holiday that falls on one of his or her scheduled workdays. (Note, however, the limitation in 245.5b (2) that applies to a part-time employee who is scheduled to work less than eight hours a day.)

For example: A part-time employee scheduled to work Tuesday through Saturday of each week is not entitled to holiday premium pay for working on the Saturday preceding Labor Day (Monday). A full-time employee working the same daily schedule is entitled to holiday pay for working on the Saturday preceding Labor Day.

c. Intermittent Employees - Employees with no prearranged work schedule are not eligible for holiday premium pay. If they work on a holiday they are paid the same rates as for any other day.

d. Employees in Travel Status - An employee who is in travel status on a holiday or day observed as a holiday is entitled to holiday premium pay only to the extent that he or she works. If he or she performs no work, he or she is not entitled to holiday premium pay.

#### 245.5 Amount of Holiday Premium Pay

a. Minimum Credit - An employee who is required to work on a holiday or day observed as a holiday is entitled to at least two hours of holiday premium pay. An employee excused from duty after performing work during his or her scheduled daily tour on a holiday and then called back to perform additional work within that tour, is entitled to be paid a minimum of two hours of holiday premium pay for each such callback, subject to the limitation in b below.

##### b. Maximum Holiday Premium Pay

###### (1) Full-Time Employees -

(a) Holiday premium pay may not exceed eight hours for a holiday. An employee required to work more than eight hours on a holiday is entitled to over-time pay or compensatory time off for the hours worked in excess of eight. The maximum amount of holiday premium pay to which an employee scheduled to work other than an 8-hour day is entitled to is (i) the hours within his or her basic 40-hour workweek scheduled on the holiday or day observed in lieu of the holiday, or (ii) eight hours, whichever is less.

(b) An employee who works on both the calendar holiday and the day observed in lieu of the holiday, both days being a part of his or her scheduled workweek, is paid holiday premium pay only for the calendar holiday.

For example: An employee whose work schedule is Sunday through Thursday works on both Sunday and Monday, Sunday being the holiday. He or she earns holiday premium pay for Sunday's work and is paid at regular rates for Monday.

(2) Part-Time Employees - Holiday premium pay for a part-time employee is limited to eight hours or the employee's work schedule on the calendar holiday, whichever is less. Work on a holiday in excess of eight hours or in excess of the hours scheduled on that day (if fewer than eight hours) will be treated as though the day were not a holiday.

(3) Holiday premium pay is subject to the earnings limitation stated in MOA V-A 251.

c. Rates - Holiday premium pay for a GS, GM or FP, or for a person appointed under Section 801 (5) of PL 402, to a GG position, is at his or her regular salary rate, exclusive of night pay.

#### 245.6 Other Determinations Concerning Holiday Pay

a. Work performed on a holiday that is not a scheduled workday for an employee is treated as overtime.

b. Compensatory time off may not be granted in lieu of holiday pay.

#### 246 PREMIUM COMPENSATION FOR WAGE SYSTEM EMPLOYEES

##### 246.1 Definitions

a. Scheduled rate of pay means the rate of pay fixed by law or administrative action, including a retained rate of pay and rate on temporary promotion for the job held by an employee before any deductions and exclusive of additional pay of any kind.

b. Rate of basic pay means scheduled rate of pay plus any night shift or environmental differential.

c. Administrative workweek, "regularly scheduled administrative workweek," and "basic workweek" are defined in MOA V-A 601.2.

d. Sunday work is work performed during a regularly scheduled tour of duty within a basic workweek when any part of that work which is not overtime work is performed on Sunday.

e. Overtime work means officially authorized and approved hours of work performed in excess of eight hours in a day or in excess of 40 hours in an administrative workweek, whichever is the greatest number of overtime hours, and includes irregular or occasional over-time work and regular overtime work.

f. Regular overtime work means overtime which is scheduled as a part of the regularly scheduled administrative workweek.

g. Irregular or occasional overtime work means overtime work which is not scheduled as a part of the regularly scheduled administrative workweek.

h. Tour of duty means the hours of a day (a daily tour of duty) and the days of an administrative workweek (a weekly tour of duty) that are scheduled in advance and during which an employee is required to perform on a regularly recurring basis.

i. Night shift differential means the differential paid for work performed on the second or third shift, or both.

j. Non-workday means any calendar day outside of those calendar days within an employee's basic workweek exclusive of holidays and non-workdays established by Federal statute, Executive Order, or other administrative order.

k. Environmental differential means additional pay that has been authorized for exposure to various degrees of hazards, physical hardships and working conditions of an unusual nature.

l. Retained rate of pay means the rate of pay to which an employee is entitled when changed to a lower grade, reassigned or otherwise changed to a Federal Wage System grade or pay level having a maximum scheduled rate of pay which is less than the employee's existing rate of pay.

m. For wage system employees participating in Maxiflex (see V-A 603), credit hours are those hours in excess of 8 per day or 40 per week which the employee elects to work so as to vary the length of a workday or a workweek; and compensatory time off is time off which the employee may elect to take in lieu of overtime pay for overtime work.

#### 246.2 Night Shift Differential

##### a. Shifts For Which Night Shift Differentials Are Payable

(1) An authorized night shift differential of seven and one-half percent will be paid for the entire shift when a majority of the employee's regularly scheduled non-overtime hours of work fall between the hours of 3 p.m. and midnight.

(2) An authorized night differential of ten percent will be paid for the entire shift when a majority of the employee's regularly scheduled non-overtime hours of work fall between the hours of 11 p.m. and 8 a.m.

b. Relation of Night Shift Differential to Overtime, Holiday, and Sunday Premium Pay - Night shift differentials are included in the rates of basic pay for wage system employees which are used as a basis for computing overtime pay, Sunday pay, holiday pay, and amounts of deductions for retirement and group life insurance.

c. Computation of Night Pay

(1) Absence on Holidays or in Travel Status - A wage system employee regularly assigned to a night shift for which the night shift differential is payable is entitled to the night shift differential for periods of excused absence on a holiday, while in official travel status during the hours of his or her regular night shift, or on court leave.

(2) Temporary Assignment to a Different Tour of Duty

(a) A wage system employee regularly assigned to a night shift who is temporarily assigned to another night shift with a higher differential will receive the higher differential when the majority of the employee's regularly scheduled non-overtime hours of work fall within the shift having the higher differential.

(b) A wage system employee regularly assigned to a day shift is entitled to a night shift differential for any pay period during which he or she is temporarily assigned to work a regular shift for which a night shift differential is otherwise payable.

(c) A wage system employee regularly assigned to a night shift will continue to receive his or her regular night shift differential during a temporary assignment to the day shift or to another night shift with a lower differential.

(3) Absence on Leave - The night shift differential payable during periods of leave with pay depends upon the shift to which the employee is assigned at the time of going on leave and the duration of assignment:

(a) An employee regularly assigned to a night shift on a full-time basis will receive the night shift differential.

(b) An employee assigned to a regular rotating schedule involving work on both day and night shifts will receive pay as follows: (i) pay at rates payable on the day shift will be paid for that portion of the absence occurring during periods when the employee is scheduled to work the day shift and (ii) night shift differentials will be payable for the portion of the absence occurring during periods when the employee is scheduled to work night shifts.

246.3 Overtime Pay or Compensatory Time Off

a. Authority - In accordance with the provisions of 5 U.S.C. 5544 and 5550, a wage system employee (including a part-time or an intermittent wage employee) is entitled to overtime pay for work in excess of eight hours in a day or in excess of 40 hours in an administrative workweek, whichever is the greater number of overtime hours, that is: Officially ordered or approved and performed by the employee.

b. Standby and On Call Duty - A wage system employee who is regularly required to remain at or within the confines of his or her post of duty in excess of eight hours a day in a standby or an on-call status is entitled to overtime pay only for hours of duty, exclusive of eating and sleeping time, in excess of 40 a week.

c. Work Exceeding Eight Hours in a Day - When a wage system employee who is not participating in the Maxiflex Work Schedule works more than eight hours in one day, including Sunday or a holiday, time in excess of the eight hours is paid at the overtime rate even though it is a part of a scheduled 40-hour week. Example: Four 10-hour days, or four 9-hour days and one 4-hour day. Wage system employees assigned to units participating in Maxiflex may elect to work up to 10 hours per day in order to earn credit hours in order to vary workdays or workweeks. Employees shall not be paid overtime, Sunday or holiday pay for credit hours. (See MOA V-A-603).

d. Overtime Rate - Except as otherwise specifically authorized, an agency shall pay a wage system employee for overtime work performed at the rate of one and one-half times his or her rate of basic pay.

e. Overtime Rate for Sunday or Holiday Work - A wage system employee is paid for overtime work on a Sunday or a holiday at the same rate as for overtime work performed on another day.

f. Computing Overtime Pay for Night Work

(1) Overtime pay for an employee regularly working a shift for which the night shift differential is paid is computed on the shift rate, even though the hours of overtime worked extended into, or fall entirely within a day shift. When the overtime work is performed on a non-workday, overtime pay is computed on the rate of the employee's last previous regularly scheduled shift.

(2) Overtime pay for an employee having a regularly rotating tour of duty which includes two or three shifts is computed on the rate of the employee's regularly scheduled shift in effect for the calendar day on which the overtime work is performed. When the overtime work is performed on a non-work-day, overtime pay is computed on the average rate of basic pay for all regularly scheduled shifts worked by the employee during the basic workweek.

g. Computation of Overtime Worked - The computation of the amount of over-time work of an employee is subject to the following conditions:

(1) Units of Overtime Work - The minimum amount of overtime work that is credited and compensated is one-quarter of an hour. Additional amounts of

over-time for each workday are reported and compensated in quarter-hour multiples. Smaller fractions of an hour are dropped and may not be saved from day to day for compensation at the end of the week or pay period. For example, an employee who works one hour and fifty minutes of approved overtime on one day and one hour and twenty-five minutes on another during a pay period is compensated for one and three-quarters hours of overtime on the first day and one and one-quarter hours on the second. The remaining periods that are less than one-quarter of an hour are dropped.

(2) Leave With Pay - An employee's absence from duty on paid leave during the time when he or she would otherwise have been required to be on duty during a daily or weekly tour of duty (including authorized absence on a legal holiday or on a non-work-day established by Executive or administrative order) is considered employment and does not reduce the amount of overtime pay to which the employee is entitled for work performed in excess of eight hours in a day or work in excess of 40 hours in an administrative workweek. Payment of the overtime rate is authorized only if the employee performs work which has been officially ordered in advance during the hours in excess of the 8-hour day, or the 40-hour basic workweek. Leave of absence with pay under 5 U.S.C. 6302 (annual leave or sick leave) is charged only for an absence that occurs during a basic workweek.

(3) Leave Without Pay - For a period of leave without pay in an employee's basic workweek, an equal period of service performed outside the basic workweek, but in the same administrative workweek, will be substituted and paid for at the rate applicable to his or her basic workweek before any remaining period of service may be paid for at the overtime rate on the basis of exceeding 40 hours in a workweek. For a period of leave without pay in an employee's daily tour of duty, an equal period of service performed outside the daily tour of duty, but in the same workday, will be substituted and paid for at the rate applicable to the daily tour of duty before any remaining hours may be paid for at the overtime rate on the basis of exceeding 8 hours in a workday.

(4) Night, Holiday or Sunday Work - Hours of night, holiday, or Sunday work are included in determining for overtime pay purposes the total number of hours in employment in the same administrative workweek.

(5) Callback Overtime Work - Irregular or occasional overtime work performed by an employee on a day when work was not scheduled for him or her, or for which the employee is required to return to his or her place of employment, is considered at least two hours in duration for the purpose of overtime pay, whether or not work is performed.

h. Effect of Overtime Pay on Deductions For Federal Retirement and Group Life Insurance - Pay for overtime work is not included in the amount of pay upon which retirement and group life insurance deductions are computed. Retirement and group life insurance deductions for an employee whose scheduled 40-hour workweek includes a daily tour of duty of more than eight hours are computed on the basis of 40 hours at the regular non-overtime hourly rate.



i. Compensatory Time - There is no authority to give wage system employees compensatory time off in lieu of over-time payments. A wage system employee must be paid at the prescribed rate for overtime work performed. However, a wage system employee participating in Maxiflex (see MOA V-A 603) may elect to earn compensatory time off in lieu of overtime pay.

#### 246.4 Sunday Pay

##### a. Authorizing Pay for Sunday Work

Under 5 U.S.C. 5544 and 5 U.S.C. 5550, a wage system employee whose regular work schedule includes an 8-hour period of service a part of which is on Sunday is entitled to additional pay at the rate of 25 percent of his or her hourly rate of basic pay for each hour performed during that 8-hour period of service. An employee who works more than eight hours on a Sunday does not receive the Sunday premium for hours in excess of eight. For example, an employee whose regular work schedule includes a 10-hour period of service on Sunday is entitled to eight hours Sunday premium pay and two hours of overtime pay at the same rate as for overtime work performed on another day.

b. Relation of Premium Pay for Sunday Work to Overtime, Night, and Holiday Pay - Premium pay for Sunday work is in addition to premium pay for holiday work, overtime pay, and night shift differentials and is not included in the rate of basic pay used to compute the pay for holiday, overtime, and night work, nor in determining retirement or FEGLI deductions, nor the amount of FEGLI coverage.

c. Entitlement - A part-time employee is not entitled to premium pay for Sunday work. However, a full-time employee whose regularly scheduled tour of duty includes a period of service of less than eight hours any part of which falls between midnight Saturday and mid-night Sunday is entitled to premium pay for the number of hours worked not in excess of the number of hours regularly scheduled for the period (46 CG 337).

d. Two Separate Tours of Duty - When an employee has two separate tours of duty on Sunday (such as a tour of duty that begins on Saturday and ends on Sunday, and another tour of duty that begins on Sunday and concludes on Monday) he or she is entitled to premium pay for Sunday work for not to exceed eight hours for each tour of duty.

#### 246.5 Holiday Premium Pay

##### a. Pay for Work Performed on a Holiday

(1) A wage system employee who is entitled to holiday premium pay and who performs work on a holiday is entitled to his or her rate of basic pay plus premium pay at a rate equal to his or her rate of basic pay for that holiday work which is not (a) in excess of eight hours or (b) overtime work.

(2) A wage system employee is entitled to pay for overtime work performed on a holiday at the same rate for overtime on other workdays.

(3) A wage system employee who is entitled to holiday premium pay and who is required to report for work on a holiday is entitled to at least two hours of holiday pay whether or not work is performed.

b. Relation of Holiday Premium Pay to Overtime, Night, and Sunday Pay

(1) Premium pay for holiday work is in addition to overtime pay, night shift differential, or premium pay for Sunday work payable under this section and is not included in the rate of pay used to compute the overtime pay, night shift differential, or premium pay for Sunday work.

(2) Even though an employee receives premium pay for holiday work, the number of hours of his or her regularly scheduled basic workweek occurring on a holiday are included in determining for overtime pay purposes the total number of hours of work performed in the administrative workweek in which the holiday occurs.

(3) The hours within his or her basic workweek for which an employee is excused from duty because of a holiday are counted as hours of work in computing overtime pay.

246.6 Environmental Differential - An environmental differential is paid to a wage system employee who is exposed to a hazard, physical hardship, or working condition of an unusually severe nature.

When an employee is entitled to an environmental differential which is paid on an actual exposure basis, he or she will be paid a minimum of one hour's differential pay for the exposure. When exposure is beyond one hour, the employee will be paid in increments of one-quarter hour for each 15 minutes and portions thereof in excess of 15 minutes.

When an employee is exposed at intermittent times during a day, each exposure is considered separately and the amount of time exposed is not added together before payment is made for exposure beyond one hour's duration, except that pay for the environmental differential may not exceed the number of hours of active duty by the employee on the day of exposure.

247 RETENTION ALLOWANCES

247.1 Purpose

a. As authorized by 5 USC 5754 and 5 CFR Part 575, an agency may pay a current employee a retention allowance of up to 25 percent of the employee's basic pay if the unusually high or unique qualifications of the employee or the special need of the agency for the employee's services makes it essential to retain the employee and the agency determines that the employee would be likely to leave the Federal service in the absence of a retention allowance.

b. Under certain circumstances, an agency may also pay a group or category of employees a retention allowance of up to 10 percent of basic pay (or up to 25 percent with the approval of the Office of Personnel Management).

c. Retention allowances are continuing (i.e., biweekly) payments. Before authorizing such allowances, the agency must determine that the allowance is necessary in order to retain the specific employee or group or category of employees. The agency must also review each retention allowance authorization annually to determine whether payment is still warranted.

#### 247.2 Definitions

a. Head of agency - The head of an agency or an official who has been delegated the authority to act for the head of the agency in the matter concerned. For purposes of this section, the Director, International Broadcasting Bureau, is the head of agency.

b. Rate of basic pay - The rate of pay fixed by law or administrative action for the position held by an employee, including special rates of pay. In the case of an employee entitled to grade or pay retention, basic pay means the employee's retained rate of pay. Any deductions or additional pay of any kind (such as locality pay) are not included in determining an employee's rate of basic pay.

c. Aggregate compensation - Includes the total of basic pay, locality-based comparability payments, Continuation of Pay and certain premium pay, awards, bonuses, allowances, differentials and other similar payments, as defined in 5 CFR 530.202. Retention allowances count toward the Executive Level I aggregate limitation on pay under 5 USC 5307.

d. Estimated aggregate compensation - The Agency's projection of the aggregate compensation an employee actually will receive during a calendar year based on known factors--i.e. the total amount of basic pay the employee will be paid, plus any lump-sum payment of excess amounts from a previous calendar year; the total amount of nondiscretionary payments to which the employee is or is projected to be entitled; and the total amount of discretionary payments the employee is authorized to receive.

#### 247.3 Conditions for Payment of Retention Allowance

a. An agency may pay a retention allowance to an employee if the employee is likely to leave the Federal service for any reason, including retirement.

b. An agency may not pay a retention allowance to an employee who is likely to leave his or her position for employment in the Executive, Legislative or Judicial branch of the Federal Government, whether in the same or different agency.

c. An agency may not begin payment of a retention allowance during a period of employment established under any service agreement required for payment of a recruitment bonus or relocation bonus. After retention allowance payments have commenced, a relocation bonus may be paid without affecting the payment of a retention allowance.

d. An agency may not offer a retention allowance to an individual (or authorize payment of such an allowance) prior to the individual's employment with the agency.

e. A retention allowance shall be calculated as a percentage of the employee's rate of basic pay (not to exceed 25 percent) and paid in the same manner and at the same time as basic pay--i.e. the allowance shall be paid at an hourly rate for each hour during which the employee receives basic pay.

f. The Agency may not authorize a retention allowance for an employee if or to the extent that such an allowance, when added to the employee's estimated aggregate compensation (as defined in 247.2), would cause the aggregate compensation actually received by the employee during the calendar year to exceed the rate payable for level I of the Executive Schedule at the end of the calendar year. An agency must also reduce or terminate an existing retention allowance to the extent necessary to ensure that the employee's estimated aggregate compensation does not exceed level I of the Executive Schedule. Agencies may not defer payment of excess retention allowance payments to the following calendar year. An agency must reduce or terminate a retention allowance before deferring any other type of payment under the deferral provision in the aggregate pay limitation regulations (5 CFR, part 530, subpart B).

g. Except as provided in section 247.3f, an agency may continue payment of a retention allowance as long as the conditions giving rise to the original determination to pay the allowance still exist. However, each determination to pay a retention allowance must be reviewed at least annually, to determine whether the payment is still warranted. The appropriate approving official, in accordance with the provisions of section 247.7, shall certify this determination in writing

h. A retention allowance is not part of an employee's rate of basic pay for any purpose, including severance pay or retirement, and is not pay for the purpose of lump-sum annual leave payments.

#### 247.4 Authorizing Retention Allowances and Amounts for Individual Employees

##### a. Coverage

(1) This section covers any of the following individuals who are currently employed by the International Broadcasting Bureau (IBB):

- (a) General Schedule employees;
- (b) Employees in Senior Level (SL/ST) positions;
- (c) Members of the Senior Executive Service;
- (d) Employees in positions under the Executive Schedule or whose rate of pay is fixed by law at a rate equal to a rate for the Executive Schedule;
- (e) Employees in positions that are designated as law enforcement officers;
- (f) Employees in prevailing rate positions, as defined in 5 USC 5342 (a) (3);
- g) Presidential appointees.

(2) A retention allowance may not be paid to the head of an agency, including an agency headed by a collegial body composed of two or more members.

(3) The Agency may request that the U.S. Office of Personnel Management (OPM) authorize the payment of a retention allowance to one or more categories of agency employees who are not mentioned above or not otherwise covered by the retention allowance law or regulations.

b. Each retention allowance paid shall be based on a written determination that:

(1) The unusually high or unique qualifications of the employee or a special need of the agency for the employee's services makes it essential to retain the employee; and

(2) The employee would be likely to leave the Federal service (for any purpose) in the absence of the payment of the retention allowance.

c. This determination shall be based on a written description of the extent to which the employee's departure would affect the agency's ability to carry out an activity or perform a function that is deemed essential to the Agency's mission.

d. In determining whether a retention allowance should be paid and in determining the amount of any such payment, the Agency shall consider the following factors, as applicable to the case in hand:

(1) The success of recent efforts to recruit candidates and retain employees with qualifications similar to those possessed by the employee for positions similar to the position held by the employee; and

(2) The availability in the labor market of candidates for employment who, with minimal training or disruption of service to the public, could perform the full range of duties and responsibilities assigned to the position held by the employee.

e. When considering a retention allowance for an individual employee, Agency officials may approve an allowance of up to 25% of that employee's basic pay.

f. The recommending official will initiate a retention allowance request (attachment 1) and submit it to the appropriate approving officials with a Request for Personnel Action, SF-52.

g. Each determination to pay a retention allowance, including the amount of the allowance, must be approved by an agency official who is at a higher level in the agency than the official making the initial decision, unless there is no official at a higher level.

(1) In the International Broadcasting Bureau, the authority to review and make the initial decision to approve payment of a retention allowance

is delegated to Division Chiefs. Specialists within the Office of Personnel will assist Division Chiefs in making their determinations.

(2) The authority to review and give final approval for a retention allowance is delegated to Heads of Offices within the International Broadcasting Bureau, with the concurrence of the Office of Personnel.

#### 247.5 Authorizing Retention Allowances and Amounts for Groups or Categories of Employees

a. The Agency may authorize a retention allowance for a group or category of employees in General Schedule or law enforcement positions. The Agency may request that the U.S. Office of Personnel Management (OPM) authorize the payment of a retention allowance to one or more categories of agency employees who are not mentioned above or not otherwise covered by the retention allowance law or regulations.

b. Retention allowances shall be based on a written determination that:

(1) The targeted category of employees has unusually high or unique qualifications or that the Agency has a special need for the employees' services that makes it essential to retain the employees in that category; and

(2) It is reasonable to presume that there is a high risk that a significant number of employees in the targeted category are likely to leave Federal service in the absence of the allowance.

c. The determination that there is a high risk that a significant number of employees in the targeted category are likely to leave may be based on evidence of extreme labor market conditions, high demand in the private sector for the knowledge and skills possessed by the employees, significant disparities between Federal and private sector salaries, or other similar conditions. These factors should also be considered in determining the amount of the retention allowances.

d. The targeted category should be narrowly defined using factors that relate to the conditions described in section 247.5b. Factors that may be appropriate include the following: occupational series, grade level, distinctive job duties, unique qualifications, assignment to a special project, minimum agency service requirements, organization or team designation, geographic location, and performance level. (While performance level may be factor used in defining the targeted category, performance level by itself is not sufficient to justify a retention allowance. Performance level may function as a supporting factor in authorizing an allowance or setting the allowance rate only to the extent it directly relates to the conditions described in section 247.5b.)

e. When considering retention allowances for groups or categories of employees, Agency officials may approve an allowance of up to 10 percent of an employee's rate of basic pay. Retention allowance above 10 percent must be made in accordance with section 247.5h.

f. The recommending official will initiate a retention allowance request (attachment 2) and submit it to the appropriate approving officials.

g. Each determination to pay a retention allowance, including the amount of the allowance, must be approved by an agency official who is at a higher level in the agency than the official making the initial decision, unless there is no official at a higher level.

(1) In the International Broadcasting Bureau, the authority to review and make the initial decision to approve payment of a retention allowance to groups or categories of employees is delegated to Heads of Offices, with the concurrence of the Office of Personnel.

(2) The Director, International Broadcasting Bureau, shall review and give final approval for payment of retention allowances to groups or categories of employees within IBB.

h. Upon the request of the Director, International Broadcasting Bureau, OPM may approve a retention allowance in excess of 10 percent, but not more than 25 percent, of an employee's rate of basic pay for a group or category of employees which meets the conditions specified in section 247.5b. OPM may require that such requests be coordinated with other agencies having similarly situated employees in the same category. Group retention allowance requests must include:

(1) A description of the group or category and number of employees to be covered by the proposed retention allowance;

(2) A written determination that the group or category of employees meets the conditions specified in 247.5b;

(3) The proposed percentage retention allowance payment and a justification for that percentage;

(4) The expected duration of retention allowance payments; and

(5) Any other information pertinent to the case at hand.

i. In order to pay a group-based retention allowance to any individual in the targeted group, all other conditions and requirement for payment of a retention allowance must be met, including the conditions in section 247.3

#### 247.6 Reduction or Termination of Retention Allowance

a. The Agency must reduce or terminate the authorized amount of a retention allowance to the extent necessary to ensure that the employee's estimated aggregate compensation (as defined in section 247.2) does not exceed the rate for level I of the Executive Schedule at the end of the calendar year.

b. The Agency may reduce or terminate payment of a retention allowance when it determines that--

(1) A lesser amount (or none at all) would be sufficient to retain the employee (or group or category of employees);

(2) Labor-market factors make it more likely (or reasonably likely) to recruit a candidate with qualifications similar to those possessed by the employee (or group or category of employees);

(3) The Agency's need for the services of the employee (or group or category of employees) has been reduced to a level that makes it unnecessary to continue payment at the level originally approved (or at all); or

(4) Budgetary considerations make it difficult to continue payment at the level originally approved (or at all).

c. The reduction or termination of a retention allowance may not be appealed.

#### 247.7 Internal Monitoring and Annual Review

a. The Director of Personnel is responsible for setting policy and overall technical guidance and for monitoring the use of this authority.

b. The Agency may review the appropriateness of a retention allowance payment whenever the conditions that originally prompted the payment of the allowance change significantly. However, at least annually, the agency must review every retention allowance payment, to determine whether the payment is still warranted. The approving official shall certify the determination in writing.

c. Approximately 90 days in advance of the anniversary date of the original retention allowance determination, the Office of Personnel will notify the appropriate IBB officials of the need for a new determination and will provide these officials with a retention allowance request form (attachment 1 or 2, as appropriate).

d. The approving official will review the criteria for paying retention allowances and determine whether the need for a retention allowance still exists and whether to continue the retention allowance at its current percentage of pay. This determination must be reviewed and approved by the higher level officials designated in sections 247.4g and 247.5g. The completed request form should then be submitted to the Office of Personnel.

#### 247.8 Records and Reports

a. Each determination regarding a retention allowance shall be documented in writing. A copy of this determination will be kept in an appropriate subject file in the Office of Personnel. These records will be made available for review upon the request of OPM.

b. A copy of the approval of a retention allowance for an employee will be filed in the left-hand side of the affected employee's Official Personnel File.



c. A SF-50, Notification of Personnel Action, will be issued for each affected employee, using Nature of Action Codes required by OPM.

d. The Office of Personnel will submit a report of each retention allowance determination as part of its regular submission to OPM's Central Personnel Data File.

Attachment 1

International Broadcasting Bureau

RETENTION ALLOWANCE DETERMINATION FOR INDIVIDUAL EMPLOYEE

This form documents retention allowance determinations for individual employees. The recommending official must complete and sign the form and submit it to appropriate officials for review and approval. Please see MOA V-A 247 for further information. Advice and assistance is also available in the Office of Personnel.

1. Name of

Employee: \_\_\_\_\_

2. Title, Pay Plan, Grade,

Step: \_\_\_\_\_

3.

Office: \_\_\_\_\_

\_\_\_\_\_

4. Current Basic Rate of Pay (exclude locality pay and differentials): \_\_\_\_\_

5. Recommended Percentage for Retention Allowance (cannot exceed 25%): \_\_\_\_\_

6. Expected Duration of

Allowance: \_\_\_\_\_

7. Justification: Please attach additional sheets. Justification must show that (1) the unusually high or unique qualifications of the employee or a special need of the agency for the employee's services makes it essential to retain the employee; and (2) the employee would be likely to leave the Federal service (for any purpose) in the absence of the payment of the retention allowance. This determination shall be based on a written description of the extent to which the employee's departure would affect the agency's ability to carry out an activity or perform a function that is deemed essential to the agency's mission. In addition, please include the following factors, as applicable to the specific case: (1) the success of recent efforts to recruit candidates and retain employees with qualifications similar to those possessed by the employee for positions similar to the position held by the employee; and (2) the availability in the labor market of candidates for employment who, with minimal training or disruption of service to the public, could perform the full range of duties and responsibilities assigned to the position held by the employee. These factors should also be considered in determining the amount of the retention allowance.

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Recommending Official Title Date

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Approving Official Title Date

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\_\_\_\_\_  
Final Approving Official Title Date

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Advice and Concurrence as Necessary Title Date

Attachment 2

International Broadcasting Bureau

RETENTION ALLOWANCE DETERMINATION FOR A GROUP OR CATEGORY OF EMPLOYEES

This form documents retention allowance determinations for a group or category of employees. The recommending official must complete and sign the form and submit it to appropriate officials for review and approval. Please see MOA V-A 247 for further information. Advice and assistance is also available in the Office of Personnel.

1. Group or Category of Employees: \_\_\_\_\_

2. Titles, Pay Plans and Grades this will cover: \_\_\_\_\_  
\_\_\_\_\_

3. Office(s): \_\_\_\_\_  
\_\_\_\_\_

4. Approximate Number of Employees: \_\_\_\_\_

5. Recommended Percentage of Basic Pay (Maximum is 25%. Cannot exceed 10% without OPM approval): \_\_\_\_\_

6. Expected Duration of Allowance: \_\_\_\_\_

7. Justification: Please attach additional sheets. Justification must show that (1) the targeted category of employees has unusually high or unique qualifications or that the agency has a special need for the employees' services that makes it essential to retain the employees in that category; and (2) it is reasonable to presume that there is a high risk that a significant number of employees in the targeted category are likely to leave Federal service in the absence of the allowance. The determination that there is a high risk that a significant number of employees in the targeted category are likely to leave may be based on evidence of extreme labor market conditions, high demand in the private sector for the knowledge and skills possessed by the employees, significant disparities between Federal and private sector salaries, or other similar conditions. These factors should also be considered in determining the amount of the retention allowances.

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Recommending Official Title Date

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Approving Official Title Date

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Final Approving Official Title Date

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Advice and Concurrence as Necessary Title Date

International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

Material within this Manual of Operations and Administration may no longer be current. To ensure having the most current policy or procedure, please contact the Agency office responsible for the subject matter, e.g., information about performance appraisal, staffing, or compensation should be directed to the Office of Human Resources. For assistance in determining which office to contact, please contact Cathy Brown or Renee Tyrance-Gauff of the Analysis and Administration Division on (202) 203-4664 or feel free to email this staff at [cbrown@bbg.gov](mailto:cbrown@bbg.gov) or [crgauff@bbg.gov](mailto:crgauff@bbg.gov).

MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART V-A PERSONNEL (DOMESTIC), 200 CLASSIFICATION AND COMPENSATION  
Section 250

GENERAL COMPENSATION PROVISIONS AND RESTRICTIONS

251 Limitations on Aggregate Compensation

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## Section 250

### GENERAL COMPENSATION PROVISIONS AND RESTRICTIONS

251 LIMITATION ON AGGREGATE COMPENSATION - Premium compensation for night, overtime, Sunday, or holiday work is limited by law. Under 5 U.S.C. 5547, an employee may be paid premium compensation or earn compensatory time off only to the extent that the payment does not cause his or her aggregate rate to exceed the maximum rate of GS-15 in any given pay period. This limitation on additional compensation applies to all general schedule employees except wage system employees.

### 252 VOLUNTARY AND GRATUITOUS SERVICE

252.1 Voluntary Service is service furnished to the Government on the initiative of the person rendering the service without the formal request or agreement of the Government. Under Section 3679, Revised Statutes, as amended (31 U.S.C. 665), the acceptance of voluntary service is prohibited except for:

a. Service performed in cases of emergency - The emergency must be sudden and unforeseen and must constitute an imminent threat to the safety of human life or the protection of property. Claims for compensation for such service in an emergency should be submitted to the Budget Office for transmission to the General Accounting Office (GAO) for adjudication.

b. Service performed by a student - Service by students is performed with the permission of the institution at which the student is enrolled, as part of a Broadcasting program established for the purpose of providing educational experience for the student. The student may not be compensated and his or her services may not be used to displace a Broadcasting employee. The student is not considered a Federal employee, but he or she is entitled to injury compensation (see paragraph 254 below) and the provisions of Sections 2671 through 2680 of title 28 U.S. Code (relating to tort claims.)

252.2 Gratuitous Service is service rendered to the Government in any official capacity under regular appointment to an office for which the compensation is not fixed by law or the performance of additional service by an employee without additional compensation. A service offered and accepted clearly and distinctly as gratuitous with a proper record of the fact does not violate the statute (31 U.S.C. 665) prohibiting the acceptance of voluntary services. In cases where an appointment is made "without compensation" (WOC), there must be established that there is no law such as the Classification Act of 1949, as amended, which requires that salary be attached to the position. In the absence of statutory

authorization, there are no circumstances under which an original appointee to a position in the Federal service may legally waive his or her ordinary right to the compensation fixed by or pursuant to law for the position and thereafter be stopped from claiming and receiving the compensation previously waived.

## 253 DUAL COMPENSATION

253.1 General - 5 U.S.C. 5531-5537 prescribes (1) prohibitions on Federal employees receiving basic pay from more than one position, and (2) restrictions on the retired or retainer pay of members of the uniformed services (defined in paragraph 253.3a below) during periods when they are employed as civilians by Federal agencies.

### 253.2 Pay From More Than One Position

a. Except as provided for in b. below, an employee is not entitled to receive basic pay from more than one position for more than an aggregate of 40 hours in one calendar week (Sunday through Saturday). The restriction applies to "receiving compensation", not to employment per se. Therefore, an employee who is in a non-pay status (such as leave without pay) during an entire week is not precluded from other Federal employment during that week.

b. Statutory and regulatory exceptions are provided for:

-- Compensation on a when-actually-employed (WAE) basis received from more than one consultant or expert position if such compensation is not received for the same hours of the same day.

-- Compensation consisting of fees paid on other than a time basis.

-- Compensation received for employment under emergency conditions relating to health, safety, protection of life or property, or national emergency.

Examples of such conditions are fire, earthquake, flood or other disaster, civil disorder, or threat to the national security.

-- Compensation for part-time or intermittent employment in any position which requires the knowledge and use of one or more foreign languages.

c. Requests for Exceptions -A Broadcasting element's request for an exception to the limitation in a. above, in addition to the general exceptions in b. above, must establish to the satisfaction of the Director, Office of Personnel that personal services otherwise cannot be readily obtained for the position in question. The request must describe the special circumstances which prevent the element from obtaining the required services except by utilizing current Federal employees. Requests should be directed from the Director or Office head to the Director, Office of Personnel.

### 253.3 Reduction To Military Retired or Retainer Pay



a. Coverage - The restrictions in b. below are applicable to employees who are members or former members of the Army, Navy, Air Force, Marine Corps, Coast Guard, National Oceanic and Atmospheric Administration, and the Public Health Service.

b. Effect of Restrictions

(1) In accordance with 5 U.S.C. 5532(b), such employees are entitled to the full pay of their positions but will receive only the first \$2,000 of their retired or retainer pay plus one-half of any amount in excess of \$2,000. The amount of \$2,000 may be adjusted from time to time, by appropriate percentages, in direct proportion to cost-of-living increases in the retired or retainer pay.

(2) 5 U.S.C. 5532(c) stipulates that an employee's retired or retainer pay when added to salaries received from their civilian positions may not exceed the pay from Executive level V. The retired or retainer pay is to be reduced when the combined pay exceeds this limit. This restriction does not apply to (1) those who are employed by the U.S. Government as of January 11, 1979, and who are entitled to military retired or retainer pay, but will not receive such pay until they meet any applicable age requirement; and (2) those who were appointed in the Federal Government prior to January 11, 1979.

c. Exceptions

(1) The retired or retainer pay will not be reduced if the pay is computed, in whole or in part, based on disability;

(a) resulting from injury or disease received in line of duty as a direct result of armed conflict; or

(b) caused by an instrumentality of war and incurred in line of duty during a period of war as defined by Sections 101 and 301 of Title 38 U.S. Code.

(2) The retired or retainer pay will not be reduced during the first 30 days of temporary or intermittent civilian employment. This exception may cover no more than 30 days of employment in any one fiscal year.

254 INJURY COMPENSATION - The Federal Employees' Compensation Act (5 U.S.C. 8101, et seq.) provides compensation benefits to civilian employees of the U.S. Government for disability due to personal injury sustained on the job or to employment related disease. In accordance with 5 U.S.C. 8116, an employee receiving injury compensation may not draw salary from his or her Federal position for the same period of time. However, the employee may receive salary for services performed for which he or she has not been paid. If a lump-sum settlement is paid to the employee for injuries in the line of duty, no other compensation for Federal employment may be received until the expiration of time specified by the Office of Workers' Compensation Programs.

255 SEVERANCE PAY

## 255.1 Coverage

a. 5 U.S.C. 5595 provides for the payment of severance pay to Federal employees serving on appointments without time limitation who, after a continuous period of employment of at least 12 months, are involuntarily separated, not by removal for cause on charges of misconduct, delinquency, or inefficiency. Except as provided for in b below, Senior Executive Service (SES) career appointees and the following employees are eligible for severance pay: General Schedule (GS) and prevailing rate (WB, WG, WS, WL, WI) employee.

b. The following employees are not entitled to severance pay:

(1) Employees who are paid at one of the levels of the Executive Schedule or in excess of the maximum rate of GS-18;

(2) Employees serving under appointment to a position filled by a non-career executive assignment or under an appointment to a Schedule C position; and

(3) Any employee who, at the time of separation:

-- is entitled to an immediate annuity under any retirement law or retirement system applicable to Federal employees;

-- is receiving compensation from the Bureau of Employees' Compensation for work-related injury, except one receiving this compensation concurrently with pay or on account of the death of another person; or

-- is entitled to receive other severance pay from the Government.

255.2 Computation and Method of Payment - Severance pay consists of the sum of (1) a basic severance allowance, computed on the basis of one week's basic pay at the rate the employee received immediately before separation for each year of creditable service up to and including 10 years, and two weeks' basic pay for each year of service thereafter; and (2) an age adjustment allowance, computed on the basis of 10 percent of the total basic severance allowance for each year the employee's age exceeds 40 years. The total amount payable is subject to a life-time limitation of one year's pay (52 weeks) at the rate received prior to the (or any subsequent) separation. Payment of severance pay is at the same basic rate and biweekly interval as the employee received immediately before separation until either the severance pay fund is exhausted or payments are terminated due to nature of re-employment.

256 BACK PAY - 5 U.S.C. 5596, as amended by Section 702 of the Civil Service Reform Act of 1978, provides for back pay to employees who have been unjustly subject to separation, removal, demotion or any other unwarranted personnel action (including decisions relating to unfair labor practices or grievances) which has resulted in the withdrawal or reduction in all or part of the employee's pay, allowances, or differential. The back pay law does not apply to any reclassification action resulting from a wrongful classification claim nor does it authorize the setting aside of an otherwise proper promotion by a

selecting official from a group of properly ranked and certified candidates. Back pay may be effected if (1) the employee has answered to the charges or reasons proffered for the adverse action by filing a claim or submitting an appeal or grievance to the proper authority; and (2) the administrative authority having jurisdiction over the employee's claim, appeal or grievance has accepted the employee's response as timely filed, and has determined the adverse action to be unjustified or unwarranted on the basis of either substantive or procedural defects. The amount of back pay due will be based on the rate of compensation payable to the employee for the period of the adverse action, but will be reduced by any amounts earned by the employee through other employment for the same period. The employee may also be reimbursed for the payment of reasonable attorney fees related to the adverse action when such payment is warranted in the interest of justice.

## 257 PAY ADJUSTMENT FOR CERTAIN SUPERVISORS

257.1 General - Under the provisions of 5 U.S.C. 5333(b), Broadcasting is authorized to make an upward adjustment in pay for a supervisor in a General Schedule position who regularly has responsibility for supervision over prevailing rate employees whose pay is higher than that of the supervisor.

### 257.2 Responsibilities

a. Executive and Administrative Officers are responsible for identifying those employees in their organizational units who are entitled to the pay adjustment described in this subsection, and for submitting a Request for Personnel Action (SF-52) to the Office of Personnel.

b. The Office of Personnel is responsible for determining a supervisory GS employee's entitlement to this pay adjustment by considering (1) the relative rate ranges of the supervisor and the prevailing rate employees supervised as well as the specific rates received, and (2) the equities among supervisors in the same organizational unit, as well as the equities between the supervisor and the prevailing rate employee(s) supervised. Personnel must also ensure that the basis for determining entitlement is recorded on the SF-52 and documented in the supervisory employee's Official Personnel Folder.

### 257.3 Requirements for Entitlement

a. Responsibility for Supervision - The supervisor must have responsibility for supervising the technical aspects of the work of one or more prevailing rate employees. The supervisory responsibility must be a continuing responsibility and reflected in the supervisor's official position description. The supervisor must have relatively frequent personal contact with prevailing rate employees in the unit in connection with assigned work, and must perform (either personally or through intermediate prevailing rate supervisors) such duties as the following:

-- Determine and assign duties to individual prevailing rate employees;

-- Make reviews of work products of individual prevailing rate employees that require substantial subject matter or technical knowledge;

-- Plan and organize the work with primary emphasis on work distribution, workload of individual prevailing rate employees, work priorities, and timely completion of work items or projects;

-- Provide advice, assistance, counsel, or instructions to individual prevailing rate employees;

-- Evaluate the performance of individual prevailing rate employees; and

-- Serve as focal point for discussion of problems arising from, or associated with, specific work products of the unit.

b. Rate of Basic Pay -- The rate of basic pay for the supervisor must be less than the rate of basic pay for the prevailing rate employee(s) supervised. In comparing the rate of basic pay for a supervisor with the rate of basic pay for a prevailing rate employee supervised. The Office of Personnel will exclude from the prevailing rate employee's rate (1) any irregular prevailing rate, such as a retained rate not related to the employee's current position, and (2) night and environmental differentials. When an irregular prevailing rate is excluded, the highest rate of the regular prevailing rate for the employee's position will be used as the basis for comparison.

#### 257.4 Adjustment of Rate

a. (1) Supervisors who occupy positions not covered by the Merit Pay System:

The supervisor's rate of pay will be adjusted to the nearest rate (but not above the maximum rate) of his or her grade which exceeds the highest rate of basic compensation paid to any prevailing rate employee supervised.

(2) Supervisors who occupy positions covered by the Merit Pay System:

The supervisor's rate of pay will be adjusted to any dollar amount of the appropriate grade which exceeds the highest rate of basic compensation paid to any prevailing rate employee supervised. However, the adjusted rate will not exceed the prevailing rate employee's basic compensation by more than 3 percent and will not exceed the maximum rate of the basic pay of the supervisor's grade.

(3) When a supervisor is in an area in which he or she receives a cost-of-living allowance or post differential based on hardship, and the prevailing rate employee supervised does not receive such allowances, Personnel will add to the supervisor's rate of basic pay his or the cost-of-living allowance or post differential and use the total to adjust the supervisor's rate of pay under paragraph a(1) above.

b. Documentation reflecting the basis for determining entitlement will be filed in the supervisor's Official Personnel Folder.

c. The effective date of the adjustment will be the first day of the first pay period following the date on which the Office of Personnel determines entitlement.

d. An adjustment in the supervisor's pay under a(1) above is an equivalent increase for within-grade increase purposes.

#### 258 MISCELLANEOUS COMPENSATION PROVISIONS

258.1 Withholding Compensation - When a domestic employee is in arrears to the U.S. Government, his or her compensation will be withheld in accordance with the provisions of MOA VII 660.

258.2 Survivorship Annuity - An employee receiving a survivorship annuity under the Civil Service Retirement Act, as amended, by reason of being named as beneficiary under that Act, may be employed in a position in the Federal Government without regard to the dual compensation statutes (see paragraph 253 above).

258.3 Compensation During Military Leave - Under the provisions of 5 U.S.C. 6323, an employee who is a Reserve of the armed forces or a member of the National Guard is entitled to receive compensation for his or her position concurrently with pay and allowances while on military leave for training or active duty (see paragraph 660 MOA VII paragraph 682).

258.4 Allotments from Employees - The regulations governing allotments for State and District of Columbia income tax, dues to employees organizations, charitable contributions to the Combined Federal Campaigns, net pay to financial organizations, and savings accounts in financial organizations are described in MOA VII paragraph 639.

258.5 Evacuation Payments - The regulations governing payments during a domestic evacuation are described in MOA VII 690.

#### 258.6 Other Compensation Regulations

- a. Premium Compensation (see MOA V-A 240)
- b. Unemployment Compensation (see MOA V-A 504)
- c. Grade and Pay Retention (see MOA V-A 415.4)
- d. Incentive Pay (see MOA V-A 572 and 573)
- e. Merit Pay for GS-13/14/15 Supervisors and Managers (see MOA V-A 270)
- f. Merit Pay for Senior Executive Service (see MOA V-A 1100)
- g. Rates of Pay (see MOA V-A 230)
- h. Quality Increases (see MOA V-A 576)
- i. Within Grade/Class Increases (see MOA V-A 235)

International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

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MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART V-A PERSONNEL (DOMESTIC), 200 CLASSIFICATION AND COMPENSATION  
Section 260

PERFORMANCE MANAGEMENT PLAN  
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### SECTION 260

#### PERFORMANCE MANAGEMENT SYSTEM

#### PERFORMANCE AWARDS

### 261 GENERAL

This section is the performance awards component of the performance management plan. The performance appraisal system, another component of the plan, is contained in MOA V-A-450. Other parts of the plan governing pay are located in MOA V-A-230, Rates of Pay.

#### 261.1 Authority and Coverage

a. Under the authority of Title 5, United States Code, Chapters 43 and 45 and Title 5, Code of Federal Regulations, Part 430 Subpart E performance awards may be provided to employees covered by the General Schedule (GS-1 through GS-18) and Wage Schedule (including Federal Wage System and Wage Board Employees) and non-U.S. citizen (GG) employees. This Section does not apply to Foreign Service personnel.

b. The objectives of this program are to:

(1) recognize and reward quality performance in support of Broadcasting's mission by granting annual performance awards;

(2) provide an opportunity to recognize significant differences in individual performance by varied cash amounts;

(3) provide an opportunity to recognize significant differences in organizational performance;

(4) improve and promote the use of meaningful appraisals as a performance management tool by assigning authority and accountability for awards to managers and supervisors who have first-hand knowledge of individual performance requirements and achievements as well as perspective on relative levels of performance by all employees in the awards pool;

(5) ensure objectivity, fairness and consistency in establishing awards pools and distributing awards; and

(6) grant awards to employees in a timely and efficient manner.

c. Performance award programs for employees in the Performance Management and Recognition System (PMRS GM-13 through 15) or the Senior Executive Service (SES) are discussed in MOA V-A-1130.

#### 261.2 Definitions

a. Performance Award - A performance-based cash payment to an employee based on the employee's annual rating of record. A performance award does not increase base pay.

b. Performance Award Budget - The amount of money allocated to pools for distribution as performance awards to covered employees. (Refer to paragraph 262.2 below.)

c. Rating of Record - The summary rating required at the time specified in MOA V-A-450 or at such other time as that Section specifies for special circumstances. (When an employee's position under any Federal pay system is converted to a pay system covered by MOA V-A-450 and when there is no change of duties and responsibilities, the employee's rating of record will be considered to have been derived under MOA V-A-450 and from the position which the employee now occupies).

## 262 PERFORMANCE AWARDS

### 262.1 Establishment of Awards Pools

a. Award pools shall be established within each independent Office, or Service, where there are a sufficient number of covered employees, i.e., normally at least 10. A combined pool shall be formed of other elements with fewer than 10 covered employees.

b. The Directors of BBG, E, M, VOA, TV, and OCB shall:

(1) determine the number and organizational composition of any subordinate pools to be established in their elements, each of these subordinate pools normally shall have a minimum of 10 covered employees;

(2) assign responsibility and accountability for subordinate pools to a decision-making official, who is not a member of the pool; and

(3) ensure that the Performance Awards Program is implemented in accordance with these regulations.

c. The Director of Broadcasting or designee shall:

(1) determine the awards pool for the combined award pool(s) for smaller independent offices and elements;

(2) designate one official, not a member of the pool, to serve as the Performance Awards Manager for the combined pool or appoint Performance Awards Management Committee(s) with members who meet these same requirements from the offices that are part of the pool;

(3) review performance award determinations for the combined awards pools; and

(4) ensure that the Performance Awards Program is implemented in accordance with these regulations.



## 262.2 Overall Performance Award Funding Levels and Size of Performance Awards

a. At the beginning of each fiscal year, the Office of Personnel in coordination with the Office of Budget and administrative offices within each Service and Office shall, within budget constraints, determine the amount of money available for performance awards for that fiscal year. It is Broadcasting's policy to fund, absent budget constraints, the performance awards program at a maximum level of 1.5 percent of the estimated aggregate amount of covered employees' basic pay for any fiscal year. Early in the fiscal year, normally within the first three months, Broadcasting shall announce to all employees the anticipated funding level of the performance awards program.

b. In determining the estimated aggregate amount of covered employees' basic pay for the fiscal year, consideration will be given to factors such as the following:

- (1) the number of employees covered during the previous fiscal year;
- (2) the aggregate rates of basic pay for those employees;
- (3) significant changes in the number of covered employees expected in the current fiscal year, such as by attrition, reorganization, expansion, or reduction in force;
- (4) the amount of general (comparability) increases, within-grade increases, and quality step increases that will be paid to covered employees in the current fiscal year.

c. Funds for Superior Accomplishment awards under MOA V-A-570 shall not be included in the performance awards fund, in as much as incentive awards are separate from performance awards.

## 262.3 Separate Award Funds

Separate performance award funds shall be established for employees covered by the two different rating periods.

a. Employees in GS-1 through 6 positions and Wage Employees covered by the January 1 through December 31 annual rating period.

b. Employees in GS-7 through 18 and GG positions covered by the May 1 through April 30 rating period.

## 262.4 Funding of Individual Awards Pools

a. The Office of Personnel with the assistance of the Office of Budget and administrative offices within each Service, and Office shall determine the allocation of award funds available to each award pool within the guidelines stated in paragraphs 262.2 and 262.3 above based on the total salaries of the covered employees within each element or other organizational pool as of the last day of the appropriate annual performance appraisal period for which awards are to be paid.

b. Office Directors may allocate award funds to subordinate pools with a minimum of ten employees each, whenever possible. If subordinate pools are used, each element/Office are to provide written notification to their respective employees of the anticipated structure of the subordinate pools early in the appraisal period, normally within the first three months.

(1) Such allocations may be based on the subordinate pools' portion of the total salaries of covered employees as of the last day of the annual performance appraisal period. For example, if the total covered salaries of an organization was 10 percent of the elements total covered salaries, the organization would be allocated 10 percent of the award funds.

(2) As an alternative, such allocations may be based on a combination of (a) proportionate allocation of at least eighty (80) percent of the pool's total award funds and (b) a reserve of the remainder to be allocated by the Director or Office Director at the end of the rating year to one or more organizational units within the element, based on the overall performance of these units. In making unit allocations, the Director or Office Director shall consider such factors as achievement of organizational objectives, relative organizational performance and the number of individual outstanding performances.

(3) Directors may also reserve a portion of the funds not allocated on a proportionate basis for increasing individual performance awards.

(4) Aggregate performance awards cannot exceed the total funds available in individual award pools.

(5) Awards shall be determined and paid to employees by the organization which provided the rating of record, in accordance with the procedures set forth in this Section.

#### 262.5 Determining Individual Performance Awards

a. An employee is eligible to receive a performance award if he/she is in a position covered by this section on the last day of the current performance appraisal period for which performance awards determinations are being made.

b. Performance awards must be based on an employee's rating of record for the current appraisal period for which performance awards are being made.

c. Subject to budgetary constraints, an employee with a rating of (Outstanding) must receive a performance award. Such a performance award should be at least 2 percent of base pay, but not more than 10 percent in any given year. Based on the Director's determination that an employee has performed at an unusually outstanding level, Broadcasting may grant a performance award not to exceed 20 percent of base pay.

Awards exceeding 10% and up to 20% will be recommended only in cases of the unusually outstanding performance where there has been important, readily identifiable contribution(s) to the organization's goals.

(1) Subject to the availability of funds, an employee with a rating of (Highly Successful) may receive a performance award, not to exceed 10 percent of base pay in any given year. Within each organizational element having responsibility for managing a performance awards pool, any award granted to employees in the same grade rated at (Highly Successful) must be less than any award received by employees rated at (Outstanding).

(2) Subject to the availability of funds, an employee with a rating of (Fully Successful) may receive a performance award, not to exceed 10 percent of base pay in any given year. Within each organizational element having responsibility for managing a performance awards pool, any award granted to employees in the same grade rated at (Fully Successful) must be less than any award received by employees rated at (Highly Successful).

d. The rate of basic pay on the last day of the performance appraisal period for which awards are being paid must be used to calculate the amount of the awards. In the case of employees temporarily promoted from another pay system, part-time, or intermittent employees, this basis shall be proportionately adjusted to reflect their work schedule or days worked respectively.

e. Such individual performance award determinations shall be based on the following criteria:

(1) a comparison of the employee's performance requirements and actual performance with that of other employees with the same rating, at the same grade level and under the same pay plan;

(2) length of time that the employee performed under the performance requirements and standards on which the summary rating was based;

(3) an evaluation of the employee's contributions to the accomplishment of the goals and objectives of that employee's immediate organization relative to those of other employees with the same rating, at the same grade level, and in the same pay plan, and in the same organization.

f. In granting performance awards as provided in paragraph 262.5c of this section, if an employee has been promoted during the rating year that the performance award is based upon, the official with responsibility for determining individual performance awards may take this into account in determining the amount of the employee's performance award that otherwise would have been specified in this section.

Performance awards that have been adjusted because of promotions are not subject to the requirements of paragraph 262.5(c)(1) and (2).

g. Appropriate credit for performance awards received shall be considered in the personnel process of rating and ranking employees for competitive promotions through the review of the application package and/or the OPF/EPF.

## 262.6 Special Provisions for Granting Performance Awards

a. Except as provided in paragraphs 262.6b. and 262.6d of this section, when Broadcasting cannot prepare a rating of record for an employee when scheduled in MOA V-A-450, the employee's rating period must be extended so that the minimum (90 day) appraisal period is provided, after which a rating of record shall be prepared and used as the basis for granting a performance award in accordance with this plan.

b. An employee may be granted a performance award when the element cannot prepare a rating of record for an employee when specified in MOA V-A-450 because the employee has not served during the appraisal period for the minimum (90 day) appraisal period; and

(1) is on long-term training; or

(2) is on an approved absence that would be creditable service under MOA V-A-235.

c. If an award is granted to an employee subject to the provisions of paragraph b. above, the following procedures will be used to determine the award amount:

(1) the employee's rating of record is extended and the appropriate award is granted, if that rating was given no earlier than the previous rating period; or (2) if there is no rating of record that can be extended, the employee may receive a performance award equivalent to that granted for a (Fully Successful) rating, as specified in MOA V-A-450.

d. An employee who is newly appointed to the Government within 90 days of the end of the appraisal period will not receive a performance award. For purposes of this paragraph:

(1) a reinstated employee is considered to be a newly appointed employee;

(2) an employee re-employed from a Re-employment Priority List (see MOA V-A-760), is not considered to be a newly appointed employee; and

(3) an employee receiving a new appointment without a break in service of one or more workdays is not considered to be a newly appointed employee.

e. Temporary employees in the competitive service, as well as competitive service employees on a temporary promotion, are eligible for performance awards under this section.

f. A covered employee detailed to another position within or outside of the covered pay systems is eligible for a performance award. However a non-covered employee (e.g., PMRS employee) detailed to a GS, or Wage position is not eligible for a performance award under this section.

g. Any performance appraisal provided previously to employees moving from coverage under one annual appraisal period to another should be

considered in determining whether to provide the employee with a performance award and the size of any such award.

h. An employee who is on leave without pay (LWOP) for a period of time such that the employee is not in a pay status during the appraisal period for at least the minimum (90 day) appraisal period is not eligible for a performance award.

#### 262.7 Review of Awards Decisions

a. Each awards determination will be reviewed and approved by an official of Broadcasting who is at a higher-level than the official who made the initial decision, unless there is no official at a higher-level in the element and also by the official with responsibility for managing the performance awards pool(s) of each Service or Office.

b. Higher-level review and approval of performance awards determinations as required in paragraph 262.7a above must be made by the officials also responsible for making the performance appraisal decisions.

c. The officials responsible for performance awards pools and higher-level review and approval of performance appraisal decisions (includes, Directors, independent Services or Office Directors, or their designees, committee(s) and the official(s) designated by the Director to manage a combined awards pool for smaller offices and elements):

(1) shall review, revise and approve all award recommendations up to and including 10 percent of basic pay;

(2) may increase individual awards using any reserved portion of the pools' awards funds;

(3) shall recommend the Director's approval of any awards exceeding 10 percent of basic pay.

d. The Director must approve all awards above 10 percent.

e. Awards recommendations shall not be discussed with employees (or anyone else not in the decision process) until they have been reviewed and approved.

f. The Office of Personnel will submit all recommendations for performance awards in excess of \$10,000 up to \$25,000 to OPM for review and approval.

#### 262.8 Implementation of Awards Payments -

a. The final proposed awards distribution must be certified to the Office of Personnel by the Service Head, Director, Officials and/or Office Directors responsible for pools. This certification will indicate that the recommendations conform to these regulations and any other applicable guidelines. When the final review and list of certifications are completed, the Office of Personnel shall process payroll actions. It

is Broadcasting policy to pay performance awards as soon as possible after certification.

b. Awards paid under this plan do not increase base pay and are subject to withholding of income taxes.

#### 263 APPEALS OF AWARDS OR NON-AWARDS

Performance awards (non-selection/the amount) are not grievable nor appealable.

#### 264 DOCUMENTATION AND RECORD KEEPING

264.1 General - Awards under this plan shall be documented in the Official Personnel Folder to reflect the nature of the award, including the amount of the award.

264.2 Director or Office Directors - The Director or Office Directors will:

a. Where appropriate, maintain records of the calculation and distribution of performance award funds to eligible employees.

b. Submit certifications to Personnel that performance awards are made in accordance with current regulations and supplementary guidelines.

#### 264.3 Office of Personnel

a. Process Personnel Actions (SF-50's) for performance awards.

b. File copies of SF-50's in the Official Personnel Folders.

#### 265 ORIENTATION AND TRAINING

265.1 Orientation- Orientation will be provided by the Office of Personnel to employees normally within three months of their entry into the PMS. Orientation will consist of an explanation of the purpose of the PMS and its operation. Employees will be provided copies of the PMS Performance Management Plan.

265.2 Training- See provisions of MOA V-A-450 regarding periodic training of managers, supervisors, and employees.

#### 266 REPORTING REQUIREMENTS

266.1 Annual Budget Report - The Budget Office in coordination with the Office of Personnel will submit to the Office of Personnel Management (OPM) at the beginning of each fiscal year, the estimated performance awards budget, including the funding level used.

266.2 Annual Activities Report - The Budget Office in coordination with the Office of Personnel will submit to the OPM an annual report on performance awards activities for the past fiscal year.

International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

Material within this Manual of Operations and Administration may no longer be current. To ensure having the most current policy or procedure, please contact the Agency office responsible for the subject matter, e.g., information about performance appraisal, staffing, or compensation should be directed to the Office of Human Resources. For assistance in determining which office to contact, please contact Cathy Brown or Renee Tyrance-Gauff of the Analysis and Administration Division on (202) 203-4664 or feel free to email this staff at cabrown@bbg.gov or crgauff@bbg.gov.

MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART V-A PERSONNEL (DOMESTIC), 300 RECRUITMENT, SELECTION, AND  
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Section 310

POLICIES AND PROCEDURES

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MOA V-A 310

POLICIES AND PROCEDURES

311 PURPOSE

The following material (paragraphs 313 through 317 supplements instructions, statutes, Executive Orders, and regulations on Civil Service recruitment, selection, and appointment.

## 312 RESPONSIBILITIES

### 312.1 The Office of Personnel is responsible for:

- a. planning, conducting, and supervising all recruitment activities;
- b. assisting operating offices in all aspects of the selection process;
- c. determining positions for which a shortage of well qualified candidates exists and authorizing payment of travel and transportation expenses for new appointees to such shortage positions in accordance with Title 5 CFR, Part 572;
- d. authorizing paid advertising for recruitment purposes (see paragraph 316);
- e. assuring that applicable laws, regulations, policies and procedures governing recruitment, selection, and appointment are properly followed by all officials involved;
- f. assuring that recruitment activities are conducted and selections made with no discrimination among candidates because of race, color, sex, religion, handicap, or national origin;
- g. making official offers of appointment; and
- h. maintaining recruitment, selection, and appointment records required by the Office of Personnel Management (OPM) regulations and instructions.

### 312.2 Employees and operating officials are responsible for:

- a. assisting in locating qualified applicants for positions;
- b. referring promptly to the Office of Personnel all employment inquiries and applications for employment; and
- c. refraining from unduly encouraging applicants and, in no case, making appointment commitments.

## 313 SPECIAL STATUTORY APPOINTMENT AUTHORITIES

In addition to the types of appointments authorized by general statutes, and OPM regulations, Broadcasting is authorized by Section 801(5) of the U.S. Information and Educational Exchange Act of 1948 (PL 402, 80th Congress), as amended, to employ, without regard to the civil service and classification laws: (i) persons on a temporary basis when such employment is provided for by the pertinent appropriation Act (22 USC 1471 (5)) and (ii) aliens within the United States and abroad for service in the United States relating to the translation of narration of colloquial speech in foreign languages or the preparation or production of foreign language programs in accordance with MOA V-A 820 (22 USC 1471 (1)).



### 314 NON-COMPETITIVE INTERCHANGE BETWEEN FOREIGN SERVICE AND CIVIL SERVICE

An agreement between OPM and the former USIA-IBB under the provisions of Executive Order 11219, as amended authorizes the non-competitive appointment of present or former career employees of the Foreign Service tenured Overseas Specialists (FP) in the competitive Civil Service. (For the appointment of present and former career or career-conditional Civil Service employees in the Foreign Service, see MOA V-B-305.) The Office of Personnel is responsible for processing appointments made under the provisions of this paragraph.

### 315 USING PAID ADVERTISING

When appropriate, to provide a sufficient number of well qualified candidates, the Office of Personnel may use or authorize the use of paid advertising. (See MOA V-A 122.) However, paid radio or television advertising will be used only after every effort has been made to utilize public service advertising, which is provided by many stations without charge.

### 316 RECRUITMENT TRAVEL

The Office of Personnel may authorize recruiting trips by employees outside of Washington, D. C. in connection with paid advertising or other appropriate recruitment activity.

### 317 EFFECTIVE DATE OF APPOINTMENT

317.1 Appointment Involving Travel or Movement From Another Department or Agency - 5 CFR provides guidance on determining the effective date of an appointment, including appointments involving travel at agency expense or movement of the employee from another department or agency.

317.2 Appointment Not Involving Travel or Movement From Another Department or Agency

- a. An appointment offered and accepted before the beginning of a pay period will be effective on the first day of the pay period if the employee enters on duty on the first workday of the pay period.
- b. If the conditions stated in a. immediately above are not met, the appointment will be effective on the day the employee reports for duty.

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PART V-A PERSONNEL (DOMESTIC), 400 IN-SERVICE PERSONNEL MANAGEMENT  
Section 410

PERSONNEL MANAGEMENT

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Section 410

#### PERSONNEL MANAGEMENT

411 DEFINITION - Personnel management includes the attraction, selection, motivation, leadership, understanding and utilization of people as individual employees and as members of a work group in accomplishing the mission for which Broadcasting is responsible.

412 OBJECTIVES - To maintain a cadre of personnel who have high competence to contribute directly and effectively to the accomplishment of Broadcasting's mission and programs; to foster in managers, supervisors and employees an attitude of responsive service; to utilize work-force resources wisely and economically; to provide a work environment which stimulates initiative, imagination, productivity, personal development and cost consciousness; to treat employees individually and in groups equitably and fairly and to help them to achieve personal satisfaction and pride in their work and to enhance their opportunities for career advancement through training and utilization of abilities; to establish and maintain a career system which will provide opportunities for advancement through training, education, development, and utilization.

413 POLICY - Each position will be filled by the person best suited for the position on the basis of qualifications and experience, through open competition, and each employee's skills and abilities will be utilized and developed to the maximum, without regard to race, color, sex, age, religion, national origin, or physical handicap.

#### 414 RESPONSIBILITIES

414.1 Supervisors and Managers are responsible for:

- a. Utilizing work-force economically and effectively by defining duties clearly, selecting the performers of the duties, and making assignments among employees.

- b. Making objective evaluations on employee performance based on valid performance measurements and sound judgment, communicating these evaluations to the employees concerned, using the evaluation as a basis

for taking corrective action when necessary including the initiation of appropriate position changes, training, separations, or other indicated action, and submitting such evaluations in a timely manner (see MOA V-A 450, V-A 440, and V-A 1130).

c. Developing and motivating employees to reach their fullest potential, granting or recommending recognition for superior work or innovative contributions, dealing with all employees in a fair and equitable manner; keeping all employees informed of their role in accomplishing the mission, and of their rights, privileges and obligations as employees.

d. Initiating requests for personnel actions.

414.2 The Office of Personnel is responsible for:

a. Recruiting candidates and administering the Merit Promotion Program for selection and placement of employees while ensuring that placements and selections are made in accordance with Office of Personnel Management (OPM) rules and regulations and internal Broadcasting policy and that each position is filled by the best qualified person available.

b. Advising and assisting supervisors and managers in all aspects of personnel management as noted in paragraph 414.1a through c above.

c. Taking timely personnel actions, promptly processing the necessary paperwork, and efficiently establishing and maintaining required personnel records.

d. Ensuring that personnel management goals, policies and practices are communicated to and understood by managers, supervisors, employees, unions, and other employee groups, and that, to the extent possible, the support necessary to make them effective is achieved.

#### 415 TYPES OF PERSONNEL ACTIONS

415.1 Initial Appointment - See MOA V-A 310.

415.2 Reassignment - Means a change of an employee, while serving continuously within the same agency, from one position to another without promotion or demotion.

a. All assignments to a different position or to duties and responsibilities substantially different from those described in the employee's official position description (except by temporary detail, see paragraph 415.5 below) must be approved by the Office of Personnel . All reassignments must be documented by an SF-50, Notification of Personnel Action.

b. Reassignment to a different line of work or geographic area may not be made during the first 90 days after an employee's initial competitive appointment unless prior approval is obtained from OPM.

c. Reassignments to positions that have greater promotion potential than the position currently occupied must be made by competitive procedures

through the Merit Promotion Program (see MOA-VA-460), unless the reassignment is to a position which is exempt from these procedures, e.g., an excepted service position under Schedule A, B, or C.

d. Requests by employees for voluntary lateral reassignment will be considered by management.

e. Where personnel changes are made due to reorganization, no detail or reassignment will be made until the reorganization has been approved by the Director.

f. Whenever practicable, employees will be given advance notice before lateral reassignment.

415.3 Demotion - Means change of an employee, while serving continuously within the same agency, to a lower grade when both the old and the new positions are under the General Schedule or under the same type graded or ungraded wage schedule, or are in different pay method categories.

#### 415.4 Grade and Pay Retention

##### a. Employees Excluded from Grade and Pay Retention Provisions

- o All Foreign Service employees.

- o Members of the Senior Executive Service.

- o Employees whose employment is on a temporary or term basis. (This is defined as employment under an appointment having a definite time limitation or designated as temporary or term by law.)

- o Any employees who are reduced in grade for personal cause or at their own request. A demotion for personal cause is a reduction in grade based on the conduct, character, or unacceptable performance of an employee. A demotion at an employee's request is a reduction in grade which is initiated by the employee for his/her benefit, convenience or personal advantage, including consent to a demotion in lieu of one for personal cause, and which is not caused or influenced by a management action.

- o Employees removed from a supervisory or managerial position for unsatisfactory performance or for cause during the probationary period for such positions.

b. Grade Retention - Employees who are paid under the General Schedule, any prevailing rate system, or the performance management and recognition system and are placed in a lower graded position as a result of either a job reclassification action or a reduction in force are entitled to retain the grade of the former position for two years from the date they are placed in the lower graded position, when:

- (1) for reduction in force, the employee has served for 52 consecutive weeks in any pay schedule at a grade or grades higher than that of the position in which placed. The 52-week requirement may be satisfied by period of service in one or more positions, at one or more grade levels,

even in one or more agencies. The requirement is that the employee must have worked 52 consecutive weeks at a grade level higher than that of the position to which he or she is being reduced. The length of time an employee has served at his/her current grade level (which is the grade which will be retained) is not a deciding factor. Any 52 consecutive week period may be used to satisfy this requirement; or

(2) for reclassification, the position from which the employee is demoted has been classified at a higher grade for a continuous period of at least one year (not 52 weeks as in reduction in force actions) immediately before reclassification. The position may have been classified at more than one higher grade during that one-year period and in any pay schedule. The length of time the employee has occupied the position is irrelevant.

(3) Benefits - The two-year period of grade retention begins on the effective date of placement in the lower position, either by assignment to the reclassified position, or through reduction-in-force procedures. During the two-year period of grade retention, employees will receive within-grade increases when eligible and comparability increases (if any), and are entitled to use the retained grade for pay administration, retirement, life insurance, and eligibility for training and promotion. The retained grade may not be applied to any reduction-in-force procedures in determining whether an employee is covered by the performance management and recognition system or for determining an employee's "exempt/nonexempt" status under the Fair Labor Standards Act. For these purposes, the grade of the position occupied, rather than the retained grade, is to be used. Grade retention will be extended to employees who are on grade retention at the time they transfer from other agencies.

(4) Further Reduction in Grade - If, during a two-year period of grade retention, an employee is further reduced in grade under circumstances also entitling the employee to grade retention, the employee shall continue to retain the previous retained grade for the remainder of the previous two-year period. (NOTE: The retained grade may not be applied towards further reductions resulting from a reduction in force; that is, the employee shall compete in the competitive level of the lower-graded position to which assigned, not by his/her retained grade.)

At the end of the initial two-year period, the employee shall be entitled to retain the grade of the position from which the second reduction in grade was made, until two years have passed from the date of the second reduction in grade.

Example: An employee who is reduced in grade from a GS-9 to GS-7 on 2-11-99 is entitled to a two-year period of grade retention ending on 2-10-01. If the employee is further reduced in grade to a GS-6 on 4-8-99, he/she would be entitled to continue to retain the GS-9 through 2-10-01, the original expiration date of the grade retention period. The employee's entitlement to a two-year period of grade retention for the second reduction in grade began on 4-8-99 and ran concurrently with the previous demotion through 2-10-01. For the remainder of that second two-year

period (i.e., from 2-11-01 through 4-7-01), the employee is entitled to retain the GS-7.

(5) Movement Between Covered Pay Systems - When an employee is moved with or without position, from one pay schedule to another through either reclassification or reduction in force, it must be determined if the movement resulted in a reduction in grade, and accordingly, whether grade retention is warranted. To make this determination, the representative rate of the employee's position before and after the movement must be set. The "representative rate" of a position is:

- o the fourth rate of the grade in the case of a position under the General Schedule including the fourth rate of the corresponding grade of the General Schedule in the case of a position under the performance management and recognition system; the highest grade of the covered pay schedule in which placed, if there is no grade in the covered pay schedule with a representation rate equal to or higher than the representative rate held immediately prior to that placement.

- o the second rate of the grade of a position under a regular or special prevailing rate schedule, or in the case of a position with a single rate, the single rate of that position.

If the representative rate of the employee's position after movement is lower than the representative rate of the employee's position before the movement, then the movement has been to a lower grade, and the employee is entitled to grade retention.

Example: A WG-10 employee who is placed in a GS-4 position (which based on a comparison of representative rates, is a lower grade) as a result of a reclassification action is entitled to retain the WG-10 for two years. The employee will continue to receive the scheduled rate of WG-10, the within-grade increases in WG-10, and the prevailing rate increases applicable to WG-10. Except for premium pay entitlements which will be determined based on the work and schedule being performed in the GS-4 position, the employee will be treated as a WG-10 for any other purpose for which the retained grade is applicable.

c. Pay Retention - 5 U.S.C. 5363 provides for indefinite pay retention upon the expiration date of the two-year period of grade retention for any employee entitled to grade retention under paragraph 415.4b(1) above. Under special authority granted to the Office of Personnel Management (OPM) pay retention provisions have been extended to any employee whose rate of basic pay would otherwise be reduced as a result of:

- o a reclassification or a reduction in force when the employee does not meet the eligibility requirements for grade retention;

- o placement of the employee in a formal employee development program;

- o a reduction or elimination of special rates;

- o placement in a position in a lower wage or in a position in a different pay schedule; or

o placement from a special rate position to a non-special rate position or to a lower special rate position.

Pay retention is extended to employees who are on pay retention at the time they transfer from other agencies. Pay retention is not extended to any employee who is reduced in grade or pay: as a result of the termination of a temporary promotion; for personal cause; at the employee's request; or when removed from a supervisory or managerial position for unsatisfactory performance or for cause during the probationary period for such positions.

(1) Benefits - When an employee becomes eligible for pay retention or moves to another position while receiving pay retention, Personnel will compare the employee's rate of basic pay immediately prior to eligibility or movement with the range of rates of basic pay for the position to be occupied by the employee upon this eligibility or movement.

(a) The employee is entitled to the lowest rate of basic pay in the position to be occupied upon the eligibility or movement which equals or exceeds his/her rate of basic pay immediately prior to the eligibility or movement. If the rate of basic pay can be accommodated in the rate range of the latter position, pay retention does not apply.

(b) If the employee's rate of basic pay immediately prior to the pay retention exceeds the maximum rate of the position to be occupied when he/she becomes entitled to pay retention, the employee is entitled to the lower of:

(i) the rate of basic pay payable to the employee immediately before the reduction in pay; or

(ii) 150 percent of the maximum rate of basic pay payable for the new grade.

(c) When an increase in the scheduled rates of the grade of the employee's position occurs while the employee is under pay retention, the employee is entitled to 50 percent of the amount of the increase in the maximum rate of basic pay payable for the grade of the employee's current position.

(d) When, as a result of an increase in the schedule rate(s) of the grade of the employee's position, an employee's retained rate of basic pay becomes equal to or lower than the maximum rate of that grade, the employee is entitled to the maximum rate of that grade and pay retention ceases.

(e) An employee who is serving on a temporary promotion at the time he/she becomes eligible for pay retention is entitled to retain the rate of basic pay which he/she would have been receiving at that time had the temporary promotion not occurred.

#### d. Notification to Employee of Grade and/or Pay Retention Benefits



(1) When an employee is entitled to grade and/or pay retention, Personnel shall give the employee a copy of the Notification of Personnel Action (SF-50) documenting the employee's entitlement to grade or pay retention, and a letter describing the circumstances warranting grade and/or pay retention and the nature of the entitlement. The employee acquires immediate coverage under the Special Placement Program (see 415.4g).

(2) If, upon the expiration of the two-year grade retention period, the employee has not moved to another position of equal grade to his/her retained grade under the provisions of the Special Placement Program, the employee will again be notified by issuance of an SF-50 and a letter explaining employee's entitlement to pay retention benefits.

#### e. Termination of Grade and Pay Retention

(1) Grade retention - terminates after two years or at an earlier time in accordance with Title 5 CFR Part 536. For example, when an employee:

- o has a break in service of one workday or more;
- o is demoted either for personal cause or at the employee's request;
- o is placed in, or declines a reasonable offer of, a position the grade of which is equal to or higher than the retained grade; or
- o elects in writing to have the benefits terminate. (Grade retention will terminate on the last day of the pay period in which the employee's written election is received in the Office of Personnel.

(2) Pay retention terminates when an employee:

- o has a break in service of one workday or more;
- o acquires the rate of pay, or declines a reasonable offer of a position with a rate of pay, which is equal to or higher than the retained rate; or
- o is demoted either for personal cause or at the employee's request.

f. Declination of a Reasonable Offer of Position - Grade retention ceases to apply when an employee with retained grade declines a reasonable offer of a position the grade of which is equal to or higher than the employee's retained grade. Pay retention ceases to apply when an employee with retained pay declines a reasonable offer of a position the rate of basic pay for which is equal to or higher than the employee's retained pay. For purposes of applying these provisions a "reasonable offer of position" shall meet the following conditions:

(1) The offer shall be in writing, and shall include an official position description of the offered position.

(2) The offer shall inform the employee that an entitlement to grade or pay retention will be terminated if the offer is declined and that the

employee may appeal the reasonableness of the offer as provided in 415.4g below.

(3) The offered position shall be a permanent one for which the employee meets the established qualification requirements.

(4) The offered position shall be full-time, unless the employee's position immediately before the change creating entitlement to grade or pay retention was less than full-time, in which case the offered position must have a work schedule of no less time than that of the position held before the change.

(5) The offered position shall be a Broadcasting position in the same commuting area as the employee's position immediately before the offer.

(6) The offered position shall be the same work shift as the employee's position. (If the employee rejects an offer on the basis of shift, Broadcasting can still assign and re-promote the employee to the position and terminate grade and pay retention. Any such assignment must be consistent with law, regulation, and collective bargaining agreement.)

The employee is responsible for giving written notice to the Office of Personnel of his/her decision to accept or decline the offered position within five working days after receiving the written offer. Failure to respond to the offer within this time shall be considered as declination of the offer. If the employee declines the offered position, the termination of grade or pay retention will be effective on the last day of the pay period in which the declination is received in Personnel.

#### g. Appeal of Benefits Because of Declination of Reasonable Offer

An employee whose grade or pay retention benefits are terminated on the grounds that the employee declined a reasonable offer of a position may appeal such termination through the negotiated union grievance procedure if the employee is included in a union bargaining unit, or to the OPM if the employee is not included in a bargaining unit. Time limits for filing grievances are included in the appropriate union contract. An appeal to OPM must be filed no later than 20 calendar days after the grade or pay retention benefits have been terminated and must state the reasons why the employee believes the offer of a position was not a reasonable offer.

415.5 Details - A detail is the temporary assignment of an employee to a different position for a specified period, with the employee returning to his/her regular duties at the end of the detail. A position is not filled by a detail as the employee continues to be the incumbent of the position from which detailed.

a. Details Outside Broadcasting - To the extent permitted by law, Executive Order or Office of Personnel Management regulations, Broadcasting may authorize details to, from and between Broadcasting and other government agencies, public institutions, private organizations, state or local governments, institutions of higher education, and international organization. A non-reimbursable detail is permitted when the detail involves a matter related to Broadcasting's appropriations and

will aid it in accomplishing the purpose for which appropriations are provided, or will have a negligible impact on the appropriations (CG B-211373 3/20/85).

b. Details Within Broadcasting

(1) Purpose - Details are intended only for meeting temporary needs of Broadcasting when necessary services cannot be obtained by other desirable or practicable means.

(2) Duration and Extension

(a) General - Unless restricted to lesser periods under the provisions of paragraphs (b) through (e) below, details may be made initially for a period not-to-exceed 120 days and may be extended in 120-day increments up to a total of one year. Extensions beyond one year normally require prior OPM approval; however, the detail of a career or career-conditional employee to a position which is either an identical additional position or a position of the same grade, series, and basic duties as the position to which regularly assigned, may be extended beyond the one-year limit by the Office of Personnel.

(b) Details Within 90 Days of Competitive Appointment - Details to different kinds of positions or geographic locations may not be made during the first 90 days of an employee's competitive appointment except for an emergency detail of 30 days or less unless prior approval is obtained from OPM.

(c) Details to Higher-Grade Positions - Except for brief periods, an employee should not be detailed to perform work of a higher grade level unless there are compelling reasons for doing so. Normally, if eligible, an employee should be given a temporary promotion for details of longer than 30 days. Except for positions in Schedules A, B, and C, competitive promotion procedures must be used (even though no promotion is effected) for details to higher-grade positions of more than 60 days (bargaining unit employees) or for more than 120 days (non-bargaining unit employees). (See MOA V-A 460 and 465 for regulations governing temporary promotions.)

(d) Details to Positions with Known Promotion Potential - Except for positions in Schedules A, B, and C, competitive promotion procedures must be used (even though no promotion is effected) for details to positions with known promotion potential of more than 60 days (bargaining unit employees) or for more than 120 days (non-bargaining unit employees).

(e) Details to Unclassified Duties - No bargaining unit employee may be detailed in excess of 30 days to duties which are not classified under Civil Service classification standards.

(3) Approval and Documentation

(a) Details to positions at a higher grade, with known promotion potential, or with substantially different duties in excess of 30 days and all other details of 120 days or more will be documented on an SF-52, Request for Personnel Action, which will be maintained as a permanent

record in the employee's Official Personnel Folder. A copy of the SF-52 will be provided to the employee.

All other details may be made by the issuance of instructions by the supervisor to the employee. Such instructions may be issued orally but must be confirmed by written memorandum to the employee. An information copy of the memorandum will be sent to the Office of Personnel. The memorandum will include the beginning and ending dates of the detail. If the detail is to be extended beyond 30 days (positions at higher grade, with promotion potential, or with substantially different duties) or 120 days (all other details), an SF-52, Request for Personnel Action, will be processed through Personnel.

(b) The SF-52 or memorandum will be initiated by the gaining organization and concurrence obtained from the lending organization. Any disagreement between organizations will be resolved at the lowest common management level.

(c) Details of more than 120 days to higher graded positions or to substantially different duties must be approved in advance by the Office of Personnel.

(4) Details to Senior Executive Service Positions - See MOA V-A 1110.

(5) Applicability of Qualification Standards - Employees may be detailed without regard to Civil Service qualification standards.

(6) Details of Temporary Employees - Temporary employees may be detailed to a position which meets the criteria for temporary employment .

(7) Details in Connection with Reorganizations - When personnel changes are made due to a reorganization, no detail will be made until the reorganization has been approved by the Director.

415.6 Promotion (See MOA V-A-460).

#### 415.7 Conversions

a. From Career-Conditional to Career - In order to become a career employee under the General Schedule, an employee must have served a three year period of substantially continuous creditable service (career conditional) in the Federal Government. Substantially continuous service means service without a break of more than 30 calendar days. Career-conditional employees automatically become career employees upon completion of the service requirement. Conversion to career employment is documented by the Office of Personnel by the issuance of an SF-50, Notification of Personnel Action.

b. From Overseas Specialist (FP) to Civil Service

(1) In order to convert from Overseas Specialist to the Civil Service the employee must be in Washington or due back to Washington for a domestic assignment. An overseas tour of duty will not be broken, nor

will an employee be brought back to Washington before the overseas tour is completed.

(2) The employee must be eligible for conversion to career or career-conditional status in the competitive service. Service for one year immediately before separation from an unlimited Foreign Service appointment usually fulfills this requirement.

(3) The employee must apply and be selected under the provisions of MOA V-A 460 for bargaining unit positions or MOA V-A 465 for non-bargaining unit positions. In either case, positions must be properly allocated and classified, and the employee must meet all qualification requirements. The grade to which the employee is converted will be determined in accordance with regulations applicable to Civil Service employees.

(4) Salary determination will be made in accordance with 5 CFR Part 531.

(5) An Overseas Specialist must resign his/her appointment in writing to the Director, Office of Personnel, before an SF-50, Notification of Personnel Action, can be processed.

c. From Civil Service to Foreign Service Overseas Specialist - An employee interested in becoming an Overseas Specialist Candidate must apply through the Office of Personnel for an oral exam which covers specialty expertise and other knowledge. If successful at BEX, the employee's name will be placed on a register from which candidates are drawn as unfilled overseas vacancies occur. Medical and background investigation must also be successfully completed before appointment as an Overseas Specialist Candidate. (See MOA V-B 360 for further details.)

#### 416 SPECIAL PLACEMENT PROGRAM

##### 416.1 Purpose

In accordance with 5 U.S.C. 5364, this program has been established to provide employees entitled to grade and pay retention with priority placement opportunities in positions which are equal to their retained grade or pay.

##### 416.2 Policy

###### a. General

(1) Broadcasting shall utilize all appropriate means to avoid the demotion of an employee who, under circumstances for which the employee is not responsible, is placed in a situation where a reduction in grade or pay may have to be effected.

(2) Whenever possible, vacancies in permanent positions under the civil service and prevailing rate systems will be filled, except as provided in paragraph 416.2b below, by the selection of an employee entitled to special placement under the provisions of this program.

(3) To the maximum extent possible, each organizational element of Broadcasting shall absorb its own employees who are covered under the Special Placement Program.

(4) Notification of the selecting official's decision must be received by the Office of Personnel within five working days after the name(s) of referred qualified candidate(s) has been received by the official.

(5) In those rare instances when a selecting official does not accept an employee who is certified as qualified under the Special Placement Program, the non-selection must be justified in writing by the selecting official through the Office Head to the Director of Personnel for approval.

b. Exception

The following personnel actions are not covered by the policy stated in paragraph 416.2a above:

(1) career promotions as defined in MOA V-A 461.4a; or promotions which are excluded from competitive promotion procedures as described in MOA V-A 461.3; and

(2) actions required to comply with a regulatory or statutory provision (e.g., the exercise of re-employment rights).

416.3 Responsibilities

a. Office Heads, managers and supervisors are responsible for instilling a spirit of cooperation within their organizations and for ensuring the timely submission of personnel action requests on vacancies (SF-52) in order that those covered by this program may be appropriately assigned.

b. The Director of Personnel is responsible for establishing policies and guidelines, for giving general oversight to the operation of the Special Placement Program, and for making final determinations on validity of elements' justification for non-selection of qualified employees certified under this program.

c. The Office of Personnel is responsible for ensuring that all positions are appropriately described and properly classified in accordance with provisions of established regulatory requirements and sound classification principles. This will include positions found to be over-graded through position classification surveys, as well as due to the issuance and application of occupational (classification) standards.

d. The Office of Personnel is responsible for assisting Directors, Office Heads, managers and supervisors in operating the Special Placement Program and for ensuring that the provisions of this program are followed when a vacancy is to be filled.

e. The Personnel Operations Division is responsible for issuing a monthly Broadcast-wide Placement List,

f. Personnel is responsible for ensuring prompt referral of qualified employees for vacant positions equal to their retained grade level (or former grade level, if employee is on pay retention only).

g. Employees placed on the Special Placement Program are responsible for completing and submitting to the personnel office current SF-171's so that they can be properly considered for appropriate vacancies.

h. Personnel will send a copy of each Special Placement Certificate to the Director, Office of Civil Rights at the time it is issued to the selecting official. The Director of OCR will review the certificate to ensure that, to the maximum extent possible, Broadcasting's affirmative action goals are not adversely affected.

#### 416.4 Basic Requirements

##### a. Eligibility

(1) Any employee who is entitled to grade or pay retention benefits under the provisions of V-A 415.4 is eligible for the Special Placement Program. Employees serving on a full-time basis are eligible for placement in full-time positions. Those serving on a part-time basis are eligible only for other part-time assignments.

(2) Employees are covered under the Special Placement Program on the effective date of the Notification of Personnel Action (SF-50) which authorizes their entitlement to grade or pay retention. The monthly special placement list of eligible employees will be maintained in the Personnel Operations Division .

##### b. Areas of Eligibility

(1) Eligible employees are entitled to these Special Placement provisions with respect to a vacancy in the geographic location in which the employee is working.

(2) Employees who are willing to move to a position outside their current geographic location must request such placement if they wish to be considered in any other location.

(3) The relocation expenses for employees selected for a position in another geographic location under this placement program will be paid by Broadcasting, unless it is determined that the employee could have been placed in his/her current location and the move to a different geographic location is for the employee's convenience.

##### c. Extent of Eligibility for Positions with Known Promotion Potential

(1) When a position with known promotion potential becomes vacant it will be filled at the grade which represents the full performance level grade if there is an employee who is qualified under the Special Placement Program for the position at that grade (unless paragraph 416.2b applies).

(2) If there is no employee under the program qualified at the full performance level grade, the position may be filled at that grade or any intervening grade through the Merit Promotion Program. The Special Placement Program does not override the requirements in MOA V-A 460 regarding competition in filling positions having known promotion potential.

(3) Employees under the Special Placement Program must compete with other candidates for the vacancy. However, if an employee covered by this program is shown as one of the top ranking candidates (see MOA V-A 462.2e) for consideration, non-selection of this candidate must be justified in writing by the selecting official through the Director or Office Head to the Director of Personnel for approval.

#### d. Period of Eligibility

(1) Beginning of Eligibility - An employee may be reassigned in accordance with the provisions of the Special Placement Program at any time after the effective date of the notification of Personnel Action (SF-50) which documents the employee's entitlement to grade or pay retention.

(2) Termination of Eligibility - Eligibility will cease when the employee is removed from the program. Removal from the program will coincide with the termination of employee's entitlement to grade and/or pay retention, that is, when the employee:

(a) moves to another continuing position at the same or higher grade;

(b) voluntarily accepts another position at a lower grade;

(c) declines a reasonable offer to a continuing position (see V-A 415.4f for definition of "a reasonable offer of position"); or

(d) is separated for any reason.

#### 416.5 Referral and Certification of Qualified Employees

a. Unless a vacancy is to be filled under one of the exceptions provided for in paragraph 416.2b above, the Personnel Operations Division will refer to the selecting official the names of qualified employees entitled to Special Placement under this program, prior to advertisement of the vacancy. Selecting officials must reach a decision and notify Personnel within five working days after receipt of the names of qualified candidates. Non-selection of the referred candidate(s) must be justified in writing by the selecting official and approved by the Director of Personnel before the vacancy may be announced.

(1) Employees under the Special Placement Program who qualify for vacant positions with known promotion potential are subject to the provisions of paragraph 416.4c above.

b. For many positions the qualification requirements as specified in the OPM Handbook X-118 are appropriate without modification, and employees



who meet those requirements will be considered qualified for a position under the provisions of this plan. For some positions, however, the duties and responsibilities are such that incumbents must possess certain job-related qualifications in addition to, or more specific than, those defined in Handbook X-118. The OPM designates these special requirements "selective factors" and describes the circumstances under which the use of such factors might be justified. If selective factors have been approved by the Office of Personnel as essential for use in filling a position, an employee under the Special Placement Program will have to meet those factors to be considered qualified for the position. Any such factors which are used will be recorded in writing showing why the use of them is justified, and approval of them will be indicated in the record.

#### 417 PROBATIONARY PERIOD FOR NEWLY-APPOINTED SUPERVISORS AND MANAGEMENT OFFICIALS

417.1 Purpose - Section 303 of the Civil Service Reform Act (PL 95-454) requires a probationary period for newly-appointed supervisors and managers. This section outlines the procedures for Broadcasting.

417.2 Objective - The success or failure of Broadcast programs is dependent to a large extent on the caliber of its supervisors and managers. Unique skills and abilities which cannot easily be taught or developed in other kinds of positions are needed by supervisors and management officials. The probationary period is intended to bridge the gap between perceived potential and actual performance. It provides Broadcasting with an opportunity to assess the new appointee's development on the job and return an employee to a non-supervisory or non-managerial position without undue formality should circumstances warrant.

#### 417.3 Policy

a. Upon initial appointment to a supervisory position, an employee is required to complete a one-year probationary period. Upon initial appointment to a managerial position, if an employee has not served previously as a supervisor, he/she is required to complete a one-year probationary period. An employee whose initial appointment is to a position which is both supervisory and managerial is required to complete a single probationary period of one year.

b. All positions, whether occupied by General Schedule or Wage System employees, require a one-year probationary period upon initial appointment to a supervisory and/or management position.

c. The Office of Personnel will make position designations and the designation will be noted on the official position description (OF-8) in block 11. Designations and the probation requirement will be noted on all vacancy announcements.

d. If an employee is required to serve a probationary period both in a supervisory or managerial position and under an initial employment appointment, reinstatement, transfer or position change, then a concurrent one-year probationary period will meet both requirements.

e. The employee will be required to attend and complete training courses in supervisory or managerial techniques during the one-year probationary period.

f. Successful completion of the probationary period will be documented in the employee's Official Personnel Folder with a copy of the supervisor's certification. The supervisor's certification must be accompanied by documentation showing successful completion of a management training course. The probationary period is not complete without attendance at one such course, and the supervisor may not certify satisfactory completion of the probationary period until the course is completed and certification received and attached to the certificate.

g. An employee who is not satisfactorily performing his/her supervisory or managerial duties may be removed from the position. The employee is entitled to be returned to a non-supervisory and non-managerial position at the grade level of his/her position prior to reassignment to the supervisory or managerial position or to a position at the same grade and pay as the position in which he/she was serving probation if the employee was demoted into the supervisory or managerial position. Failure to pass the probationary period does not preclude the employee from applying for another supervisory or managerial position in the future.

417.4 Definitions - In determining which positions are categorized as supervisory or managerial, the OPM Supervisory Grade Evaluation Guide (SGEG) will be used, or if under the Wage System, the Job Grading Standard for Supervisors. The following definitions are included herein for clarity of this MOA issuance, but employees should refer to the complete SGEG when questioning designation of a position as supervisory or managerial. The SGEG may be reviewed in the Office of Personnel.

a. Supervisory positions are those in which incumbents perform supervisory duties and responsibilities with respect to three or more employees (exclusive of "support employees") such as assigning, directing and reviewing the work of subordinate employees; planning and carrying out the training and development of employees; evaluating employees' work performance; recommending selections, promotions, status changes, awards, disciplinary actions and separations; solving problems related to the work supervised; determining material, equipment and facilities needed; explaining and gaining the support of employees for management policies and goals; working to achieve the objectives of government-wide personnel programs and policies; dealing effectively with employees and union representatives on employee suggestions, complaints, grievances, and other matters involved in the day-to-day administration of labor management agreements. Some supervisory positions also include responsibility for advice to management on and participation in the establishment of program and production goals, priorities, and major schedules; development of cost and budget analysis or forecast; and determination of long range manpower requirements.

b. Managerial positions are those in which the incumbents direct the work of an organization, are held accountable for the success of specific line or staff programs, monitor the progress of the organization toward

goals and periodically evaluate and make appropriate adjustments, and typically perform the full range of the following duties and responsibilities:

- (1) determine program goals and develop plans for the organization independently of or jointly with higher management;
- (2) determine resource needs and allocation of resources and account for their effective use;
- (3) determine the need and develop plans for organizational changes which have considerable impact, such as those involving basic structure, operating costs, or key positions;
- (4) consider a broad spectrum of factors when making decisions (or recommendations to higher level management) including public relations, congressional relations, labor management relations, public policy stances, effect on other organizations and other parts of the organization, economic impact, and the like;
- (5) coordinate program efforts with other internal activities or with the activities of other agencies;
- (6) assess the impact on organization programs of substantive developments in programs and policies on elements in other parts of Broadcasting, in other Government entities, and in the private sector;
- (7) set policy for the organization managed in such areas as determining program emphasis and operating guidelines; understand and communicate policies and priorities throughout the organization managed;
- (8) deal with general personnel management policy matters affecting the organization manager, with personnel actions affecting key employees, and other actions with possible serious repercussions; and
- (9) delegate authority to subordinate supervisors and hold them responsible for the performance of their organizational units.

c. Applicability of the probationary period. Employees who are serving or have served in supervisory or managerial positions in the federal government as of August 11, 1979, are exempt from the probationary period requirement. Satisfactory completion of a probationary period, or service prior to August 11, 1979, as a supervisor or manager in the federal government, fulfills the probationary requirement for assignment to future supervisory or managerial positions regardless of the agency, occupation or position in which he/she may serve.

#### 417.5 Responsibilities

a. Office of Personnel is responsible for identifying supervisory and managerial positions within Broadcasting and ensuring that newly-appointed employees who have not previously served as supervisors or managers or who have not previously served a probationary period are placed under a one-year probationary period. Personnel will ensure that

notification of such a probationary period is included in all vacancy announcements for supervisory and managerial positions and that employees selected for such positions are informed of their rights and responsibilities during the probationary period. Personnel is responsible for advising the supervisor of the employee of the expiration of that probation at least 90 days in advance, and for coordinating the return of the probationary supervisor or manager to his/her former position or similar position and grade (except as noted in 417.3g) in the element from which originally assigned, if the individual does not succeed in the supervisory or managerial position. Personnel will consult with superiors of probationary supervisors and managers during the probationary period regarding the progress of the employee and to ensure that the employee is enrolled in a management training course.

b. Supervisors of newly-appointed supervisors and managers are responsible for ensuring that new supervisors and managers receive training appropriate to the position being filled, for providing adequate opportunity for employees to prove themselves in the position, for communicating the supervisory and managerial performance standards of the position, for evaluating the performance of the employee as a supervisor or manager, documenting unsatisfactory performance so that the employee may know why he/she is being returned to his/her former position and grade, for getting the concurrence and approval of the Director or Office or Service Head and for coordination with Personnel when an employee is to be removed from the position for unsatisfactory performance of supervisory/managerial duties, and for certifying the satisfactory performance of a supervisor/manager so that the Official Personnel Folder contains documentation that the probationary period has been completed.

c. Directors and Office and Service Heads are responsible for reviewing, approving and disapproving the immediate supervisor's recommendation for removal of employees from supervisory or managerial positions for unsatisfactory performance; and, if approved, for working with Personnel in returning such employees to their former position, or similar positions, and grades.

#### 417.6 Crediting Service Toward Completion of the One-Year Supervisory/Managerial Probationary Period

a. An employee who is transferred, reassigned or promoted to another successive supervisory or managerial position would be credited with service in the former position towards completion of the probationary period for the new position.

b. Absence in a non-pay status while under the supervisory or managerial probation period is creditable up to a total of 22 workdays. Any non-pay time in excess of 22 work days extends the probationary period by the amount of the excess.

c. Absence due to compensable injury or military duty from which the employee is entitled to restoration rights or priority consideration is creditable in full during the probationary period.

d. When an employee is separated for cause or returned to a non-supervisory/non-managerial position during the probationary period, that individual's service under the probationary supervisory/managerial position does not count toward completion of a probationary period required under a subsequent appointment.

#### 417.7 Determining Completion of the Probationary Period

a. Ninety days prior to the end of the probationary period, the Office of Personnel will generate a probationary period report form for completion and certification by the supervisor.

b. If the employee has performed satisfactorily as a supervisor or manager, the form will be completed and returned to Personnel for inclusion in the employee's Official Personnel Folder as a permanent record of satisfactory completion of the probationary period. A certificate or other documentation that the employee has successfully completed a management training course must be attached to the form in order for the probationary period to be terminated.

c. If the employee has not performed his or her supervisory/ managerial duties satisfactorily, the immediate supervisor will document the deficiencies, and the employee will be removed from the position in the manner noted in par. 417.8 below.,

#### 417.8 Removal for Failure to Perform Satisfactorily as a Supervisor and/or Management Official

a. Satisfactory completion of the probationary period is a prerequisite to continuation in the supervisory or managerial position. If after a full and fair trial period, an employee's performance reveals deficiencies which make him/her unsuited for continued employment in the supervisory or managerial position, the employee will be returned to a non-supervisory or non-managerial position. Such determination can be made at any time during the probationary period, but the determination must be made prior to the termination of the probationary period.

b. An employee may be returned to his/her former position and grade only because of failure to perform satisfactorily as a supervisor and/or manager. A direct relationship must be shown between the unsatisfactory performance and the supervisory or managerial duties. Removal or demotions for other reasons are adverse actions and should be processed under procedures outlined in MOA V-A 560.

c. The decision to remove an employee from a supervisory/managerial position is made by the immediate supervisor of the position, with concurrence of the next higher official in the organizational structure and of the Director or Office or Service Head, and after notification of the Director, Office of Personnel.

d. Sufficient factual information will be given to the employee, in writing, by the employee's immediate supervisor to make clear the basis for the removal. The notification of supervisory or managerial deficiencies must be consonant with Performance Appraisal Reports that

might have been written during the probationary period, and should be the result of prior oral and written communication with the employee on unsatisfactory aspects of the employee's supervisory or managerial performance.

e. An employee is entitled to be returned to a position of no lower grade and pay than the one he or she left to accept the supervisory or managerial position or to a position at the same grade and pay as the position in which he/she was serving probation if the employee was demoted into the supervisory or managerial position.

f. An employee returned to his/her former or similar position and grade due to unsatisfactory performance as a supervisor or manager during the probationary period is not entitled to grade and pay retention. This employee however, will be entitled to receive the highest previous salary rate in the grade to which he/she is being returned.

g. The removal of the employee and reassignment is documented by an SF-50, Personnel Action. The notification of the employee deficiencies which resulted in the removal will not be included in the employee's Official Personnel Folder. The Personnel Action (SF-50) reassigning the employee will carry the remark "Result of failure to satisfactorily complete probationary period for supervisory (or managerial) position."

#### 417.9 Appeals and Grievances

a. An employee who wishes to contest the determination of his or her position as supervisory or managerial may do so under grievance procedures (V-A 567). There is no right of appeal of supervisory/managerial determination to the Merit Systems Protection Board (MSPB).

b. The return of an employee to his/her former or similar position for reasons related to supervisory or managerial performance is not considered an adverse action and is not appealable to the Merit Systems Protection Board.

c. An allegation of discrimination due to race, color, religion, sex, national origin, physical handicap or age (provided the complainant is at least 40 years of age) in connection with an action returning an employee to a non-supervisory or non-managerial position is to be processed as a discrimination complaint under 29 CFR 1613.201. Final action on such complaints is appealable to Equal Employment Opportunity Commission (EEOC). An allegation of discrimination due to marital status or partisan political affiliation is appealable to the Merit Systems Protection Board.

d. An employee may challenge the procedural aspects of the removal through the grievance procedures (V-A 567).

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MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART V-A PERSONNEL (DOMESTIC), 400 IN-SERVICE PERSONNEL MANAGEMENT  
Section 420

TRAINING

421 Purpose

422 Objectives

423 Responsibilities

- 423.1 Office of Personnel
- 423.2 Training and Development Division, Office of Personnel
- 423.3 Administrative and Operating Officials
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EXHIBITS

Exhibit 420A - Individual Development Plan

Exhibit 420B - Training Request (SF-182)

## Section 420

### TRAINING

421 PURPOSE - The following material supplements the instructions, statutes, Executive orders, and regulations on civil service training and employee development that are published in The Code of Federal Regulations (CFR), United States Code (U.S.C.) and Executive Orders by:

- a. assigning responsibilities within Broadcasting, and
- b. establishing rules and procedures on training domestic employees. Domestic employees include Civil Service personnel (GS, GG and wage system employees) and Foreign Service employees designated as Domestic Specialists. See MOA V-B-420 for instructions on training for Foreign Service personnel designated as Overseas Specialists. See MOA V-A 1120 for training of SES members and SES Candidates.

An employee may contact the Office of Personnel , to obtain additional information on training laws and regulations.

422 OBJECTIVES - Broadcasting provides training for its domestic personnel for the purposes of:

- a. Ensuring the optimum performance of employees in their jobs.
- b. Developing a reservoir of skills to meet the future needs of Broadcasting.
- c. Providing opportunities for self-development that will enable employees to advance toward individual career development as it relates to organizational needs.
- d. Responding to the special needs of handicapped employees.
- e. Utilization of employee skills and potential in accordance with Office of Personnel Management Training agreements, applicable agreements with the exclusive employee representative and EEO action plans, goals and objectives.

### 423 RESPONSIBILITIES

423.1 The Office of Personnel - is responsible for executing all of the provisions of 5 U.S.C. Chapter 41, 5 CFR Part 410

423.2 Training and Development Division, Office of Personnel - is responsible for:



a. Providing orientation and briefings on policies, programs and procedures for new employees; and providing secretarial and clerical training for newly-appointed clerk-typists, clerk-stenos, and secretaries.

b. Planning, establishing, and operating training programs.

c. Consulting with Broadcasting elements to provide training support (e.g., suggestions for suitable training materials, appropriate training activities, the most effective mix of such activities) and to aid the various elements in designing training to meet their own internal element's needs. The Chief, Training and Development Division, should be contacted for training consultation.

d. Evaluating proposals for training to be provided by outside agencies. When elements submit requests for proposals to provide training, the Training and Development Division will, upon request, evaluate such proposals in terms of -

- (1) Broadcasting needs and objectives,
- (2) Availability of similar training within Broadcasting,
- (3) Cost effectiveness,
- (4) Qualification of bidding organization, and
- (5) Staff.

e. Processing all requests for training to be conducted outside , ensuring use of government training facilities for the majority of employee training, and ensuring that training in non-government facilities is justified.

f. Establishing criteria for the selection of personnel for training programs - (see par. 424.3 for general selection criteria). The respective elements will be responsible for making, in consultation with the Training and Development Division , the selection of personnel and for giving approval for their employees to receive training.

g. Planning for and administering the funds allotted to training and developmental activities.

h. Preparing an annual report on programs and plans for training employees for submission to the Office of Personnel Management (OPM) in the format prescribed by the (OPM) (5 U.S.C. Section 4113).

423.3 Administrative and Operating Officials - Managers and supervisors at all levels are responsible for determining the training needs of all employees under their supervision and for ensuring that employees have full opportunity for training and development. Responsibilities include:

a. Evaluating each employee's present skills in relation to job requirements.

- b. Discussing this evaluation of training needs with each employee.
- c. Planning and conducting on-the-job training within their administrative units.
- d. Conducting on-the-job orientation for all new employees.
- e. Assisting in evaluating the effectiveness of training.
- f. Reviewing employees' training needs annually and determining employees' desires for Individual Development Plans. (See par. 424.3 and Exhibit 420A.)
- g. Nominating employees for specific training opportunities.

423.4 Unit Training Liaison Officer - The head of each major organizational element may appoint a Training Liaison Officer (usually the Administrative Officer) to:

- a. Assist supervisors in identifying training needs within the unit.
- b. Act as Liaison Officer with the Training and Development Division.
- c. Consolidate training plans to be submitted to the Training and Development Division.
- d. Conduct element orientation for all new employees assigned to the element, and arrange for their participation in the Broadcasting orientation program.
- e. Work closely with supervisors and with the Training and Development Division in developing Individual Development Plans (Exhibit 420a).
- f. Notify all supervisors and employees of training opportunities available to them.
- g. Ensure that training announcements reach all employees who could benefit from the training.
- h. Ensure that those selected for training opportunities are chosen under requirements of merit promotion.
- i. Assist employees in qualifying and registering for both internal and external training to acquire skills and competencies directed toward the needs of the organization.
- j. Collect and forward to the Training and Development Division evaluations of training programs completed by employees and supervisors within the element.
- k. Brief trainees regarding the nature and functions of the element.
- l. Participate in Training and Development Division programs where the unit should be represented.

m. Assist the Training and Development Division in selecting members of his or her own unit to participate in courses, seminars, and other training sessions in Broadcasting's regular training program. This responsibility involves working closely with the Training and Development Division in selecting instructors best qualified to present the functions of the unit in an established training course, in selecting substitute instructors when occasion requires, and in assembling illustrative materials to accompany such presentations.

n. Identify supervisors within the element for development and ensure that all supervisors complete the appropriate training program as determined by the Training and Development Division.

423.5 Employees - The basic responsibility for development rests upon the individual employee. Each employee is responsible for:

a. Making his or her desires for training and self-improvement known to his or her supervisor and Training Liaison Officer.

b. Taking full advantage of training opportunities provided.

c. Passing on to other employees the benefits of training received.

d. Giving careful and constructive evaluation of training received.

e. Preparing, if she/he so desires, an Individual Development Plan.

#### 424 PROCEDURES

424.1 Form Used - SF 182, Training Request, (Exhibit 420B) should be submitted in duplicate, to apply for formal training, either within the organization or outside. The purpose of this form is to record the personal data, educational and job experiences, and justification for the requested training, upon which the Training and Development Division will base its decision to register an employee in a training course. The form must be signed by the employee's immediate supervisor, Division Director and the Training Liaison Officer, and submitted to the Training and Development Division. The justification must show the job-relatedness of the proposed training or the career development relevance to organizational needs.

424.2 Training Requests - Although the employee will often initiate a request for training, supervisors are expected to be instrumental in bringing training opportunities to the attention of employees. The employee's immediate supervisor signs off on the training request and sends it to the Division Director and/or Training Liaison Officer for his or her signature. The request, together with sufficient justification, such as an Individual Development Plan, is sent to the Registrar at the Training and Development Division. The Training and Development Division approves or denies the request based on appropriate criteria, including job relatedness and the availability of funds which are authorized by the Training and Development Division. The Registrar notifies the Liaison

Officer, supervisor and the employee, in writing whether the training has been approved or reasons for denial.

424.3 Individual Development Plan - Every employee who desires an Individual Development Plan (IDP) may have one. IDP's will be developed by the employee and his/her supervisor, working with the TLO if they so desire. Career development interests related to Broadcasting needs will be the primary criterion governing the preparation of an IDP. IDP's should first be developed for a period of at least one year and, later project activities and goals for up to a five-year period. IDP's will be reviewed by employees and supervisors at least once a year in order to evaluate progress made toward achievement of their objectives and determine need for changes in the plans. Administrative Offices may obtain a supply of Individual Development Plan Forms (Exhibit 420B), from the Training and Development Division.

424.4 Selection Criteria - Selections for training opportunities will be made in accordance with the principles of equal employment opportunity and will not be influenced by favoritism or because of race, color, religion, sex, age, marital status, national origin, politics, physical handicap, or membership or nonmembership in an employee organization. Ideally, all of the training and development opportunities required to develop employees to their highest potential and to fulfill organizational needs should be available. However, because of limitations on resources, it is necessary to establish priorities in the granting and scheduling of employee training and development activities. It is the policy of Broadcasting that the following priorities be followed in making training and career development decisions:

- a. To improve individual performance in current job activities.
- b. To prepare individuals for immediate Broadcasting needs.
- c. To prepare individuals for long-range Broadcasting needs.

Within the context of these priorities, training decisions are made on the basis of:

- a. Relative degree of need for performance in current position.
- b. Relative potential for advancement.
- c. Likelihood that the applicant's knowledge, skill, performance, or attitude will be improved by training.
- d. Ability of the employee to pass on to others what has been learned through the training.
- e. Length of time the organization expects to benefit from the employee's new learning.
- f. Previous opportunities to take advantage of training.
- g. Employee's interest and efforts in improving self through training.

#### 424.5 Release From Work

a. The employee should be excused by the Division Director, insofar as work schedules permit, to participate in approved training programs. The Division Director's signature on the Training Request form is evidence of approval for the employee to be dismissed from work for the purpose of receiving training.

b. A change in the administrative work week may be permitted to enable employees to take courses in nearby educational institutions, either during or outside normal duty hours, if such training will equip employees for more effective work.

c. As a general rule, employees may receive neither overtime pay or compensatory time off for time spent in training. There are exceptions to this rule, especially where employees are subject to the Fair Labor Standards Act. Contact the Office of Personnel or the Training and Development Division for more information.

#### 424.6 Types of Training

a. During non-duty hours - Broadcasting will pay tuition, fees, and costs of required course materials for courses that are job related and have received prior approval by the Training and Development Division and as funding permits. If the employee does not satisfactorily complete the course (except for reason of extended illness certified by a doctor) the employee must reimburse the organization for the amount spent. A grade of C or better is considered satisfactory to meet this requirement and receive funds for the course.

Attendance at non-Government courses or conferences will only be approved when:

(1) Adequate equivalent training may not be reasonably obtained through Government sources.

(2) The training is definitely job-related and is not given for the sole purpose of obtaining a degree or for qualifying an employee for promotion or appointment to a particular position.

(3) Broadcasting will receive either immediate or long range benefits at least equal to the cost of the training.

b. Correspondence Courses - Broadcasting will reimburse the employee, upon satisfactory completion, for all correspondence courses that received prior approval by the Training and Development Division.

c. Attendance at Meeting and Conferences - Broadcasting recognizes that attendance at relevant meetings and conferences is a valid form of training and can be an effective means of aiding the professional growth of Agency employees. Insofar as the work schedule permits, employees should be excused to attend work-related meetings and conferences.

However the registration and/or travel costs must be funded by the employee's Unit and not the Training and Development Division.

d. Interagency Training Courses - Personnel will enroll employees in and pay the fees for courses such as those provided by the Office of Personnel Management, the U.S. Department of Agriculture, the Foreign Service Institute (FSI) when courses are offered that suit Broadcasting training needs and such courses can be provided more economically through other agencies.

e. Non-Government Training

Where interagency sources do not offer equivalent training, Broadcasting may make use of non-Government training facilities to provide training, either for individuals or for groups. An employee requesting long term non-Government training (i.e., the duration of training is greater than 120 days or more than 960 hours) must agree in writing to remain in service with Broadcasting for a period equal to at least three times the length of the training period or reimburse the organization for all expenses related to the training (P.L. 85-507 section 11) (5 U.S.C. 4108(a)(1) "Continued Service Agreements". An exception is made to the reimbursement law if the employee is involuntarily separated from service or if the employee attended at the request of the Broadcasting.

f. Intern Programs - From time to time internship programs will be set up and employees selected under these programs (in management, personnel, administration and broadcasting) for on-the-job and formal training. Such opportunities will be announced under the Merit Promotion Program.

g. Advanced Training - Employees with special training or education requirements may be considered for advanced or long term training such as university studies, Congressional Fellowships, War College or National Defense Institute Training. Decisions on these or any other long term training opportunities will be based on potential benefit to Broadcasting and the Government as well as the individual. Contact the Training and Development Division for details.

Application procedures for any advanced training opportunities will be included in the announcements. Selection recommendations will be made by the Long Term Training Review Committee which is chaired by the Chief of Staff and includes representatives of the Personnel Office and the Office of Civil Rights as well as other appropriate officials. The final decisions on advanced training will be made by the Director in consultation with the Long Term Training Review Committee.

Selection criteria may include:

- (1) Six or more years Broadcasting experience;
- (2) No Broadcast sponsored long-term training within the past four years;
- (3) The academic credentials required for study at a university or equivalent institution (where appropriate);

(4) Agreement to remain in the employ of Broadcasting for three times the duration of the training

h. Executive Development - Advanced management training in executive skills needed for effective management in positions in the United States and overseas is available for mid-level (GS 13, 14, and 15 and FAS equivalent) employees. Candidates are proposed by Broadcast management in conjunction with the appropriate supervisory official and selected by a committee set up by the Training and Development Division. Officers should inform their supervisors of their interest in such training programs.

i. Career Development Opportunities - The Training and Development Division sponsors career development opportunities such as the mentoring program, participation in the Women's Executive Leadership (WEL) Program and the New Leader Program. Application and selection procedures are included in the announcement for each program. For more information contact the Training and Development Division.

j. Required Training - Certain types of training are required by Broadcasting or the government for some or all employees. Such mandatory training includes management/supervisory training and ethics training. Employees will be informed of required training by the Training and Development Division or by their Training Liaison Officer and will then be responsible for attending.

424.7 Payment of Fees - If training has been approved by the Training and Development Division, Broadcasting will pay the fees. Before the employee begins training, the Registrar will send a letter of certification to the training institution, stating that the employee has been authorized to take the training indicated. Upon the completion of training, the Registrar will certify that the employee has satisfactorily completed training. Bills are sent by the institution to the Administrative Officer, B/P, for payment out of the training budget.

SEE INTRANET FOR SAMPLE TRAINING FORMS, COPIES OF FORMS CAN BE OBTAINED IN FORM FLOW.

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PART V-A PERSONNEL (DOMESTIC), 400 IN-SERVICE PERSONNEL MANAGEMENT  
Section 440

ORGANIZATION AND STAFFING

441 Organization and Functions

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- 441.2 Preparing and Submitting Proposed Changes
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444 Position Management

- 444.1 Introduction
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Section 440

ORGANIZATION AND STAFFING

441 ORGANIZATION AND FUNCTIONS

441.1 Requirements and Approvals



a. Each proposed change of organization structure, at the branch level or above, or those containing major policy significance, must be submitted to the Office of Personnel, for review and approval by the Director for Management or, in certain cases, by the Office of the Director for International Broadcasting.

b. Proposals for change in organizational titles or functional assignments at all levels of operation should be submitted to Personnel to assure that there is no overlapping or duplication of functions, and to see that changes are reflected in official organization charts and functional statements.

#### 441.2 Preparing and Submitting Proposed Changes

a. Prior to submitting requests for changes in an element's position or organization structure, the initiating office must consider:

(1) The effect of the proposed change on functions and organization structure of other organizational units within the element or other elements.

(2) The advantages and disadvantages of the proposal from the standpoint of program objectives and overall priorities.

(3) The effect on the number and grades of staff required by the proposed change.

(4) The availability of funds or administrative and other services required to effect the change.

b. Under most circumstances, elements will select the position or organization structure that will accomplish the assigned responsibilities at the lowest cost consistent with the following objectives:

(1) The number of management and supervisory positions should be maintained at the minimum level. A minimum level is considered to be that required to plan work and give guidance on unusual assignments to a fully trained, competent staff.

(2) A reasonable distribution of staff among senior, intermediate, trainee, and secretarial and clerical levels.

(3) A clear delineation of work assignments and job-to-job relationships that avoids overlaps and conflicts.

(4) Adequate opportunity for employee development and progression.

(5) Sufficient job interest to attract, retain, and motivate employees.

c. Proposed changes in organization or functions are submitted by the element head to Personnel. The proposal must contain a full description and justification for the change, draft organization charts, and functional statements.

### 441.3 Responsibilities

a. The Office Of Personnel consulting other offices as necessary, provides assistance to heads of elements in the development of proposals for changes in organization or functions including changes to be presented as part of the budget process. It reviews proposals for changes that require the approval of the Office of the Director; submits the proposals with recommendations to the appropriate office; and informs interested offices of the decision on the request. It also publishes and issues approved functional statements and organization charts.

b. - The Operations Division of the Office of Personnel provides assistance to heads of elements and supervisory personnel in analyzing the personnel and classification aspects of position structures and suggests alternative structures to achieve improvements in position management, and coordinates such assistance with other staff elements as required. The Training and Development Division advises and assists in the development of appropriate training courses to improve supervisory and technical competence.

After approval of the reorganization proposal, the Operations Division must classify the proposed positions. Implementation of a reorganization may proceed only after proper notification of affected personnel, in consultation with the exclusive representative of the employees in the bargaining unit.

### 442 STAFFING PATTERNS

442.1 Definition - A staffing pattern is a list of the positions within a major organizational unit, and identified by functional title, position number, grade, and name of incumbent. (If the incumbent is a Foreign Service employee, also indicate his/her Foreign Service grade.) The Office of Personnel maintains the file of current staffing patterns.

(1) Full-Time Permanent Position - This type of position is one which is authorized for an indefinite duration to carry on the continuing work of Broadcasting and is justified in the permanent position category of budget estimates.

(2) Full-Time Temporary Position -This type of position is authorized and approved for temporary purposes such as summer employment, emergency work periods, or the replacement of employees on extended absence. Temporary positions may be authorized for a total period not to exceed one year, however, overseas temporary positions will be authorized initially for only 90 days.

(3) Part-Time Position - A part-time position is authorized for an employee whose prearranged work schedule is from 16 to 32 hours a week. (MOA V-A 620.7a).

(4) WAE Position - A WAE (when actually employed) position is authorized for an employee who works irregularly or occasionally with no prearranged work schedule (see MOA V-A 602.8).

b. FTE Ceilings - The Office of Management and Budget (OMB) prescribes the FTE (Full time Equivalency) in salary dollars for the BBG. This FTE ceiling is established during the annual OMB budget review and is communicated to the BBG by OMB in the customary allowance letter which outlines the fund levels approved for the BBG in the President's Budget. The FTE ceiling covers all personnel, except those employed in full-time temporary or part-time positions under the Government's program for disadvantaged youths, welfare to work program, and employees of other agencies filling positions on a reimbursable basis.

c. Monitoring Overseas Direct Employment (MODE) - The position and employment ceilings allocated to overseas establishments for American and FSN employees are subject to controls under the "Monitoring of Overseas Direct Employment System" (MODE). This system is directed by the Under Secretaries Committee and is designed to maintain the number of U. S. Government employees abroad at a minimum level consistent with overall U. S. national objectives. All proposed changes in overseas position ceilings must be cleared by the affected element with the appropriate Ambassador and the MODE Staff Director in Washington.

#### 443 Coverage

a. Personnel Charged Against Authorized Position Ceilings of Organizational Elements

(1) Employees of other agencies detailed to Broadcasting on a reimbursable basis are charged against the position ceiling of the element as indicated on the personnel action processed at the time of assignment.

(2) FSN employees working overseas under the provisions of personal service contracts are charged against the appropriate position authorization of the element where employed.

b. Personnel Charged Against Overall FTE Ceiling - All employees assigned to full-time permanent positions, with the exception of employees on leave without pay for thirty days or more and employees of other agencies assigned to Broadcasting are counted against the FTE ceiling established by OMB. In addition, employees on non-reimbursable detail to other agencies are counted against this ceiling.

#### 443.1 Responsibilities

General - All Office Directors and Service Heads are charged with reviewing each position as it becomes vacant to determine whether the work of the position can be reassigned or redistributed; whether the position can be redesigned so that it may be allocated properly to a lower classification; whether the position can be abolished without seriously affecting the execution of essential functions; and be prepared to report, as required, on vacancy reviews.

The Office of Personnel is responsible for monitoring positions. The Office will issue periodic summary reports on positions, including the semi-annual MODE report.

443.2 Overseas Service Full-Time Temporary FSN Personal Service Contracts (such FSNs are considered a part of and reported in employment in full-time temporary positions)

(1) The contract is a proper personal service contract (e.g., is entirely for personal services of temporary nature and contains no other considerations, such as provisions for the contractor - FSN supply the equipment or supplies used in carrying out the contract.

(2) Specific authority for execution of each personal service contract is obtained in advance from the element with the concurrence of the Office of Personnel.

443.3 Use of Part-Time Positions - Employees may be appointed to authorized part-time positions in the domestic service and the overseas service (Americans and FSNs) provided the criteria and conditions listed below are observed.

a. Domestic and Overseas Part-Time Positions

(1) There is positive evidence of need for services of an authentic part-time nature that cannot be met by full-time employees.

(2) The salary and other costs of such part-time employment can be absorbed in applicable accounts.

b. Overseas Part-Time FSN Personal Service Contracts (such FSNs are considered a part of and reported in employment in part-time positions)

(1) The contract is a proper personal service contract (e.g., is entirely for personal services and contains no other considerations).

(2) Specific authority for execution of each personal service contract is obtained in advance from the element.

443.4 Use of Domestic Intermittent, WAE, and WOC Positions - Appointments may be made to domestic intermittent, WAE, and WOC positions, but only under criteria established by the Office of Personnel and in accordance with MOA V-A-800, 810 and 840.

444 POSITION MANAGEMENT

444.1 Introduction - These regulations assign responsibilities and describe the requirements for a position management system for the BBG (Broadcasting) as required by Office of Management. Position management consists of the evaluation of the need for positions; the definition of the skills and knowledge required of an incumbent in a position; the organization, grouping, and assignment of duties and responsibilities to positions; and the grouping of positions into an organizational structure.

444.2 Objectives - This paragraph is designed to assist managers, supervisors, and administrative personnel in planning, organizing, and

evaluating position and organization structures that best serve the needs of Broadcasting.

The position management system will enable Broadcasting:

a. To identify, prevent, or eliminate such common faults as unnecessary organizational fragmentation, excessive layering, excessive use of deputies, assistants to, and special assistants, improper design of jobs, outmoded work methods, and improper distribution of work-force resources.

b. To contribute to continuing increase in employee productivity and to reflect this increase in a reduced use of manpower and fiscal resources.

c. To eliminate positions that become vacant if their duties can be redistributed, or modified in such a way as to permit substituting a lower grade position, or eliminated without seriously affecting essential functions.

d. To improve position and grade structure and reduce average salary levels without arbitrary downgrading, reductions-in-force, or other measures that would adversely affect employee morale.

#### 444.3 Responsibilities and Procedures

a. Work-force Control and Utilization Officer - The Director for Management is assigned responsibility for this program, and:

(1) Provides guidance in the effective conduct of position management.

(2) Evaluates position management within Broadcasting, recognizing effective action and directing corrective action as warranted.

b. Directors and Office Heads

(1) Assure establishment and maintenance of an effective position management program.

(2) Assure that all employees are informed of the objectives and requirements of these regulations.

(3) Conduct an annual review of the need for all positions.

(4) Review each position as vacated and determine whether the duties of the position may be reassigned or redistributed, or whether the position can be redesigned so as to conform to a lower classification, or whether the position can be abolished without seriously affecting the execution of essential functions.

(5) Direct appropriate action when the need for improvement in position structure is indicated.

(6) Consider the review of vacant positions as an affirmative action opportunity to create bridge positions which will give employees a chance

through upward mobility to move from the clerical to the professional level of work.

c. Line Managers and Supervisors

(1) Assure that each position conforms to the objectives of effective position management, or deviates from them only for reasons that have been carefully determined to be valid.

(2) Review position structure at least annually to evaluate the need for each position.

(3) Encourage employees to suggest ways to improve productivity, reduce costs, and conserve manpower resources.

(4) Personally initiate position management studies when there is reasonable evidence that improvement is needed and possible, utilizing available staff assistance, including management, budget, and personnel representatives.

d. Office of Personnel

(1) Assures that the requirements of the position management program have been met before effecting personnel or position actions. Personnel actions affecting organizational or functional responsibilities must be approved by the Director for Management.

(2) Classifies positions in accordance with the governing standards of the Office of Personnel Management (OPM) and established policies.

(3) Supplies classification advice on reorganization plans. No additional positions at GS-13 or above created in any reorganization will be filled until the reorganization has been approved by the Director for Management.

(4) Conducts annual position review to ensure that positions are properly described and classified.

e. Office of the Director for Management - Reviews and approves all reorganizations. In addition, any reorganization that will create additional positions at GS-13 or above must have the approval of the Director for Management before the reorganization is implemented. All such reorganization plans submitted to the Director for Management for approval will be routed through the Office of Personnel for classification advice.

International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

Material within this Manual of Operations and Administration may no longer be current. To ensure having the most current policy or procedure, please contact the Agency office responsible for the subject matter, e.g., information about performance appraisal, staffing, or compensation should be directed to the Office of Human Resources. For assistance in determining which office to contact, please contact Cathy Brown or Renee Tyrance-Gauff of the Analysis and Administration Division on (202) 203-4664 or feel free to email this staff at cabrown@bbg.gov or crgauff@bbg.gov.

MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART V-A PERSONNEL (DOMESTIC), 400 IN-SERVICE PERSONNEL MANAGEMENT  
Section 450

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Section 450

PERFORMANCE APPRAISAL FOR CIVIL  
SERVICE (PMS) EMPLOYEES

This Section is the performance appraisal component of the performance management plan for General Schedule and Wage System employees under the Performance Management System (PMS), except for Civil Service employees in grades GS/GM 13 through GS/GM 15 who have been designated as supervisors or management officials. The PMS compensation plan for General Schedule and Wage System employees is contained in MOA V-A 235, 239, and 260. Other regulations relating to covered PMS employees are located as follows: Awards Program, MOA V-A 570; Reduction in Force, MOA V-A 760; Personnel Records, Files and Reports, MOA V-A 900.

See MOA V-A 1100 for performance appraisal of the Senior Executive Service. Effective with the performance appraisal cycle that began on July 1, 2001, MOA V-A 490 is the performance appraisal component for Civil Service employees in grades GS/GM 13 through GS/GM 15 who have been designated as supervisors or management officials.

451 GENERAL



#### 451.1 Applicability

a. The following regulations and procedures apply to all Civil Service employees (General Schedule including Schedule "C," Senior Level, and Wage System), except for Civil Service employees in grades GS/GM 13 through GS/GM 15 who have been designated as supervisors or management officials.

b. Employees occupying positions in the excepted service for which employment is not expected to exceed 120 calendar days in a consecutive 12-month period, or positions filled by appointment by the President are excluded from coverage:

c. Temporary employees of less than one year may be appraised under this section. If work requirements and standards will not be established, a written agreement to serve without an appraisal, provided by the Office of Personnel, must be signed by the employee. Temporary employees whose appointments are extended beyond one year must be appraised under this section, except for those employees covered under MOA V-A 490.

451.2 Authority - These regulations are established pursuant to Subchapter I of Chapter 43 of Title 5, United States Code and 5 Code of Federal Regulations, Parts 430 and 432.

#### 451.3 Objectives

The number one objective of all performance management and appraisal plans is to improve performance. Other objectives include:

a. Communicate and evaluate accomplishment of organizational goals and objectives at both the individual and organizational levels.

b. Provide for accurate evaluation of employee performance on the basis of specific performance requirements and standards.

c. Require higher-level review and approval of performance requirements, standards, and ratings to ensure requirements are consistent and effective and that ratings are appropriate.

d. Help employees understand and require their participation in the formulation of critical and non-critical performance requirements and standards at the beginning of each appraisal period.

e. Provide for periodic reviews of employee performance based on the performance requirements and standards and establish a constructive dialogue between rating officials and employees throughout each appraisal period which helps both employees and supervisors recognize the strengths and weaknesses of employees and take steps to correct any weaknesses.

f. Ensure fair treatment of all employees in the performance appraisal process.

g. Prohibit forced distribution of levels of rating.

#### 451.4 Definitions

a. Acceptable Performance - Work done that meets an employee's performance standards at least at the Minimally Successful level (but not for within-grade increase purposes).

b. Appraisal - The process of reviewing and evaluating over time, the performance of an employee against described performance standards. A written appraisal, produced at least annually, is the result of this process.

c. Appraisal Period - The period of time established by the appraisal system during which an employee's performance will be reviewed; i.e., May 1 through April 30 for all GS-7 through GS-12, GS-13 through GS-15 (non-supervisory), and Senior Level and January 1 through December 31 for GS-1 through GS-6 and all Wage System employees.

d. Critical Requirement (Element) - A component of the position consisting of one or more duties and responsibilities which contribute toward the accomplishment of organizational goals and objectives and which is of such importance that unacceptable (Unsuccessful) performance on the requirement (element) would result in Unsuccessful performance in the position. At least two critical requirements (elements) must be established for all employees covered by this plan. (Critical requirement is the term used for a critical element as defined in 5 CFR 430.203.)

e. Interim Summary Rating - The written summary rating level assigned for a period of less than a year but at least 90 days when there has been a change in Rating Officer, a significant change in duties, or a change in position (including detail or temporary promotion). An interim rating is considered in determining the annual summary rating.

f. Minimum Appraisal Period - One rating of record each year. Such a rating must cover a minimum of 90 days under applicable performance requirements and standards. For intermittent employees, the minimum appraisal period will be 90 working days.

g. Non-critical Requirement (Element) - A component of the position that does not meet the definition of a critical requirement (element), but is of sufficient importance to warrant written appraisal.

h. Performance - An employee's accomplishment of assigned work including that work described in critical and non-critical requirements (elements) of the employee's position.

i. Performance Improvement Plan - A written plan for improving performance given to each employee whenever performance in one or more critical requirements is determined to be unacceptable.

j. Performance Plan - The aggregation of all of an employee's written critical and non-critical performance requirements and performance standards.

k. Performance Standard - A statement of the expectations established by management for a critical or non-critical requirement (element) at a particular rating level. A performance standard may include, but is not limited to, factors such as quality, quantity, timeliness, and manner of performance (see Section 453.1c).

l. Progress (Periodic) Review - A periodic review of the employee's progress toward achieving the performance standards and is not in itself a rating.

m. Rating of Record - The summary rating required annually at the time specified in this plan, or at such other times as the plan specifies for special circumstances. Rating levels are Outstanding, Highly Successful, Fully Successful, Minimally Successful, and Unsuccessful ( this means "unacceptable" as described in 5 CFR 403.204(h)) If an employee's position under any Federal pay system is converted to a position covered by this section, with no change of duties and responsibilities, the employee's rating of record will be considered to have been derived from the PMS position.

n. Summary Rating - The written record of the appraisal of each critical and non-critical performance requirement (element) and the assignment of a rating of overall performance for the appraisal period. May be an interim rating or a rating of record.

#### 451.5 Administrative Responsibilities

a. Office of Personnel - is responsible for:

(1) administering the performance appraisal system, including:

(a) informing, training, and counseling managers, supervisors, and employees on the objectives, policies, and requirements of PMS;

(b) monitoring the submission of performance plans and ratings; and

(c) providing technical advice on proposed Outstanding and Unsuccessful ratings.

(2) periodically evaluating the effectiveness of the performance appraisal system and making appropriate modifications.

b. Directors and Office Directors are responsible for:

(1) ensuring that critical and, if appropriate, no-critical performance requirements and standards are: (a) established by Rating Officers at the Fully Successful level, at a minimum, at the beginning of the appraisal period; (b) reviewed and approved by the Reviewing Officer, or if required, at a higher level; (c) discussed with the Rated Employee, normally within 30 days of the beginning of the appraisal period; and (d) discussed and modified during the appraisal period, as needed.

(2) designating Rating and Reviewing Officers as appropriate.

(3) establishing appropriate goals and objectives of the employee's immediate organization, as a basis for development of performance requirements and standards for individual employees.

(4) encouraging candid and constructive discussions between Rating and Rated Employees concerning performance requirements and employee performance.

(5) ensuring timely compliance with appraisal schedules including submission of annual and interim performance ratings normally within 30 days after the end of the period covered by the ratings and completion of required higher level review of these ratings.

(6) ensuring appraisals are completed in a deliberate, fair, and objective manner and are consistent with the guidelines established in this section.

(7) ensuring that Rated Employees who do not meet the Fully Successful standard on one or more critical requirements are provided assistance in improving their performance.

(8) ensuring that performance of employees detailed or assigned to other agencies or international organizations is properly appraised.

(9) ensuring the privacy and confidentiality of draft and completed ratings, including restrictions on number of copies, access to paper and electronic copies, and routine destruction of outdated file copies (see Section 455).

451.6 Training of Supervisors and Employees - The Office of Personnel shall provide periodically, and whenever appropriate, training and information for managers, supervisors and employees on the performance appraisal process, including:

a. the objectives and principles of performance appraisal and the relationship of performance appraisal to effective personnel management, pay, and performance awards;

b. information concerning the preparation of the performance appraisal report forms, and development of performance requirements and standards and reminding supervisors that performance requirements and standards must be done immediately upon an employee's entry-on-duty date;

c. appropriate use of performance related pay and awards to encourage and reinforce superior performance and accomplishments;

d. for supervisors, training shall also focus on the development of performance requirements and standards and techniques in appraising employee performance;

e. a copy of the Performance Management Plan (MOA V-A 235, 260 and 450); and

f. the role of the exclusive representative of the bargaining unit and information on employees' right to request the presence of an employee representative.

#### 452 RATING AND REVIEWING OFFICERS AND RATED EMPLOYEES

##### 452.1 Designation of Rating and Reviewing Officers

a. Rating and Reviewing Officers are normally designated at the beginning of the performance appraisal period as evidenced by their signatures in Section I-A of the performance appraisal plan .

b. The Rating Officer normally is the Rated Employee's immediate supervisor. To be adequately acquainted with the Rated Employee's performance, a Rating Officer must have supervised the employee for a minimum amount of time (normally 90 days) under a specific set of requirements and standards. Otherwise, the rating will be completed by the next higher level official. Such instances must be fully explained in the Rating Officer's statement of the employee's performance appraisal rating.

c. The Reviewing Officer normally will be the Rating Officer's supervisor. To be adequately acquainted with the performance of Rated Employees, the Reviewing Officer must have served in that capacity for a minimum amount of time (normally 90 days). Otherwise, the review will be completed by the next higher level official. If there is no higher level official who can serve as Reviewing Officer for the performance appraisal, that fact (and the reason) must be indicated in the performance appraisal section reserved for the Reviewing Officer's comments. d. If a question arises concerning who shall serve as a Rating or Reviewing Officer, the employing Director (or his or her designee), or Office Director or the Director of Personnel shall make the designation.

##### 452.2 Responsibilities of Rating Officers - Rating Officers are responsible for:

a. ensuring that Rated Employees are provided with clear and comprehensive descriptions of their duties and performance requirements and standards;

b. inviting the Rated Employee's participation in identifying performance requirements, critical and non-critical requirements, and performance standards;

c. submitting such performance requirements and standards for higher level review and approval;

d. providing to the employee normally within 30 days of the beginning of each appraisal period a copy of his or her performance plan, and the current position description (if duties and responsibilities have changed) if requested, and ensuring that receipt of the plan is appropriately acknowledged;

e. frequently observing and evaluating an employee's performance in order to ensure that discussions and performance appraisal reports are based on a comprehensive view of performance rather than just a few significant events;

f. discussing performance with the Rated Employee on a periodic basis (at least one mid-year progress review is required) throughout the appraisal period, focusing on the employee's performance in relationship to performance standards, including strengths and weaknesses, suggesting ways to improve performance, and discussing performance related extenuating circumstances;

g. recognizing and rewarding superior performance;

h. taking appropriate action when an employee's performance deteriorates or falls below the Fully Successful standard including providing a Performance Improvement Plan when performance in one or more critical requirements is determined to be unsuccessful ("unacceptable")

i. preparing appropriate interim ratings;

j. considering interim ratings in the determination of the annual rating of record;

k. preparing annual written appraisals evaluating each employee's performance, and discussing fully and frankly the completed appraisal with the Rated Employee;

l. submitting the rating of record to a higher level, for review and approval before communicating the rating to the Rated Employee; and

m. submitting the completed annual rating of record with all appropriate signatures to the Personnel Office by the due date.

452.3 Responsibilities of Reviewing Officers - Reviewing Officers are responsible for:

a. reviewing and approving employee performance plans at the beginning and during the appraisal period to ensure that each Rated Employee's performance plan considers appropriate goals and objectives of the employee's immediate organization and is fair and reasonable in relation to: the employee's assigned work; the standards set for other employees with similar responsibilities; and the performance expectations of higher level managers and supervisors.

b. ensuring that Rating Officers are familiar with the performance appraisal program;

c. becoming familiar enough with the work of Rated Employees to make independent judgments;

d. reviewing and approving annual ratings of record to ensure that they are accurate, fair and consistent with the Rated Employee's Performance Plan and the guidelines established in this section; and

e. ensuring that these procedures are adhered to by the Rating Officer and Rated Employee, as appropriate.

452.4 Responsibilities of Rated Employees - Rated Employees are responsible for:

a. participating with the Rating Officer in determining performance requirements and standards for his or her assigned position; requesting clarification of any requirement or performance standard not clearly understood; and acknowledging receipt of requirements and standards;

b. advising the Rating Officer of any factors or circumstances which he or she believes should be considered in appraising performance;

c. contributing to a list of accomplishments and including in the performance appraisal his or her view of the job and performance; and

d. signing the performance appraisal report to acknowledge receipt of a copy of the completed appraisal report.

#### 453 THE APPRAISAL PROCESS

##### 453.1 Identifying Performance Requirements and Establishing Performance Standards

a. General Guidelines - Normally within 30 days of the beginning of each rating period, the Rating Officer must establish a written performance plan which will designate critical (and any appropriate non-critical) performance requirements and establish performance standards. Performance plans must be consistent with (1) assigned work and the duties covered in the Rated Employee's position description, and (2) performance plans of other employees with similar duties and responsibilities.

(1) If the employee's duties and responsibilities are clearly inconsistent with the position description, the Rating Officer must revise the position description.

(2) To ensure a common understanding of the expected performance, joint participation by Rated Employees and the Rating Officers in the establishment of performance plans is encouraged. Employees may participate on an individual basis or as a group if employees occupy similar positions, by providing draft performance plans, commenting on draft plans, meeting with the Rating Officer to discuss and develop performance plans, or any other appropriate means.

(3) Performance plans must be documented in writing on the rating form and must be reviewed and approved by an officer at a higher level than the Rating Officer, usually the Reviewing Officer. If the Rated Employee disagrees with or refuses to participate in the formulation of the plan, the Rating Officer's views, with the concurrence of the Reviewing Officer, will prevail.

(4) Both the Rating Officer and the Rated Employee should complete the first part of the report form indicating that the performance requirements and standards have been developed at the beginning of the appraisal period. Each should keep a copy of the plan and the certification for reference during the appraisal period.

#### b. Performance Requirements

(1) The Rating Officer must determine which requirements of the performance plan are critical (or non-critical). The Rated Employee should participate in the process. A minimum of two critical requirements must be established for each position. Non-critical requirements should be included only if the responsibilities involved are sufficiently important to warrant inclusion.

(2) If an individual has significant supervisory responsibilities, they must be included in his or her performance requirements. At least one critical requirement must be related to his or her supervisory responsibilities which can include but are not limited to the following:

(a) planning and assigning work, delegating responsibility, providing guidance, motivating employees, and developing their potential;

(b) providing timely, fair, complete and useful performance appraisals and taking appropriate steps to reward or improve employee performance;

(c) furthering achievement of equal employment opportunity goals; and

(d) as appropriate, factors such as: cost consciousness and cost efficiency, including requirements under the Prompt Payment Act and effective control and accountability for funds, property and other assets; maintaining and monitoring systems of internal control in their area; and taking corrective action against officials for violation of internal controls, failure to correct internal control weaknesses, or failure to resolve and/or implement audit recommendations.

#### c. Performance Standards

(1) Performance standards must be developed at the Fully Successful level for each critical and any non-critical requirement. The absence of a written performance standard at a level other than Fully Successful does not preclude the assignment of a rating at that level. Rating Officers may establish standards at other rating levels of performance if appropriate. The standards established at the Fully Successful level should require a fully effective level of performance consistent with goals and objectives of the employee's immediate organization, the performance expectations of higher-level supervisors and managers, and the standards established for other employees, particularly those with similar duties and responsibilities. They also should be realistic and reasonable. Such standards should permit the accurate evaluation of job performance in relation to the requirements of the position. Correspondingly, any standard established at a higher level should be significantly more demanding.



(2) The purposes of a performance standard are to give Rated Employees specific written guidance on what they are expected to do; provide a benchmark against which the Rating Officer can make objective assessments of performance; and increase understanding between the Rating Officer and Rated Employee of the basis on which the appraisal will be made.

(3) In situations where a new Rating Officer arrives during the appraisal period, requirements and standards will be established between the Rated Employee and Rating Officer with proper signatures even if the requirements and standards do not change.

#### 453.2 Periodic Progress Review

a. Rating Officers and Rated Employees are encouraged to review and discuss the Rated Employee's performance throughout the appraisal period. Rating Officers and Rated Employees are required to hold at least one discussion during the appraisal period, preferably at the mid-point. The signatures of the Rated Employee and Rating Officer and the dates of their discussion(s) must be indicated on the report form at the time of the discussion(s). During discussion(s), modifications of critical and non-critical performance requirements and/or standards may be made. When this occurs, see Section 459 for procedures on union notification of such meetings. Any modifications of performance requirements and standards must be documented in writing on the appraisal form, discussed with the Rated Employee and approved by the Reviewing Officer, and incorporated into the final performance appraisal report form.

b. The primary intent of discussion(s) is to ensure that the Rated Employee is apprised of how well, in the Rating Officer's opinion, he or she is meeting the performance standards. Discussions between the Rating Officer and Rated Employee should address specific areas of accomplishment and those areas in which the Rated Employee should work to improve. Discussions should be held with the Rated Employee regarding performance of modified requirements and standards after there has been sufficient time to demonstrate performance. Information about an employee's performance which is available to the Rating Officer should be shared with the employee at the time of a progress review meeting.

c. If at any time, an employee's performance on one or more critical requirements (or two or more non-critical requirements) is identified as Minimally Successful, the Rating Officer must assist the employee in improving performance, after consulting with the Office of Personnel. The Rating Officer must:

(1) counsel the employee that his/her performance is Minimally Successful;

(2) explain the deficiencies in performance, citing examples;

(3) explain the steps the Rating Officer will take to assist the employee to resolve the deficiencies such as formal and/or on-the-job training, counseling, and/or closer supervision; and

(4) provide the performance standards at the Fully Successful level.

d. If at any time, an employee's performance on one or more critical requirements is identified as Unsuccessful (Unacceptable), the supervisor must provide the employee with a written Performance Improvement Plan in accordance with the paragraph below, and start an opportunity period of at least 30 calendar days to provide a sufficient period of time for the employee to demonstrate acceptable performance (at least Minimally Successful).

e. Performance Improvement Plan (PIP)

(1) If an employee's performance on one or more critical requirements is identified as Unsuccessful, the supervisor must consult with the Office of Personnel and establish a Performance Improvement Plan (PIP) for the employee which states the following information:

(a) which critical requirements were Unsuccessful (unacceptable);

(b) the employee's deficiencies in performance citing specific examples;

(c) the performance standards at the Minimally Successful level for those critical requirements where performance has been determined to be unacceptable;

(d) the steps the Rating Officer proposes to take to assist the employee to resolve the deficiencies (formal or on-the-job training, counseling, and/or closer supervision);

(e) the employee may be reduced in grade or removed if performance does not improve to, and is sustained at, an acceptable level (at least Minimally Successful);

(f) a within-grade increase may only be given when performance is Fully Successful or better; and

(g) the beginning and ending date of the opportunity period (a minimum of 30 days is required).

(2) If the employee's performance on one or more critical requirements continues to be Unsuccessful (unacceptable) at the end of this period, or if the employee does not sustain performance at the Minimally Successful (or higher) level for one year from date of PIP, the employee may be removed, demoted, or reassigned, without being given an additional PIP, upon written notification by the Office of Personnel.

(3) Extension of the initial opportunity period may be granted if circumstances warrant.

(4) There is no statutory or regulatory requirement that Schedule C and probationary employees be given a Performance Improvement Plan.

#### 453.3 Completing a Written Performance Appraisal

a. The Communication is required at the mid-year review; can be used at other times throughout the year; and is a useful tool when preparing the official performance appraisal at the end of the appraisal period. The rating officer and the rated employee, working jointly, will complete the form. All information provided on the worksheet should relate to the established performance requirements and standards. Extra pages may be added if there isn't sufficient space on the form. Space is provided for comments from both the rating officer and the rated employee. It is expected that the comments will recognize good performance and be used to measure improvement in problematic areas. Rated employees are encouraged to discuss any impediments which they believe could limit their ability to reach their full potential.

The rating officer and rated employee are the only individuals to make use of this document or retain copies. A copy will not be placed in the Employee's Performance Folder. It cannot be used as formal documentation of poor performance or used in future adverse personnel actions. When a rated employee leaves an office, all copies of completed Communication Worksheets for the departed employee must be destroyed.

b. The Rating Officer must assign a rating level of achievement for each critical and any non-critical requirement, unless the employee has had no opportunity to demonstrate performance on the requirements, which must be noted on the appraisal form. Narrative comments are optional.

c. There are five levels of achievement for each requirement from which the Rating Official may choose:

(1) Outstanding - Performance of rare high quality which clearly and consistently far exceeds the Fully Successful standard to an outstanding degree in terms of such factors as quality, quantity, timeliness, and the extent of supervision required, or exceeds the Highly Successful standard if one is provided. The Rated Employee should have served in the position at least six months.

(2) Highly Successful - Performance of unusually good quality which clearly and consistently exceeds the Fully Successful standard to a significant degree in terms of such factors as quality, quantity, timeliness, and extent of supervision required, or meets the Highly Successful standard if one is provided.

(3) Fully Successful - Performance which clearly and consistently meets the Fully Successful standard in terms of such factors as quality, quantity, timeliness, and extent of supervision required.

(4) Minimally Successful - Performance of poor quality which falls noticeably below the Fully Successful standard for such factors as quality, quantity, timeliness, and/or extent of supervision required, or meets the Minimally Successful standard if one is provided.

(5) Unsuccessful - Performance of very poor quality which is unacceptable and falls well below the Fully Successful standard in terms of such factors as quality, quantity, timeliness, and/or extent of

supervision required, or falls short of the Minimally Successful standard if one is provided.

d. The Rating Officer must also assign a summary rating of the Rated Employee's overall performance. The summary rating of record may not be communicated to the Rated Employee before approval by a person at a higher level in the organization than the Rating Officer (normally the Reviewing Officer), in accordance with 5 USC 430.206c. Summary ratings are limited to the five shown below. The ratings and accompanying decision rules for deriving them may not be modified. Narrative comments are mandatory regardless of the rating level.

(1) Outstanding - For a summary rating of Outstanding, an employee's performance must have been rated as Outstanding on all critical requirements and no more than two non-critical requirements may be rated as low as Highly Successful.

(2) Highly Successful - Except as noted, for a summary rating of Highly Successful, the employee's performance on all critical requirements must have been rated as at least Highly Successful and performance on non-critical requirements as at least Fully Successful. A summary rating of Highly Successful still may be appropriate if performance on one but not more than one critical requirement is rated Fully Successful provided performance on other critical requirements is rated at least Highly Successful and the Rating Officer states that (1) the requirement was relatively less important than other critical requirements and (2) required only a small portion of the time of the employee and (3) that performance on that requirement was offset by performance on two or more other critical requirements.

(3) Fully Successful - For a summary rating of Fully Successful, the employee's performance on all critical requirements must have been rated as at least Fully Successful and performance on not more than one non-critical requirement rated as low as Minimally Successful. In exceptional cases, a summary rating of Fully Successful still may be appropriate if performance on one but not more than one critical requirement is rated Minimally Successful provided the Rating Officer states that (1) the requirement was significantly less important than other critical requirements and (2) required only a small portion (less than 10 - 15%) of the time of the employee and (3) that performance on the requirement was offset by at least Fully Successful ratings on two other more critical requirements or by at least a Highly Successful rating if there was only one other critical requirement.

(4) Minimally Successful - Except as noted above under Fully Successful, a summary rating of Minimally Successful is appropriate if the employee's performance has been rated as Minimally Successful on one or more critical or two or more non-critical requirements. Upon receipt by the Rated Employee of a Minimally Successful rating of record, the Rating Officer must assist the employee in improving performance to the Fully Successful level in accordance with Section 453.2.

(5) Unsuccessful - A summary rating of Unsuccessful is required if the employee's performance on one or more critical requirements has been

rated as Unsuccessful (which is the unacceptable rating required by 5 CFR 430.204(h)). Upon receipt by the Rated Employee of a rating of record of Unsuccessful, the Rating Officer must place the employee on a Performance Improvement Plan (if the requirement for a PIP has not been fulfilled) and provide a reasonable opportunity to improve performance to at least Minimally Successful in accordance with Section 453.2.

e. An employee's summary rating cannot be reduced more than one level below the summary rating derived from critical requirements because of performance on non-critical requirements.

f. An employee's annual rating of record cannot be reduced more than one level below the summary rating for performance in his or her official position because of ratings received on a detail, nor can a rating on a detail be the only basis for an annual rating of record of Unsuccessful.

g. 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.

h. Ratings should reflect an employee's performance throughout the appraisal period. If performance on one or more critical elements drops below the Fully Successful level in the last 90 days of the appraisal period, the Rating Officer may still assign a summary rating of Fully Successful based on the employee's overall performance; or, depending on the circumstances, a rating of less than Fully Successful may be assigned.

i. Reviewing Officer's Statement

(1) The Reviewing Officer must indicate concurrence or non-concurrence of the overall summary rating assigned by the Rating Officer. If the Reviewing Officer does not concur, he/she may assign a different summary rating and must support this decision in the Reviewing Officer's statement. In providing the necessary justification, the Reviewing Officer must indicate specifically those sections of the performance appraisal report with which he or she disagrees and discuss the specific reasons why. This justification is particularly important because the overall summary rating assigned by the Reviewing Officer will prevail. Narrative comments are optional if the Reviewing Officer concurs with the Rating Officer's summary.

(2) Any proposed revisions to the original summary rating determination shall be reviewed and approved as appropriate at a higher level than the Reviewing Officer, before being communicated to the Rated Employee.

#### 453.4 Preparation, Review, and Approval Procedures

a. The Rating Officer initiates the appraisal process by soliciting the employee's comments on his/her performance (including specific accomplishments) during the appraisal period. The Rating Officer and Rated Employee should discuss the employee's accomplishments and deficiencies with respect to each performance requirement and its standards.

b. The Rating Officer prepares the appraisal and submits it for higher level review and approval to the Reviewing Officer.

c. The Reviewing Officer will indicate concurrence in the Rating Officer's Summary Rating in Section IV, Part A; prepare the narrative review in Section IV, Part B, Reviewing Officer's Comments; and sign and date the form. If there is no higher level official who can serve as Reviewing Officer for the performance appraisal, that fact (and the reason) must be indicated on the performance appraisal in Section IV.

d. In accordance with 5 CFR 430, the rating of record must be reviewed and approved by a person at a higher level in the organization than the Rating Officer before communication to the Rated Employee. If there is no Reviewing Officer, a higher level approval is required in Section V.

e. Following all approvals discussed above, the performance appraisal is returned to the Rating Officer for discussion with the Rated Employee. Employees should have a reasonable amount of time, normally three working days, to review completed appraisal reports, and add comments if desired in Section VI of the appraisal form. Supervisors should read and consider such comments. The completed appraisal must be signed by the Rated Employee to acknowledge receipt of a copy. No further changes or additions may be made after this signature without informing the employee in writing. The completed appraisal should be signed. The Rated Employee's signature does not indicate agreement with the rating, preclude his/her rebuttal, or prevent the employee from filing a grievance. Refusal to sign a performance appraisal report doesn't preclude completion of the annual appraisal process and placement of the report in the Rated Employee's performance file.

f. The performance appraisal must be reviewed and approved again in accordance with all procedures in this section if it is changed for any reason.

g. The Rating Officer will forward the performance appraisal to the Office of Personnel through the appropriate Administrative Officer. For Civil Service employees in grades GS-7 through GS-12, GS-13 through GS-15 (non-supervisory), and senior level who are not under SES, for the period May 1 through April 30, ratings must be approved and submitted to the Office of Personnel no later than June 15 following the end of the appraisal period. For Civil Service employees in grades GS-1 through GS-6 and all Wage System employees, for the period January 1 through December 31, ratings must be approved and submitted to the Office of Personnel no later than February 15 following the end of the appraisal period.

#### 453.5 Approval of Outstanding and Unsuccessful Ratings

a. Since the Outstanding and Unsuccessful overall summary ratings are given considerable weight in the Merit Promotion process, career ladder promotions, awards, and establishing Reduction in Force registers, they must be approved by the appropriate Office/Service Director, or designee (or by the Broadcasting Director for ratings prepared by Office Directors). The narrative justification for the overall summary rating

required in Section III must demonstrate to the approving officials that the proposed overall rating is warranted.

b. The approval of Outstanding and Unsuccessful ratings is a decision to be made only by management officials referred to in paragraph a.

c. Should the approving official disapprove an "Outstanding" or "Unsuccessful" rating, he/she must assign one of the five summary ratings and indicate it in Part V. This revised rating must be provided to the Rated Employee, the Rating and Reviewing Officers.

453.6 Inadmissible Comments - A number of factors must not be included in the report by any of the participants in the rating process (Rating Officer, Reviewing Officer or Rated Employee). The following subjects are inadmissible in any part of a performance appraisal report:

a. reference to race, color, religion, sex (except for titles of address, first names or personal pronouns), national origin, age, political affiliation, marital status, or references to spouse or family;

b. mention of the specific nature of a disability or medical problem, such as physical handicap, alcoholism or drug abuse. Alcoholism and drug abuse, including efforts at rehabilitation, are considered medical problems to be diagnosed only by medical personnel and should not be specifically discussed in any performance appraisal report. Reference may be made to the confirmed knowledge of a disability or medical problem only to the extent that it affects job performance.

c. mention of initiation of, involvement in, or participation in grievance or EEO procedures except when an appropriate authority has determined that an employee has committed a discriminatory action;

d. comments on an employee's participation or non-participation in employee organizations or activities, such as Unions, Credit Union Committees, Foreign Affairs Recreation Association, etc.;

e. recommendations on reclassification of the Rated Employee's position to a higher grade; and

f. reference to previous performance ratings or events or performance outside the rating period.

NOTE: This list does not include all inadmissible comments. The final decision on whether a comment is inadmissible will be made by the Office of Personnel.

#### 454 RATING PERIODS, INTERIM RATINGS, AND EXTENSIONS

a. For Civil Service employees in grades GS-7 through GS-12, GS-13 through GS-15 (non-supervisory), and Senior Level who are not under SES, the rating period is May 1 through April 30. Ratings of Record must be approved and submitted to the Office of Personnel no later than June 15 following the end of the appraisal period.

b. For Civil Service employees in grades GS-1 through GS-6 and all Wage System employees, the rating period is January 1 through December 31. Ratings of Record must be approved and submitted to the appropriate Office of Personnel no later than February 15 following the end of the rating period.

#### 454.1 Employees on Details or Temporary Promotions

a. At a minimum, ratings on critical requirements must be prepared when an employee is detailed or temporarily promoted for 90 days within or 90 days outside Broadcasting and has served for the minimum of a 90-day appraisal period under a performance plan. If the employee served for at least the minimum appraisal period, the employee must receive a rating of record from Broadcasting.

b. At a minimum, employees must be given written critical performance requirements and standards no later than 30 calendar days after the beginning of a detail or temporary promotion within Broadcasting when the detail or temporary promotion is expected to last 90 calendar days or longer.

c. Ratings on these performance requirements and standards must be prepared and must be considered by the appropriate Rating and Reviewing Officers in deriving a Rated Employee's next rating of record.

d. If an employee is detailed or temporarily promoted outside of Broadcasting for 90 days or longer, Personnel will request that the borrowing agency establish appropriate requirements and standards and provide at least ratings on critical requirements covering the period of detail or temporary promotion. If the employee has not served in Broadcasting for the minimum 90 day appraisal period, but has served outside Broadcasting for a 90 day period, at the end of the appraisal period the Broadcasting Rating Officer will make a reasonable effort to prepare the next rating of record based on appraisal information obtained from the borrowing agency. These ratings must be considered in deriving the Rated Employee's next rating of record.

454.4 Within-Grade Increase Determination - A new rating of record must be prepared when a within-grade increase determination is not consistent with an employee's most recent rating of record. It is not an interim rating.

#### 455 SUBMISSION AND DISPOSITION OF REPORTS

a. Confidentiality and Disclosure of Reports - Performance appraisal reports must be handled in a way to protect their confidentiality, consistent with the Privacy Act of 1974 which restricts the dissemination of certain information concerning individual employees.

Access to appraisal reports is restricted to persons who have a legitimate need to see them, as provided in MOA V-A 910.

b. No more than three copies of the Performance Appraisal Report may be prepared. Only the original copy of the report should be submitted to the



Office of Personnel. The Rated Employee must receive a copy of the approved report after all copies are signed by all parties. The Rating Officer also retains a copy until the next performance appraisal is prepared or until either the Rating Officer or Rated Employee is transferred to another position, whichever is earlier.

c. The original copy of completed interim reports and the Rating of Record must be submitted by the Rating Officer to the Office of Personnel for filing. The performance rating, including the performance plan on which the rating is based, will be filed in the Employee's Performance Folder (EPF) and retained for four years.

d. If an employee moves to another Federal agency at any time during the appraisal period, the performance ratings of record of the past four years and the most current performance plan must be transferred in the Official Personnel Folder. If an employee has served a minimal appraisal period, a summary rating must be prepared which must be taken into consideration by the gaining agency when determining the next rating of record.

e. If there are one or more interim ratings to be taken into consideration by the current Rating Officer for the annual rating of record, the EPF copies should be attached to the required memorandum.

#### 456 USE OF PERFORMANCE APPRAISALS

456.1 Communication of Organizational Objectives - Goals and objectives of the employee's immediate organization should be established and communicated through the appraisal process. Such goals and objectives can be established by Office Directors when determining the performance requirements and standards for subordinate managers. These managers can use these goals and objectives as a basis for developing performance requirements and standards for subordinate employees.

456.2 Review of Duties and Performance Requirements - The appraisal process provides an opportunity for the supervisor to discuss with the subordinate the duties and performance requirements of the position, as well as the employee's performance. It also provides an opportunity for supervisors and employees to identify the employee's strengths and areas in which his or her performance could be improved or supervisory assistance is required.

456.3 Basis for Pay Increases and Performance Awards - The employee's rating of record shall provide the basis for within-grade increases, wage step increases, performance awards, and quality step increases. (See MOA V-A 230 and 260.)

#### 456.4 Basis for Promotion

a. In considering an employee for promotion under the merit promotion procedures, due weight must be given to performance ratings. (See MOA V-A 460.)

b. In considering an employee for a noncompetitive career promotion, performance appraisal in the employee's current position is an indispensable tool in determining whether an employee is ready for, or worthy of advancement. An employee may possess the requisite amounts of experience, education and training required for advancement; however, if the employee's current rating of record is at a level less than Fully Successful, the employee will not be promoted. In addition, no employee may receive a career ladder promotion who has a rating below Fully Successful on a critical requirement that is also critical to performance at the next higher grade of the career ladder. (See MOA V-A 460.)

456.5 Reassignment - Performance appraisals provide a basis for determining the advisability of reassigning employees to provide broader work experiences, on-the-job training or a better employee match, and to adjust for unsuccessful performance in the current job or for other purposes.

456.6 Retention - New employees must be carefully observed and appraised during the probationary period to determine whether they have the qualifications needed to become fully successful career employees. Proper use of a performance appraisal to determine progress during the probationary period can help ensure that employees have fully demonstrated their qualifications and fitness. However, a Performance Improvement Plan is not required before taking appropriate action during the probationary period for less than Fully Successful performance on one or more critical requirements.

456.7 Career Development and Training - Appraisals of performance often highlight a need for further development, either through classroom or on-the-job training, to improve employee effectiveness. Supervisors and employees should follow normal procedures (see MOA V-A 420) to request training.

#### 456.8 Reduction in Force (RIF)

a. An employee's performance is one of the factors considered in determining the employee's retention standing in a reduction in force, consistent with OPM regulations. For RIF purposes, a rating of record of Outstanding, Highly Successful, Fully Successful, Minimally Successful, or Unsuccessful is the rating given at the end of the annual appraisal cycle.

b. No rating of record may be assigned for the sole purpose of affecting an employee's RIF retention standing.

c. Additional service credit as described in MOA V-A 760 will be based on the employee's last three annual performance ratings of record received during the four-year period prior to the date of issuance of specific reduction-in-force notices.

d. See MOA V-A 760, Reduction-in-Force, for details on credit for performance under a reduction-in-force situation.

456.9 Reduction in Grade or Removal Based on Unsuccessful ("Unacceptable") Performance - A removal or reduction in grade based on Unsuccessful ("Unacceptable") performance must be supported by a written notice giving the specific instances of such employee's Unsuccessful performance on one or more critical requirements. This information should be gathered during the performance appraisal process. Action to reassign, demote or remove an employee may be taken at any time during the appraisal period, but only after the employee has been given a Performance Improvement Plan and an opportunity to demonstrate acceptable performance. (See Section 453.2e).

#### 457 REBUTTALS AND GRIEVANCES

457.1 Discussions with Rating and Reviewing Officers - An employee who disagrees with his or her performance appraisal should first discuss it with the Rating and/or Reviewing Officers when the report is being prepared. If these officers agree, a revision should be made in the appraisal.

457.2 Rebuttal - If the discussion with the Rating and/or Reviewing Officer or higher level manager or supervisor does not resolve the employee's objections, the employee may include a rebuttal in the Rated Employee's section of the performance appraisal form.

#### 457.3 Grievances

a. A grievance may be filed under the appropriate procedures (see paragraph 457.3b) concerning a completed appraisal report on the grounds that the report is technically deficient in that it was not prepared in accordance with these regulations, or contains appraisal statements which are inaccurate or falsely prejudicial. Performance standards and critical elements are not grievable nor appealable. However, where an employee becomes the subject of a reduction-in-grade or removal action as a result of an Unsuccessful performance appraisal in accordance with 5 USC 4303(a), he or she may challenge through the appeal process the critical requirements (elements) and performance standards for his or her position at that time.

b. Employees who are members of union bargaining units may file a grievance under the appropriate negotiated agreement. All other employees may file under the Procedure outlined in (MOA V-A 540).

#### 458 PERIODIC EVALUATION OF THE PMS PERFORMANCE APPRAISAL PROGRAM

458.1 Policy - The performance appraisal program is important to all managers and employees, since performance appraisals are used in making a wide variety of personnel management decisions. Consequently, the Office of Personnel ) will conduct periodic evaluations of the performance appraisal program and provide recommendations when appropriate for its improvement.

#### 458.2 Procedures

a. The Office of Personnel is responsible for a periodic evaluation of the effectiveness and efficiency of the performance appraisal system and recommending improvements to the Director of Broadcasting.

b. The evaluation will consider:

(1) Comments of supervisors and employees solicited each year by the Director , Office of Personnel;

(2) A representative sample of performance requirements, standards and ratings given to covered employees during the previous appraisal period;

(3) Past, current and projected rating distributions of the appropriate elements to determine any trends or problems (but not to establish any forced distribution or ratings); and

(4) Any other appropriate factors.

#### 459 UNION AND BARGAINING UNIT EMPLOYEE RIGHTS

##### 459.1 Union Rights

a. In accordance with Federal statute, an exclusive labor organization (Union) must be given the opportunity to be present at "formal" discussions between supervisors and Civil Service employees. Formal discussions include meetings between supervisors and bargaining unit employees where critical and non-critical performance requirements and standards are established and/or modified.

b. Broadcasting recognizes its statutory obligation to provide the Union advance notice and opportunity to attend these discussions. The specific notification procedures which have been agreed to by the parties are contained in the appropriate negotiated agreement. For details on the procedures to be followed in assuring the Unions' right to notification of these discussions, supervisors of employees who are in the AFGE bargaining unit should refer to Article 18, Section 5,\* of the Negotiated Agreement and supervisors of employees in the AFSME bargaining unit should refer to Section 4, Article V, of the Negotiated Agreement.

##### 459.2 Employee's Rights

a. In accordance with Federal statute, employees who are part of a bargaining unit that is represented by an exclusive labor organization (Union) have entitlement to representation, if they so desire, in certain situations. With regard specifically to performance appraisal for Civil Service employees, the following rights apply:

(1) Performance Requirements and Standards - An employee in a bargaining unit may request the presence of a Union representative at any meeting during the rating year with his or her supervisor at which the employee's performance requirements and standards are established and/or modified. (See MOA V-A 453.1, Identifying Performance Requirements and Establishing Performance Standards, and MOA V-A 453.2, Periodic Progress Review.)

(2) Unacceptable Performance - If, after a reasonable opportunity to improve, performance in one or more critical requirements is still unsuccessful, the supervisor may discuss with the employee the continuing unsuccessful performance, and in that context will solicit the employee's explanation of any extenuating circumstances. Employees are entitled to representation in such discussions. (See MOA V-A 453.2, Periodic Progress Review and MOA V-A 453.3, Completing a Written Performance Appraisal.)

(3) Grievances - Employees who are members of a bargaining unit may file a grievance under the appropriate Union contract procedure. The bargaining unit employee has the right to request Union representation at all stages of a grievance. (See appropriate negotiated agreement and MOA V-A 457, Rebuttals and Grievances.)

International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

Material within this Manual of Operations and Administration may no longer be current. To ensure having the most current policy or procedure, please contact the Agency office responsible for the subject matter, e.g., information about performance appraisal, staffing, or compensation should be directed to the Office of Human Resources. For assistance in determining which office to contact, please contact Cathy Brown or Renee Tyrance-Gauff of the Analysis and Administration Division on (202) 203-4664 or feel free to email this staff at cabrown@bbg.gov or crgauff@bbg.gov.

MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART V-A PERSONNEL (DOMESTIC), 400 IN-SERVICE PERSONNEL MANAGEMENT  
Section 460

PROMOTION

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### Section 460

#### PROMOTION

#### 461 GENERAL

##### 461.1 Authority and Applicability

a. The Merit Promotion Program applies to promotion of all Civil Service employees except as noted below.

461.2 Policy - It is Broadcasting policy to provide for the promotion of employees under these procedures on the basis of competitive merit selection in accordance with federal merit promotion principles. It is also policy to promote from within whenever possible. In filling vacancies above the entry or apprentice level, first consideration will be given to Broadcasting employees. However, if the selecting official determines that there are no suitable internal candidates, he or she will submit a request to the Director, Office of Personnel for authority to consider outside applicants. In those instances where it is felt that the vacant position probably cannot be filled from within a request for consideration of outside applicants may be made concurrently with the internal vacancy announcement, with the approval of the Director of Personnel.

##### 461.3 Exclusions from Coverage

- a. Promotion of an employee appointed under Schedule A, B, and C.
- b. Promotion to a higher grade or class for 120 calendar days or less.

c. Assignment of an employee under the exercise of re-employment rights in the competitive service in a grade or class equivalent of that of the position the employee currently occupies.

d. Promotion of an incumbent to a position that is raised in grade or class because of:

(1) Changes in classification standards; or

(2) Error in the allocation of the original position.

e. Promotion of an employee who has previously failed to receive proper consideration due to a procedural error in the promotion process.

f. Promotion of an employee to a grade/class or position equal to or less than the grade/class or position from which the employee was demoted without personal cause. The term "without personal cause" means without misconduct or inefficiency on the part of the employee and not at the employee's request. Acceptance of a lower grade or class position in lieu of reduction-in-force or in lieu of relocation in the transfer of function is not considered as being at the employee's request.

g. Selection of a qualified employee serving under retained grade and/or retained pay for a position equal to his or her former retained grade level.

h. Assignment of an employee laterally to a position with no greater promotion potential than the position currently occupied.

i. Foreign Service Overseas Specialists who are worldwide available and are considered for promotion by the annual overseas specialist selection boards.

j. Members of the Senior Executive Service selection for assignments under the Executive Assignments System.

#### 461.4 Types of Promotions

##### a. Career Promotions

(1) Promotions made under training agreement and Executive Development agreements approved by the Office of Personnel Management where competition has been met previously.

(2) Promotion of an employee whose position is reclassified at a higher grade or class because of an increase in duties and responsibilities through a normal process of accretion of duties (this would not include reorganization).

(3) Promotion of an understudy who was competitively selected for the understudy position under Merit Promotion Program procedures.



(4) Promotion of an employee detailed to a higher grade or class vacancy for the purpose of training or evaluating a possible successor, where selection for the detail was made under Promotion Program Procedures.

(5) Promotion of an employee upon exercise of re-employment rights after military service when the employee's record shows selection for promotion in absentia (under the Merit Promotion Program after January 1, 1959) or where the employee's former position was reclassified during the period of the absence.

(6) Promotion of an employee through successive career promotions until the employee reaches the full performance level in formally established career ladder. The employee must be assigned and perform duties at a degree of difficulty and responsibility to warrant the higher grade, the immediate supervisor must certify that the employee is performing at the higher grade, and the recommendation must stand the scrutiny of a classification review if a desk audit is conducted.

b. Competitive Promotion occurs when qualified candidates compete for promotion consideration for a vacant position (see par. 462).

c. Temporary Promotions

(1) A temporary promotion generally is the most appropriate means of meeting a situation requiring the temporary service of an employee in a position classified at a higher class or grade. It may be used, for example, when an employee has to perform the duties of a position during the extended absence of the incumbent, to fill a position which has become vacant until a permanent appointment is made, to assume responsibility for increased workload for a limited period or to participate in a special project that will last for a limited period.

(2) A temporary promotion is not appropriate however, primarily for training or evaluating an employee in a higher grade or class position. It may not be used, for example, to give an employee a trial period before permanent promotion to decide among candidates for permanent promotion, or to train an employee in positions of higher classification.

(3) An employee will be given a temporary promotion if the assignment to higher level work is for more than 30 consecutive calendar days and the employee is eligible for promotion. Requests for temporary promotions are to be submitted by the element of assignment to the Personnel Office in advance of the proposed effective date. When it is known at the beginning of a detail that the detail will last for more than 30 days, the employee should be temporarily promoted from the first day of the detail if the employee is eligible for promotion. Should, through inadvertence or oversight, the Request for Personnel Action, SF-52, not be submitted before an employee has completed 30 days in an assignment at a higher level of work, the promotion will be made retroactive to the 31st day in the higher graded assignment if the employee is otherwise eligible for promotion.

(4) Competitive promotion procedures must be used when a temporary promotion will exceed 120 calendar days.

(5) A temporary promotion may be made permanent without further competition provided the temporary promotion was originally made under competitive procedures and the fact that it might lead to a permanent promotion was made known on the vacancy announcement.

(6) Temporary promotions are to be made for a definite period up to one year, but may be extended for an additional period of up to one year. Temporary promotions beyond two years require the approval of the Office of Personnel Management (OPM)

#### 461.5 Details and Lateral Reassignment

##### a. Details

(1) A detail of more than 60 calendar days to a position with a higher classification or to a position with known promotion potential is made under competitive promotion procedures. This requirement is not to be circumvented by a series of temporary assignments. Therefore, competitive promotion procedures must be used if the employee has spent more than 60 calendar days (prior service under both previous details and temporary promotions included) in positions with higher classification or in positions with known promotion potential during the preceding year.

(2) Except for a brief period, an employee should not be detailed to perform work of a higher level unless there are compelling reasons for doing so. As stated in par 461.5c(3), an employee will be given a temporary promotion instead of being detailed if the assignment to higher level work is for more than 30 consecutive calendar days and the employee is eligible for promotion.

(3) The detail of an employee for a period in excess of 30 calendar days to a different position or to duties and responsibilities substantially different than those in the employee's official position description requires a request for prior approval, submitted by the operating official on SF-52, to the Personnel Office.

##### b. Lateral Reassignment

(1) A lateral reassignment is the movement of an employee from one position to another without promotion or demotion. Lateral reassignments to positions with no greater promotion potential than the occupied position need not be advertised through Merit Promotion procedures.

(2) Applicants for lateral reassignment to positions below the applicant's personal grade or class will only be accepted under Merit Promotion Procedures when accompanied by a memorandum stating the employee's willingness to accept the lower grade of the position with commensurate reduction in salary.

#### 461.6 Responsibilities

##### a. Office of Personnel is responsible for:

(1) Administering the Merit Promotion Program and publicizing its operations.

(2) Advising and assisting employees interested in developing their skills for positions of greater responsibility.

(3) Preparing biweekly listings of all current vacancies and the results of previously announced vacancies and distributing these to all employees electronically.

(4) Preparing detailed Vacancy Announcements for posting on bulletin boards and electronically.

(5) Informing employees by a Broadcast Announcement at least annually of the importance of keeping the experience, education, and training portions of their personnel records up-to-date so that current information is available for rating them fairly.

(6) Providing appropriate training programs in Merit Promotion procedures for all first line supervisors.

(7) Maintaining listing of employees who serve on promotion panels.

(8) Providing personnel officers to serve on promotion panels to evaluate candidates, and setting up panels to prepare promotion certificates for consideration by selecting officials in accordance with the Merit Promotion Program.

(9) Approving and recording officially all promotion actions.

(10) Maintaining records of all promotion actions with sufficient information to allow reconstruction of the promotion action including determination whether the promotion was made under competitive procedures, as a career promotion, or an exception to competitive promotion procedures. If made as an exception, the Personnel Action (SF-50) will be documented to show the reasons for the exception.

(11) Arranging release dates for those employees selected for promotion in other organizational units.

(12) Notifying in writing all unsuccessful candidates who applied, except those whose names appeared on promotion certificates, before a promotion certificate is forwarded to the selecting official.

(13) Reviewing and appraising the Merit Promotion Program at least yearly.

(14) Developing and publishing career ladders for occupations used in Broadcasting.

b. Supervisors at all levels are responsible for:

(1) Making objective, complete, and fair annual Performance Evaluation Reports and special reports on employees on a timely basis as required.

Special reports may be required by specific personnel programs, such as the Management Intern Program, the New Careers Program, Upward Mobility Program, etc.

(2) Providing on-the-job training, recommending other training, and advising and assisting employees in improving their qualifications and usefulness to Broadcasting, and in completing the Individual Development Plan ( if appropriate) for newly selected managers and for GS-13 to 15 and equivalent employees with high potential for managerial positions.

(3) Assigning to each employee in a career ladder position, developmental work or projects of sufficient complexity and responsibility to allow the employee to demonstrate whether the employee is capable of performing satisfactorily at the next higher level in the career ladder.

(4) Making available members of their staffs to serve on promotion panels when required.

(5) Interviewing all available candidates, whose names appear on promotion certificates and making selections on a fair and objective basis.

(6) Thoroughly reviewing the SF-171s (Personnel Qualifications Statement), or resume submitted with the promotion certificate, reviewing the Official Personnel Folders if needed for additional information. Files may be reviewed in the personnel office upon request, and if reviewed, such review must be recorded in the file on the Access Disclosure Sheet.

(7) Notifying all candidates whose names appear on promotion certificate and lateral application memorandums within seven calendar days of the final decision in each merit promotion action.

(8) Releasing employees who have been selected for promotion normally within two weeks but not more than three weeks after notification of selection.

(9) Ensuring that newly selected firstline supervisors in each element receive supervisory training required by the Office of Personnel Management.

(10) Requesting temporary promotions when it is contemplated an employee will be assigned to a higher graded position for more than 30 calendar days.

c. Employees are responsible for:

(1) Keeping informed of the provisions of the Merit Promotion Program and suggesting improvements.

(2) Improving their qualifications and usefulness to Broadcasting by applying their skills in positions to which they are assigned, engaging in appropriate self-development efforts whenever feasible, participating

in available training programs, and cooperating with the Personnel Office and supervisors in the development of their qualifications, skills, and abilities.

(3) Applying for specific vacancies by submitting Personnel Qualifications Statement, to the Office of Personnel.

(4) Serving on promotion panels when requested and making unbiased evaluations of candidates.

(5) Supplying accurate and current written information, including information on any training courses taken and examinations passed, on their qualifications and experience by submitting documentation to the Personnel Office, for inclusion in their Official Personnel Folder.

461.7 Equal Employment Opportunity - Promotions will be made in accordance with the principles of Equal Employment Opportunity and selections for promotions will not be influenced by favoritism or because of race, sex, religion, color, national origin, politics, marital status, physical handicap, age or membership or non-membership in an employee organization.

#### 461.8 Priority Consideration

a. Priority consideration may be given to an employee when a procedural violation of merit promotion procedures has occurred. A procedural violation occurs when a promotion action does not conform to the requirements of the Merit Promotion Plan, i.e., failure to consider an employee entitled to consideration. Priority consideration will be given to an employee for one position only.

b. The name of the employee who did not receive proper consideration because of the violation will be referred to the selecting official for the next appropriate vacancy at the same grade or with the same promotion potential as the position for which he or she lost promotion consideration before the vacancy is advertised. The employee may be selected for promotion to this vacancy as an exception to competitive promotion procedures. An employee is entitled to only one consideration under this provision.

#### 461.9 Alleged Violations and Employee Complaints

a. Employees have the right to file a complaint relating to a promotion action. Such complaints will be resolved under appropriate grievance procedures. While the procedures used by Broadcasting to identify and rank qualified candidates are properly subjects for formal complaints or grievances, non-selection from among a group of properly ranked and certified candidates is not an appropriate basis for a formal complaint or grievance. There is no right of appeal to the Office of Personnel Management (OPM), but OPM may conduct investigations of substantial violations of OPM requirements.

##### b. Submitting Complaints

(1) An employee who believes he or she has failed to receive proper consideration for promotion, or wishes to raise questions concerning any phase of the Merit Promotion Program, should consult the Personnel Officer servicing his or her area.

(2) Employees may, if they choose, file complaints arising out of the Merit Promotion Program, under established grievance systems. All employees serving on Civil Service and Wage System appointments may grieve under the grievance system (MOA V-A-567), or under the appropriate negotiated union grievance procedure if such matters are covered. Civil Service supervisors, managers and other employees excluded from union bargaining units must use procedures outlined in MOA V-A-567. Foreign Service employees may grieve under the procedures contained in 3 FAM 660.

c. Investigating Alleged Violations - Where it is alleged that a violation of the Merit Promotion Program has occurred, the president, or designee, of the employee organization (union) holding exclusive recognition for the unit where the alleged violation has occurred may request in writing an examination of the promotion action within 30 calendar days of the effective date of the action. Such a request need not specify the individual or individuals directly involved but must specify the announcement number and type of records being requested. The designated union official, in the presence of the appropriate Personnel Officer, will be given access to the working papers of the particular promotion action. These working papers include the promotion certificate, the rating sheets prepared by the individual panel members, the Request to Fill Vacancy and the application submitted by applicants. In addition, after securing written permission, review of the official personnel folder by the designated union official must be made in the presence of a Personnel Officer. Any information obtained from the employee's record will be safeguarded and treated in a confidential manner.

d. Allegations of Prohibited Personnel Practices or Discrimination in Promotion Procedures - An allegation of prohibited personnel practices is appealable to the Merit System Protection Board (MSPB). An allegation of discrimination due to race, color, sex, religion, national origin, physical handicap, or age (provided the complainant is at least 40 years of age) may be processed as a discrimination complaint under 29 CFR 1613.201 for which final action is appealable to the EEOC.

#### 462 MERIT PROMOTION PLANS

462.1 Coverage - The Merit Promotion Program includes two different plans:

a. Plan I - all general schedule positions in the United States other than wage system positions.

b. Plan II - all Wage Grade and Wage Board positions.

462.2 Common Elements of the Two Plans are:

a. A Biweekly Listing of all current vacancies will be distributed to all employees. This Listing will include the Vacancy Announcement Number and closing date, the title, series, grade, and number (if more than one)

of the positions to be filled, the telephone number of the responsible Personnel Officer and information on how to apply. Special rating factors and their weights, screen-out elements , amount of travel when required, and qualifications requirements including selective factors, will be detailed on the individual Vacancy Announcements posted on bulletin boards and electronically through Broadcast Announcements. Copies of all Vacancy Announcements will be sent to the employee organization (union) holding exclusive recognition in the unit having the vacancy.

b. Employee Applications - Only those employees who apply for consideration or are recommended by management (supervisor, Personnel Officer, etc.) in response to an announcement of a vacancy will be considered for any vacant position.

c. "Area of Consideration" refers to the areas in which Broadcasting searches for eligible candidates in specific promotion actions.

(1) For positions GS-12 and above, and equivalent wage system positions the minimum area of consideration will be Broadcast-wide and the expanded area will be Government-wide.

(2) For promotion to positions through GS-11 and equivalent wage system positions, the minimum area of consideration will be to the locality in which the vacancy exists, e.g., Washington, D.C., New York City, Greenville, N.C., et al., and the expanded area will be Broadcast-wide or Government-wide.

(3) In instances where elements are undergoing reorganization, or programming changes that require higher level work, the area of consideration may be limited to that Office.

d. Promotion Panels

(1) When a promotion panel is convened all panel members must be at a grade level equal to or above that of the vacancy.

(2) Personnel will maintain listings of employees from whose ranks promotion panels will be constituted. The employee organization (union) holding exclusive recognition for employees under the plan will submit nominees for inclusion on panel listings. The completed listings will be provided to the appropriate employee organization (union) and will be updated at least annually and more frequently if the listings become inadequate due to separations or assignments abroad.

(3) Employees included on the panel listings will receive appropriate training and a copy of this Section (V-A-460) of the MOA. Employees selected to serve on promotion panels should be knowledgeable in the occupational field of the vacancy or skilled in evaluating experience, education, and training at the level of the vacancy.

(4) Office of Personnel will select two panel members, representing different organizational units of Broadcasting from the approved listings. A Personnel staff member will chair the panel.

(5) Neither the supervisor of the organizational unit which the vacancy is located nor the selecting official may serve on the promotion panel.

e. Promotion Certificate

(1) A promotion certificate is a list of promotable employees who have been rated as being qualified for consideration in filling a particular vacancy.

(2) Personnel will prepare and issue the certificate. Employees will be listed alphabetically. Unless unusual circumstances prevail, no more than five of the top ranking employees eligible for promotion will be certified for a vacancy. A separate memo listing applicants for lateral reassignment will be provided. When a candidate who has received an award is included in the group certified to the selecting official, the official must be informed about the award. Promotion certificates will remain valid for no more than 60 days. Vacancies that occur in the element after the closing date of the vacancy for position(s) identical (same grade, series and title) to the original vacancy may be filled from the certificate of eligibles during the validity of the certificate, provided the vacancy announcement notes that more than one position may be filled from the announcement.

(3) In using a promotion certificate the selecting official may interview all available employees certified for consideration for promotion into the vacant position and employees applying for lateral reassignment. Constructively used, the interview provides an additional means of evaluating employees. It helps to develop employees understanding of and confidence in the promotion process by demonstrating that employees who have been certified have been considered and have been given an opportunity to discuss the position and their qualifications with the selecting official.

f. Evaluation Factor - Length of service or length of experience may be used as an evaluation factor only when there is a clear and positive relationship with quality of experience. As a ranking factor, it will be used only to break ties.

g. A Selection List - will be prepared at the beginning of each month showing the names of those individuals selected during the previous month. The Selection List will be posted on the same bulletin boards as the vacancy announcements.

#### 462.3 Plan I - Civil Service Positions

a. Common Elements - All common elements listed in paragraph 462.2 are incorporated into this Plan without further specific reference.

b. Procedures

(1) The Administrative Officer for the area in which the vacancy exists will review the duties of the position with the appropriate supervisor for the purpose of determining the most important skills, knowledge, and abilities (not to exceed five hereinafter call "special rating factors")



required to perform the job, and assign weights, not to exceed a total of 30 points, to each special rating factor. These factors will be submitted with the SF-52 and will appear in the Vacancy Announcement.

(2) Personnel will prepare a listing of eligible employees from those who have applied or have been recommended by management who meet the minimum qualification requirements. If there are not more than five eligibles available for consideration for promotion for a specific vacancy, a promotion panel need not be convened. When this list includes more than ten names, a promotion panel will be convened.

(3) All eligible employees will have equal opportunity to be considered for promotion and will be evaluated fairly and uniformly in accordance with predetermined requirements.

c. Eligibility for Promotion - For Civil Service employees eligibility for promotion is as described in Part 300, Subpart F, Civil Service Rules for time in grade, and Civil Service Handbook X-118 for length and quality of experience.

In addition to meeting X-118 qualification requirements, employees serving on Foreign Service appointments must have served:

(1) not less than one year at the next lower class, and

(2) not less than one year in a position classified at the next lower General Schedule grade than the position for which applied.

(3) Promotions to levels above GS-15 are subject to approval by the Office of Personnel Management or to requirements of the Senior Executive Service.

e. Evaluation Methods Used by Panel Members

(1) The basic documents to be used in the evaluation process are the SF-171, or resume and performance appraisal reports. In addition the panel evaluates records of employee experience, training, awards "quality" step increases, and other evidence of qualifications for the purposes of ranking competing employees into promotion categories or rank order for promotion consideration.

(2) The evaluation method used under Plan I involves an analysis and appraisals of the candidate's previous experience as related to the "special rating factors" current performance ratings, and other records contained in the candidate's Official Personnel Folder. Numerical values are assigned (on a point scale beginning at one) to a cumulative possible composite score of 25. The possible composite score is apportioned between the five special factors in accordance with their relative degree of importance to success of this position (e.g., 1 to 3, 1 to 7, etc.). Additional points are added to or subtracted from the total factor score as follows:

(a) Add up to five points for a current approved (official) outstanding performance report, or for any awards, quality increases, or commendations received since the last rating period.

(b) Add up to eight points on the basis of current Performance Evaluation Report Factors and narrative comments made by the rating or reviewing official in the current Performance Evaluation Report.

(c) Add up to five points for training and/or education qualifications requirements, undertaken in the same or related field as the position to be filled.

(d) Add up to five points for previous outstanding performance ratings, awards, quality increases, commendations, or evidence of high quality work performance not covered in current year. (Point values should decrease as previous outstanding ratings, awards, etc., are superseded).

(e) Subtract up to five points for recent security violations, letters of reprimand and other such disciplinary actions (depending upon the nature of the infractions and the overall record of the employee, and the applicability of the infraction to the position being filled.)

(3) For positions entailing the supervision of other employees, a special rating factor entitled "Supervisory Potential or Demonstrated Supervisory Ability" will be established. To be eligible for supervisory positions a candidate must be rated by the panel as possessing adequate supervisory potential and sensitivity for equal employment opportunity. For the purpose of establishing a rank order among eligibles each candidate will be rated on this factor by the panel on a point scale of 0 to 5.

#### 462.4 Plan II - All Wage Grade and Wage Board Positions

a. Common Elements - All common elements listed in paragraph 462.2 are incorporated into this Plan without further specific reference.

##### b. Procedures and Evaluation Methods

(1) The Personnel Office, after consultation with the supervisory officials and the employee organization (union) holding exclusive recognition for employees under the plan, will develop job element requirements and a crediting plan for the position to be filled. The term "job element" refers to abilities, skills, knowledge and personal characteristics needed to perform the duties of the position. Each job element determined to be pertinent to the position must be defined, and levels of ability for each element must be established. Of the elements selected, every job has one critical, overall element, which is called the screen-out element. This element designates a basic ability necessary to do the job. Applicants who clearly fail to meet the lowest acceptable requirements described in the screen-out element are rated ineligible. The screen-out element will be included on the individual Vacancy Announcement posted on bulletin boards.

(2) Questionnaires will be developed jointly by the responsible Personnel Officer and the supervisory official concerned after consultation with the employee organization (union) holding exclusive recognition for employees under the plan to obtain from candidates and their supervisors and coworkers information needed to evaluate their ability to perform the duties of the job to be filled. The information provided in this questionnaire will be considered along with the SF-171 and Performance Evaluation Reports in evaluating candidates.

(3) The promotion panel will evaluate the information provided in the questionnaire and the candidate's application, considering all experience, including volunteer and unpaid services, training, education, awards, supervisory appraisals, etc., as they relate to the elements being rated and will assign numerical scores.

c. Promotion Certificate - If fewer than three highly qualified employees are available, the Personnel Officer concerned may examine other recruitment sources to determine the availability of additional highly qualified applicants for consideration.

#### 463 STATUTORY AND REGULATORY RESTRICTIONS ON PROMOTIONS

463.1 Promotions to Positions at GS-12 and Above - An employee is eligible for promotion to a position at GS-12 or above after having served one year at the next lower grade.

463.2 Promotion to Positions at GS-6 through GS-11 - An employee is eligible for promotion to a position at GS-6 through GS-11 after he or she has served:

a. One year in a position two grades lower when the position to which he or she advances is in a line of work properly classified at two-grade intervals; or

b. One year at the next lower grade when the position to which he or she is advanced is in a line of work properly classified at one-grade intervals.

463.3 Promotion to Positions at GS-5 or Below - An employee is eligible for promotion to a position GS-5 or below that is not more than two grades above the lowest grade held within the preceding year under non-temporary appointment provided the employee satisfies the qualifications requirements for that position. However, an employee is eligible for promotion to any grade at GS-5 or below which was previously held.

463.4 Normal Line of Promotion - A Civil Service employee who has one year of service in grades lower than the position being filled may be promoted without regard to the restrictions of paragraph 463.2 above if there is no position in the normal line of promotion at the next lower grade within the organizational entity in which the vacancy exists.

#### 465 MERIT PROMOTION AND STAFFING PLAN FOR CIVIL SERVICE NON-UNION BARGAINING UNIT EMPLOYEES

#### 465.1 Policy

a. It is the policy of Broadcasting to promote on the basis of merit and without regard to non job-related factors. All qualified candidates will be evaluated on the degree to which they possess the knowledge, skills, and abilities needed for successful performance on the job to be filled and, as appropriate, on their potential to progress. All candidates for a particular vacancy will be evaluated against the same standards and job-related criteria and, as nearly as possible, by the same methods. A person may not be promoted if he or she fails to meet the minimum qualification standards or time-in-grade requirements prescribed by the Office of Personnel Management unless an exception is approved by the Office of Personnel Management (OPM) for an unusual situation.

b. A vacancy may be filled either from within or outside Broadcasting and management reserves the right to select or not select from among a group of qualified candidates who apply through this plan. In filling positions, management may also select from other appropriate sources, such as Re-employment Priority Lists, reinstatement eligibles, transfer candidates, the handicapped, Veterans Readjustment eligibles, those within reach on OPM certificates, etc. In deciding which source or sources to use, Personnel will consider which is most likely to produce qualified eligibles to best meet mission objectives, contribute fresh ideas and new viewpoints, and meet affirmative action goals.

c. All staffing actions in accordance with this plan shall be made without regard to political, religious, or labor organization affiliation or non-affiliation, marital status, race, color, sex, national origin, non-disqualifying physical handicap, or age, and shall be based solely on job-related criteria.

465.3 Scope - This plan applies to all Civil Service GS, and Wage System positions which are not part of a union bargaining unit; including part-time, filled by career conditional or career appointment, regardless of duty location. Positions in the bargaining units will be filled in accordance with the procedures negotiated with the exclusive representative for the Unit in which the position is located.

Non-bargaining unit positions are those defined in Title VII of the Civil Service Reform Act as:

a. Supervisors.

b. Management Officials.

c. Confidential employees.

d. An employee engaged in personnel work in other than a purely clerical capacity.

e. An employee engaged in administering the provisions of the Labor-management Relations program under Title VII.

f. Any employee engaged in intelligence, counter-intelligence, investigative, or security work which directly affects national security.

g. Any employee primarily engaged in investigative or audit functions relating to the work of individuals employed by Broadcasting whose duties directly affect the internal security of the organization but only if the functions are undertaken to ensure that the duties are discharged honestly and with integrity.

#### 465.4 Exclusions for Competitive Promotion Procedures

a. Promotion of an employee appointed under Schedules A, B, and C.

b. Promotion or detail to a higher grade or class for 120 calendar days or less.

c. Selection of an employee from a re-employment priority list.

d. Promotion of an incumbent to a position that is raised in grade or class because of:

(1) Changes in classification standards; or

(2) Error in the classification of the original position.

e. Promotion of an employee under priority consideration procedures who has previously failed to receive proper consideration due to a procedural error in the promotion process.

f. Promotion of an employee to a grade or position equal to or less than the grade or position from which the employee was demoted without personal cause. The term "without personal cause" means without misconduct or inefficiency on the part of the employee and not at the employee's request. Acceptance of a lower grade or position in lieu of reduction-in-force or in lieu of relocation in the transfer of function is not considered as being at the employee's request.

g. Selection under priority placement procedures of a qualified employee serving under retained grade and/or retained pay for a position equal to his or her former retained grade level.

h. Assignment (through transfer or reassignment) of any federal employee laterally to a position at the same grade or to a position with no greater promotion potential than a position currently or previously occupied by the applicant.

i. Assignment of an Overseas Specialist employees to GS or wage system positions as part of a domestic tour of duty.

j. Reinstatement to a permanent or temporary position at the same or lower grade level than the last grade held under a non-temporary appointment in the competitive service.

k. Selection of a candidate from an appropriate OPM register or under OPM direct-hire authority.

l. Assignment of members of the Senior Executive Service.

m. Career promotions:

(1) Promotions made under training agreements and Executive Development agreements approved by the Office of Personnel Management where competition has been met previously.

(2) Promotion of an understudy who was competitively selected for the understudy position under merit promotion procedures.

(3) Promotion of an employee detailed to a higher graded position for the purpose of training or evaluating a possible successor, where selection for the detail was made under merit promotion procedures.

(4) Promotion of an employee through successive career promotions until the employee reaches the full performance level in a formally established career ladder. The employee must be assigned and perform duties at a degree of difficulty and responsibility to warrant the higher grade; the immediate supervisor must certify that the employee is performing at the higher grade; and the recommendation must stand the scrutiny of a classification review.

n. Promotion of an employee whose position is reclassified at a higher grade because of an accretion of duties and responsibilities which are directly related to the employee's major duties of record.

o. Promotion of an employee upon exercise of re-employment rights after military service when the employee's record shows selection for promotion in absentia (under merit promotion after January 1, 1959) or where the employee's former position was reclassified during the period of the absence.

p. Selection of a permanent government employee from an OPM register for a higher graded position or a position with known promotion potential.

#### 465.5 Temporary Promotions

a. A temporary promotion generally is the most appropriate means of meeting a situation requiring the temporary service of an employee in a position classified at a higher grade. It may be used, for example, when an employee has to perform the duties of a position during the extended absence of the incumbent, to fill a position which has become vacant until a permanent appointment is made, to assume responsibility for increased workload for a limited period, or to participate in a special project that will last for a limited period.

b. A temporary promotion is not appropriate, however, primarily for training or evaluating an employee in a higher graded position. It may not be used, for example, to give an employee a trial period to decide

among candidates for permanent promotion or to train an employee in position of higher grade.

c. An employee may be given a temporary promotion if the assignment to higher level work is for more than 30 calendar days and the employee is eligible for promotion. Requests for temporary promotions are to be submitted by the element of assignment to the Office of Personnel in advance of the proposed effective date.

d. Competitive promotion procedures must be used when a temporary promotion will exceed 120 calendar days.

e. A temporary promotion may be made permanent without further competition provided the temporary promotion was originally made under competitive procedures and the fact that it might lead to a permanent promotion was made known on the vacancy announcement.

f. Temporary promotions may be made for a period of one year or less and may be extended an additional year. Temporary promotions beyond two years require the approval of the Office of Personnel Management (OPM).

#### 465.6 Details

a. A detail is the temporary assignment of an employee to a different position for a specified period of time. The employee returns to his/her regular duties (position) at the end of the detail.

b. The detail of an employee for a period in excess of 30 calendar days to a different position or to duties and responsibilities substantially different from those in the employee's official position description must be documented by submission of an SF-52 by the appropriate manager to Personnel. Generally, a detail to a position at the same grade level may not exceed one year.

c. A detail of more than 120 calendar days to a position with a higher classification or to a position with known promotion potential must be made under competitive promotion procedures. This requirement may not be circumvented by a series of temporary assignments. Therefore, competitive promotion procedures must be used if the employee has spent more than 120 calendar days during the preceding year (prior service under both previous details and temporary promotions included) in positions with higher classification or in positions with known promotion potential. Details to higher graded positions may not exceed 240 days.

d. Except for a brief period, an employee should not be detailed to perform work of a higher level unless there are compelling reasons for doing so. As stated in paragraph 461.4(c), an employee may be temporarily promoted non-competitively instead of being detailed if the assignment to higher level work is for more than 30 days but less than 120 days and the employee is eligible for promotion.

e. Details to unclassified positions may not exceed 120 days.

#### 465.7 Responsibilities

a. Office of Personnel, is responsible for:

(1) Administering the Merit Promotion and Staffing Plan for non-union bargaining unit positions and publicizing its operation.

(2) Advising and assisting employees interested in developing their skills for positions of greater responsibility.

(3) Preparing vacancy announcements for posting on bulletin boards.

(4) Informing employees at least annually of the importance of keeping the experience, education, and training portions of their personnel records up-to-date so that current information is available for rating them fairly.

(5) Providing appropriate training programs in merit promotion procedures for all first line supervisors.

(6) Setting up panels when warranted to prepare promotion certificates for consideration by selecting officials in accordance with this plan.

(7) Approving and recording officially all promotion actions.

(8) Maintaining records of all promotion actions with sufficient information to allow reconstruction of the promotion action including determination whether the promotion was made under competitive promotion procedures. If made as an exception, the Personnel Action (SF-50) will be documented to show the reasons for the exception.

(9) Arranging release dates for those employees selected for promotion or reassignment in other organizational units.

(10) Notifying in writing all unsuccessful candidates who applied, except those whose names appeared on promotion certificates, before a selection from the certificate is made.

(11) Reviewing and evaluating this plan at least yearly.

(12) Developing and publishing career ladders for occupations used in Broadcasting.

b. Supervisors at all levels are responsible for:

(1) Making objective, complete, and fair annual performance evaluation reports on employees on a timely basis, as required. Performance appraisals may be required by specific personnel programs, such as the Management Intern Program, the New Careers Program, Upward Mobility Program, etc.

(2) Providing on-the-job training, recommending other training, and advising and assisting employees in improving their qualifications and usefulness to Broadcasting.



(3) Assigning developmental work or projects of sufficient complexity and responsibility to allow each employee in a career ladder position to demonstrate whether the employee is capable of performing satisfactorily at the next higher level in the career ladder.

(4) Making available members of their staffs to serve on promotion panels when required.

(5) Making selections on a fair and objective basis.

(6) Thoroughly reviewing the SF-171's (Personal Qualifications Statement) submitted with the promotion certificate and reviewing the Official Personnel Folders, if needed for additional information. Files may be reviewed in Personnel upon request, and if reviewed, such review must be recorded in the file on the Access Disclosure Sheet.

(7) Notifying all candidates whose names appear on the promotion certificate of the final decision in each merit promotion action within seven calendar days after Personnel has cleared the certificate and promotion action.

(8) Releasing employees who have been selected for promotion or reassignment normally within two weeks after notification of selection.

(9) Ensuring that newly selected first-line supervisors in each element receive supervisory training.

c. Employees are responsible for:

(1) Keeping informed of the provisions of the Merit Promotion and Staffing Plan for non-union bargaining unit positions and suggesting improvements.

(2) Improving their qualifications and usefulness to Broadcasting by applying their skills in positions to which they are assigned, engaging in appropriate self-development efforts whenever feasible, and participating in available training programs.

(3) Applying for specific vacancies by submitting an up-to-date SF-171 (Personal Qualifications Statement) including training/education and performance awards and their most recent performance appraisal. Applications must be received in Personnel by the closing date of the announcement.

(4) Serving on promotion panels when requested and making unbiased evaluations of candidates.

#### 465.8 Priority Consideration

a. Priority consideration may be given to an employee when a procedural violation of merit promotion procedures has occurred. A procedural violation occurs when a promotion action does not conform to the requirements of this plan. Priority consideration will be given to an employee for one position only.

b. The name of the employee who did not receive proper consideration because of a merit promotion violation will be referred to the selecting official for the next appropriate vacancy with the same title, series, grade, and same promotion potential as the position for which he or she lost promotion consideration. The employee may be selected for promotion to the vacancy as an exception to competitive promotion procedures.

#### 465.9 Alleged Violations and Employee Complaints

a. An employee who believes he or she has failed to receive proper consideration for vacancies, or wishes to raise questions concerning any phase of this plan, should consult Personnel.

b. Employees have the right to file a grievance relating to a promotion action if they believe they have failed to receive proper consideration under these procedures. Such grievances will be resolved under the administrative grievance procedure contained in MOA VA-560. While alleged violations of the procedures used by Broadcasting to identify and rank qualified candidates are properly subjects for formal grievances, non-selection from among a group of properly ranked and certified candidates is not a basis for a formal grievance. Foreign Service employees may file grievances under the Foreign Service Grievance procedures contained in 3 FAM 660.

c. Allegations of Prohibited Personnel Practices or Discrimination in Promotion Procedures - An allegation of a prohibited personnel practice is appealable to the Special Counsel for the Merit System Protection Board (MSPB). An allegation of discrimination due to race, color, sex, religion, national origin, physical handicap, or age (provided the complainant is at least 40 years of age) may be processed as a discrimination complaint under 29 CFR 1613.201 for which final action is appealable to the Equal Employment Opportunity Commission (EEOC).

#### 466 VACANCY ANNOUNCEMENTS

##### 466.1 Content and Duration

a. Vacancies to be filled under this plan will be announced for a minimum of seven calendar days. Each vacancy announcement will include the announcement number, the closing date, title, series, grade, and number (if more than one) of the position(s) to be filled, the telephone number of the responsible Personnel Staffing Specialist, information on how to apply, special rating factors and their weights, amount of travel, when required, and qualification requirements. Vacancy announcements will be posted on bulletin boards throughout Broadcasting.

b. Open announcements will be used whenever there is a continuing need to fill certain positions having the same qualification requirements and job-related criteria. Employees may apply anytime during the announcement period. Applications will be rated and the names of those candidates rated as qualified will be placed on a register for further consideration and referral as specific vacancies occur. Their names will be kept on the register until they are selected or until the termination of the register.

466.2 Applications for Vacancies - Each vacancy announcement issued under this plan will state whether the position is open to Broadcasting employees only or to outside candidates as well. Only those employees who apply for consideration or are recommended by management in response to a specific vacancy announcement will be considered.

466.3 Area of Consideration - Refers to the area in which Personnel searches for eligible candidates in specific promotion actions.

a. For positions GS-12 and above, the minimum area of consideration will be Broadcast-wide.

b. For positions through GS-11, the minimum area of consideration will be the locality in which the vacancy exists, e.g., Washington, D.C., New York City, Greenville, North Carolina, etc.

c. In instances where elements are undergoing reorganization, or programming changes that require higher level work, the Director of Personnel may limit the area of consideration to the offices affected.

#### 467 EVALUATION OF CANDIDATES

467.1. To be eligible for promotion, Civil Service employees must meet the requirements of Part 300, Subpart F, Civil Service Rules for time-in-grade, and Civil Service Handbook X-118 for length and quality of experience, plus any selective factors established.

467.2 In addition to meeting X-118 qualification requirements, employees serving on Foreign Service appointments must have served:

a. not less than one year at the next lower class, and

b. not less than one year in a position classified at the next lower General Schedule grade than the position for which applied.

c. Personnel will review the duties of the vacant position with the appropriate supervisor to determine the ranking factors, to assign weights to each rating factor, and, if the supervisor and the personnel office agree that it is desirable, to develop a crediting plan which will be used to rate the eligible applicants. Ranking factors will be submitted with the SF-52 and will appear in the vacancy announcement.

d. Personnel will prepare a listing of all eligible candidates from those who have applied or have been recommended by management who meet the minimum qualification requirements. If there are more than ten eligible applicants for a specific vacancy, the applicants will be rated using the established rating factors and, as appropriate, crediting plan in order to identify the best qualified. Normally no more than the top five candidates will be identified as best qualified and will be certified to the selecting official in alphabetical order. When there are ten or fewer eligible candidates, all may be certified, in alphabetical order, or Personnel may evaluate and identify those who are highly

qualified (not more than five) if requested to do so by the selecting official.

e. Candidates eligible for non-competitive selection may be referred on a separate list for the selecting official's consideration at any time. That is, they may be referred before rating and ranking of promotional candidates or at any other point in the process. Management may request that such candidates be considered with promotion candidates in the competitive process.

f. Evaluation Method

(1) The basic documents to be used in the evaluation process are the SF-171, Personal Qualifications Statement, performance appraisal reports, and any other requested information.

(2) When more than ten eligible applicants are identified, all eligible applicants will be rated to identify the best qualified.

(3) Applicants will be listed alphabetically on promotion certificates. All applicants must meet the OPM qualification standards and time-in-grade and time-after-competitive appointment restrictions within 30 calendar days of the closing date of the vacancy announcement in order to be considered for the position. Promotion certificates will remain valid for no more than 60 days unless extended by the Director of Personnel. Vacancies that occur in the element after the closing date of the announcement for position(s) identical (same grade, series, and title) to the original vacancy may be filled from the certificate of eligibles during the life of the certificate.

g. Promotion panels may be convened by Personnel to rate and rank eligible candidates. When a promotion panel is convened, all panel members must be at a grade level equal to or above that of the vacancy. Panel members will receive appropriate instruction and a copy of the crediting plan, the vacancy announcement, the position description, and any other relevant material. Individuals selected to serve on promotion panels should be knowledgeable in the occupational field of the vacancy or skilled in evaluating experience, education, and training at the level of the vacancy. Panels will consist of three members, selected by Personnel. The selecting official cannot serve on the promotion panel.

#### 468 SELECTION

468.1 The selecting official shall be entitled to select any candidate certified or to non-select all candidates. The candidate selected will be the individual who will best fill management's needs in terms of productivity and the total objectives of the organization. Interviews by the selecting official are optional. However, if the selecting official interviews one candidate on a certificate, he or she must interview all other candidates on that certificate.

468.2b. The selecting official may decide to interview and select at only one level for positions advertised at two or more grade levels.

468.3c. Before making a final decision, the selecting official should make appropriate reference checks.

468.4 Before the selecting official can notify the candidates of his or her decision, the certificate must be cleared by B/P.

#### 469 NEPOTISM

Supervisors and other public officials are prohibited from participating in the rating, ranking, or selection process if a relative is under consideration. Neither may supervisors advocate the selection of a relative. This does not preclude a supervisor, when necessary, from responding to a request for an appraisal on a relative, provided the supervisor refrains from advocating selection and he or she notes the relationship. Relatives are defined in 5 USC 3110 as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother or half-sister.

a. Advocating would also include the referral of an application of a relative for consideration for employment, promotion, and the like.

b. If a panel is used, all members of the panel are considered to be officials, even though they may not occupy supervisory positions.

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Manual of Operations & Administration

NOTICE

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PART V-A PERSONNEL (DOMESTIC), 400 IN-SERVICE PERSONNEL MANAGEMENT  
Section 470

MILITARY STATUS OF EMPLOYEE-RESERVISTS

471 Certification

471.1 Determining Essentiality

471.2 Handling Individual Requests for Certification

472 Certification During National Emergency

Section 470

MILITARY STATUS OF EMPLOYEE-RESERVISTS

471 CERTIFICATION - The Departments of the Navy and Air Force require that all reservists in the employ of the Federal Government secure a certification from their employing agency of their immediate availability if full or partial mobilization should be declared. The Department of the Army requires such certification from the individual reservist.

471.1 Determine Essentiality

- a. Employee-reservists occupying key positions will be certified as "essential". Key positions are limited to those positions which are deemed necessary to carry out the functions of government directly concerned with maintaining the security of the nation and which also involve serious difficulty of replacement because of a scarcity of available qualified personnel and which require extended periods of training or specialized experience for effective performance of duties.
- b. The Office of Personnel will consult with the employee-reservist's immediate supervisor to determine the essentiality of the employee without waiting for a specific request for certification from a

military establishment. Personnel will maintain a record of cases on which certification of essentiality has been made and will make annual reports to the Department of Defense on the status of employee-reservists.

- c. As changes in assignment occur that may affect an employee-reservist's essentiality or availability, the Office of Personnel will consult with the employee's new supervisor for a redetermination.
- d. New appointees who are members of the military reserve will be so identified as promptly as possible after entrance on duty.
- e. Each employee-reservist will be informed by Personnel concerning his or her essentiality. A determination of "essential" may result in an employee's removal from the Ready Reserve.

#### 471.2 Handling Individual Requests for Certification

- a. a. When an employee-reservist receives a request from a military establishment for the certification of availability, the employee will forward the request promptly to the Director, Office of Personnel. The Director, Office of Personnel will approve or disapprove the request on the basis of the employee's element's determination regarding the employee's essentiality.
- b. If the employee receives a request to certify his or her own availability, the employee will consult with the office of personnel and be guided by its determination regarding essentiality.

472 CERTIFICATION DURING NATIONAL EMERGENCY - During a national emergency, Personnel will establish a committee responsible for determining the essentiality of employee-reservists and making appropriate requests for occupational deferment to the Selection Service System. The committee will be comprised of the following officials:

- The Coordinator for Emergency Planning
- The Director, Office of Personnel
- Director or head of the employee-reservist's organizational element.

The committee will comply with and be guided by the provisions of the National Emergency Standby Regulations .

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PART V-A PERSONNEL (DOMESTIC), 400 IN-SERVICE PERSONNEL MANAGEMENT  
Section 480

MARRIAGE OF DOMESTIC EMPLOYEES

481 Benefits and Name Changes

482 Marriage to a Non-Citizen

- 482.1 Policy
- 482.2 Notice of Intent
- 482.3 Documents to Accompany Notice of Intent
- 482.4 Action on Notice of Intent
- 482.5 Counseling

Section 480

MARRIAGE OF DOMESTIC EMPLOYEES

(Note: The Uniform Regulations in 3 FAM 629 apply to marriage of Foreign Service employees, regardless of whether they are assigned in the United States or overseas. Functions performed by specified post officials overseas are performed by the Office of Personnel if the employees are serving in the United States.)

481 BENEFITS AND NAME CHANGE - When an employee marries, the employee should contact the Office of Personnel through his/her Administrative Office regarding health benefits, life insurance, beneficiary forms and desired name change.

482 MARRIAGE TO A NON-CITIZEN

482.1 Policy - It is Broadcasting policy that employees shall inform Personnel of intent to marry an alien 120 days before the marriage takes place.



482.2 Notice of Intent - An employee who intends to marry a non-citizen must inform the Office of Personnel in writing. The Notice of Intent should be submitted 120 days prior to the date of marriage.

482.3 Documents to Accompany Notice of Intent - With the Notice of Intent to marry a non-citizen, the employee must submit the following supporting documents:

- a. Request for Security Information, completed by the intended spouse.
- b. Brief biographic sketch concerning the intended spouse and his or her family.
- c. A certified copy of divorce decree or other evidence of termination of any former marriage of employee or intended spouse.

482.4 Action on Notice of Intent - Upon the receipt of the Notice of Intent, the Office of Personnel forwards the above documents to the Office of Security. Security transmits the results of its investigation to the Office of Personnel.

482.5 Counseling - If the results of the security investigation warrants it, the Office of Personnel interviews the employee and advises him or her as to what effect the marriage may have on his or her continued service.

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PART V-A PERSONNEL (DOMESTIC), 400 IN-SERVICE PERSONNEL MANAGEMENT  
Section 490

PERFORMANCE APPRAISAL SYSTEM FOR CIVIL SERVICE EMPLOYEES GS/GM 13-15  
SUPERVISORS AND MANAGEMENT OFFICIALS

This Section is the performance appraisal component of the Performance Management System (PMS) for Civil Service employees in grades GS/GM-13 through GS/GM-15 who have been designated as supervisors or management officials. These regulations cover all performance appraisal cycles that start on or after July 1, 2001.

The performance appraisal regulations in MOA V-A 450 remain in effect for all other Civil Service and all Wage System employees. The PMS compensation plan for General Schedule employees is contained in MOA V-A 235, 239, and 260. Other related regulations are located as follows: Awards Program, MOA V-A 570; Reduction in Force, MOA V-A 760, Personnel Records, Files and reports, MOA V-A 900, Adverse Actions, MOA V-A 560.

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## Section 490

### PERFORMANCE APPRAISAL SYSTEM FOR CIVIL SERVICE EMPLOYEES GS/GM 13-15 SUPERVISORS AND MANAGEMENT OFFICIALS

#### 491 GENERAL

491.1 Purpose - This provides policy and procedures for implementing a two-level Performance Appraisal System in the International Broadcasting Bureau (IBB) and for headquarters staff of the Broadcasting Board of Governors (BBG). Any administrative action initiated under a previous performance appraisal system shall continue to be processed in accordance with the requirements and procedures of the performance appraisal system in effect when the action was initiated.

491.2 Authority - These regulations are established pursuant to Title 5, United States Code, Chapter 43, Subchapter I; Title 5 Code of Federal Regulations, Part 430, Subparts A and B and Part 432.

491.3 Applicability - These provisions apply to IBB employees and headquarters staff of the BBG who are Civil Service employees in grades GS/GM-13 through GS/GM-15 and who have been designated as supervisors or

management officials. These provisions do not apply to other Civil Service employees (GS, GG or prevailing rate) in IBB/BBG or to:

- a. Employees covered by the Senior Executive Service System;
- b. Presidential appointees and employees on non-career Executive assignments;
- c. Experts and consultants;
- d. Temporary employees of less than one year. Temporary employees whose appointments are extended beyond one year must be appraised under this section if they are in grades GS/GM 13 through 15 and have been designated as supervisors or management officials;
- e. Employees covered by the Foreign Service Act of 1980;
- f. Employees outside the United States who are paid in accordance with local native prevailing wage rates; and
- g. Employees occupying positions not in the competitive service excluded from coverage by regulations of the Office of Personnel Management under 5 U.S.C. 4301(2) (G).

#### 491.4 Objectives

- a. Communicate and evaluate accomplishment of organizational goals and objectives at both the individual and organizational levels.
- b. Provide for the systematic evaluation of employee performance using measures that balance organizational results with customer, employee or other perspectives, as appropriate.
- c. Provide for accurate evaluation of employee performance on the basis of specific performance elements and standards.
- d. Require higher-level review and approval of performance elements, standards, and ratings to ensure requirements are consistent and effective and that ratings are appropriate.
- e. Ensure that employees understand and participate in the formulation of performance elements and standards at the beginning of each appraisal period.
- f. Provide for periodic reviews of employee performance based on the performance elements and standards and establish a constructive dialogue between Rating Officers and Rated Employees throughout each appraisal period which helps both employees and supervisors recognize the strengths and weaknesses of employees and take steps to correct any weaknesses.
- g. Ensure that employees recognize that the performance appraisal system is both fair and equitable.
- h. Prohibit forced distribution of levels of rating.

#### 491.5 Definitions

- a. Acceptable Performance - Work done that meets an employee's performance standards at least at the "Meets Expectations" level.
- b. Appointing Authority - The Director, International Broadcasting Bureau (IBB) or his/her designee is the Appointing Authority for IBB employees. The Broadcasting Board of Governors (BBG) is the Appointing Authority for employees in the BBG headquarters offices. Unless otherwise indicated, all references to IBB employees also refer to employees in the BBG headquarters offices in Washington, D.C.
- c. Appraisal - The process under which performance is reviewed and evaluated.
- d. Appraisal Period - The period of time established by the appraisal system during which an employee's performance will be reviewed and the Rating of Record prepared.
- e. Critical Element - A work assignment, responsibility or result to be achieved, of such importance that unacceptable performance of the critical element would result in a determination that an employee's overall performance is unacceptable. Such elements shall be used to measure performance only at the individual level.
- f. Days - Calendar days, unless otherwise stated.
- g. Interim Summary Rating - The written summary rating level assigned for a period of less than a year but at least 90 days when there has been a change to the employee's job necessitating closing out the rating. Examples are a change in position (including detail, temporary promotion, promotion, or reassignment); employee leaving IBB to go to another agency. An interim rating is considered in determining the Rating of Record.
- h. Minimum Appraisal Period - A minimum of 90 calendar days under established performance elements and standards.
- i. Performance Plan - Document(s) that define the employee's critical elements and performance standards by which an employee's performance will be appraised.
- j. Performance Standard - A statement of the performance expectations or requirements necessary for achieving a critical element of the position. Performance indicators include, but are not limited to quality, quantity, timeliness, teamwork, and customer service measures along with the generic performance standards.
- k. Progress Review - A discussion between the Rating Officer and employee held at least once during the annual performance cycle, usually at the approximate mid-point of the annual performance cycle. The purposes are to review the employee's actual performance compared to the performance standards assigned to each critical element, make any necessary changes or

revisions to the performance plan, consider any developmental needs, and identify any performance deficiencies and recommendations for improvement.

l. Rating Officer - The individual responsible for determining critical results and identifying performance indicators. The Rating Officer conducts progress reviews and at the end of the rating period, evaluates employee performance and prepares the Rating of Record. The Rating Officer normally is the rated employee's immediate supervisor.

m. Rating Period (also referred to as the appraisal period) - That period of time during which the employee's performance is observed for the purpose of assigning a Rating of Record. See Appraisal Period above.

n. Rating of Record - The summary rating assigned and approved at the end of the rating period, for performance covering the entire period on all critical elements, or assigned at other times specified for special circumstances.

o. Reviewing Officer - The supervisor, who assigns and is responsible for the work of the Rating Officer, normally the Rating Officer's immediate supervisor. This individual is responsible for approving the Rating Officer's recommendations for a rating of "Does Not Meet Expectations."

p. Summary Rating - The written record of the rating "Meets Expectations" or "Does Not Meet Expectations" assigned to each critical element, and the assignment of an overall summary rating of "Meets Expectations" or "Does Not Meet Expectations" to describe the employee's overall performance during the rating period. May be an Interim Rating or a Rating of Record.

q. Unacceptable Performance - Performance that "Does Not Meet Expectations" in one or more critical elements. A Rating Officer may determine that an employee's performance in one or more critical elements is unacceptable at any time during the rating period. The supervisor must then initiate the appropriate corrective action of a Performance Improvement Period after consultation with the Labor and Employee Relations Division in the IBB Office of Personnel.

#### 491.6 Administrative Responsibilities

a. The Director, International Broadcasting Bureau (for IBB employees) and the Broadcasting Board of Governors (for BBG employees) will:

(1) Ensure that the performance appraisal system conforms to applicable laws, OPM regulations and agency policies;

(2) Ensure that covered employees are informed of the procedures of the performance appraisal system and their rights and responsibilities;

(3) Ensure that managers and supervisors are provided with instructions for developing critical elements and performance standards;

(4) Place proper emphasis on program compliance and regular improvement and ensure that Rating and Reviewing Officers are held accountable for complying with the requirements of the Performance Appraisal System; and

(5) Take all necessary steps to ensure appropriate use of awards to encourage and reinforce superior performance and accomplishments.

b. The Director, Office of Personnel will:

(1) Communicate the purpose and procedures of the Performance Appraisal System and its relationship to the overall personnel management system to supervisors and employees;

(2) Provide instruction on how to identify critical elements and establish performance standards;

(3) Provide training and/or orientation on the operation of the system for employees who are responsible for, or subject to, the system;

(4) Participate in the development and implementation of a monitoring and evaluation program of the performance management system;

(5) Provide advice and assistance in administering the program; and

(6) Provide managers and supervisors of covered employees with training and periodic updates covering their duties and responsibilities under the performance appraisal system.

#### 492 RATING AND REVIEWING OFFICERS AND RATED EMPLOYEES

##### 492.1 Designation of Rating and Reviewing Officers

a. Rating and Reviewing Officers are normally designated at the beginning of the performance appraisal period as evidenced by their signatures in Section I-A of the Performance Appraisal Report form.

b. The Rating Officer normally is the Rated Employee's immediate supervisor. To be adequately acquainted with the Rated Employee's performance, a Rating Officer must have supervised the employee for a minimum amount of time (normally 90 calendar days) under a specific set of elements and standards. Otherwise, the rating will be completed by the next higher level official.

c. The Reviewing Officer normally will be the Rating Officer's supervisor. To be adequately acquainted with the performance of Rated Employees, the Reviewing Officer must have served in that capacity for a minimum amount of time (normally 90 days). Otherwise, the review will be completed by the next higher level official, unless there is no higher level official sufficiently familiar with the Rated Employee's work to serve as Reviewing Officer for the performance appraisal.

d. If a question arises concerning whom shall serve as a Rating or Reviewing Officer, the employing Office Director (or his or her designee) or the Director of Personnel shall make the designation.

##### 492.2 Responsibilities of Rating Officers - Rating Officers will:

- a. Ensure that performance records are maintained consistent with the requirements of these regulations and that necessary forms/certifications are properly completed in accordance with governing policies and regulations and submitted to the Office of Personnel in a timely manner;
- b. Finalize clear and accurate critical elements and performance standards after providing the opportunity for employee input. Balanced measures, program review information, and requirements of the Government Performance and Results Act should be used whenever applicable in developing performance standards. Performance standards should be objective to the maximum extent feasible and be developed with close consideration given to the standards imposed on the next higher level;
- c. Provide the employee a copy of his/her performance plan, normally within 30 calendar days of the beginning of each appraisal period;
- d. Ensure that new employees entering after the beginning of the appraisal period are given a performance plan within 30 days;
- e. Monitor employee performance against the performance standards during the rating period and communicate with employees on an ongoing basis about their performance;
- f. Conduct and document at least one progress review for each employee at the approximate mid-point between the initial annual planning session and the end of the rating period. Use this time to modify and improve performance elements and standards as jobs evolve;
- g. Wherever practicable, obtain and use feedback concerning employee performance from internal and external customers, team members, co-workers, or others as appropriate;
- h. Assist employees throughout the rating period in improving aspects of performance identified as needing improvement;
- i. Prepare appropriate interim performance appraisals in a timely manner;
- j. Prepare Ratings of Record (considering any interim ratings) and meet with employees to discuss the rating and employee development needs;
- k. Recognize employees who truly demonstrate high-quality performance by ensuring they are nominated for appropriate awards;
- l. Sign and date performance plans and performance appraisals and provide employees with timely copies when the plan is developed and again when the appraisal is complete; and
- m. Take effective and timely remedial action, in accordance with law and regulation for employees who receive a rating of "Does Not Meet Expectations" in one or more individual critical elements. Action on poor performing employees should be taken at any time and does not require that a Rating of Record first be given.

492.3 Responsibilities of Reviewing Officers - Reviewing Officers will:



- a. Ensure that the performance appraisal process is understood and effectively implemented by subordinate supervisors;
- b. Review critical elements and supplemental performance standards in their organizations to ensure that they are integrated into the management process and are consistent with the Government Performance and Results Act (GPRA), organizational objectives, tasks and milestones. Employ balanced measures in the development of performance standards whenever it is appropriate;
- c. Ensure that performance elements and supplemental performance standards are objective to the maximum extent feasible, are descriptive of the job actually being done and are kept up to date as jobs evolve;
- d. Resolve disputes between Rating Officers and employees concerning contents of the performance plan, and adjust plans if necessary. If an employee disagrees with or refuses to participate in the formulation of the performance plan, the Rating Officer's views, with the concurrence of the Reviewing Officer, will prevail;
- e. Become familiar enough with the work of Rated Employees to make independent judgments;
- f. Review and approve annual Ratings of Record to ensure that they are accurate, fair and consistent with the Rated Employee's performance plan and agency guidelines;
- g. Approve ratings of "Does Not Meet Expectations" and other performance-related personnel actions, when warranted;
- h. Respond in writing to a Rated Employee's written comments on a rating of "Does Not Meet Expectations" within 10 calendar days; and
- i. Ensure that performance records are maintained consistent with the requirements of this instruction, and that necessary forms/certifications are properly completed in accordance with governing policies and regulations and submitted to the Office of Personnel in a timely manner.

#### 492.4 Responsibilities of Rated Employees - Rated Employees will:

- a. Provide input to the Rating Officer in the development and revision of critical elements, major activities and supplemental performance standards as necessary;
- b. Assure that they understand the Rating Officer's expectations and request clarification if necessary;
- c. Participate in the performance appraisal process with the Rating Officer;
- d. Advise the Rating Officer of any accomplishments, factors and/or circumstances, which the Rated Employee believes should be considered in appraising performance;

e. At appropriate times during the performance cycle, provide written acknowledgment of receipt of elements and standards and receipt of the completed Performance Appraisal Report;

f. At the end of the appraisal cycle, any written comments are to be submitted within 10 calendar days of receipt of the completed Performance Appraisal Report. Written comments are optional and not required.

#### 493 APPRAISAL PERIODS

493.1 Annual Cycles - For Civil Service employees in grades GS/GM-13 through GS/GM-15 who are supervisors or management officials, the rating period is July 1 through June 30. Ratings of Record must be approved and submitted to the Office of Personnel no later than September 1 following the end of the rating period.

493.2 Employees Entering New Positions - When an employee enters a new position after the start of a rating period, the Rating Officer must develop a performance plan, in consultation with the employee. The plan must be prepared within 30 days following the entrance on duty of the employee. This requirement applies to initial appointment, reassignments and details lasting at least 90 calendar days. It also applies to promotions when the promotion results in a substantive change in the employee's duties.

#### 493.3 Interim Ratings

a. When a Rated Employee changes positions during the rating period, the Rating Officer in the employee's former position should prepare an interim summary rating, provided the employee has worked under a performance plan for at least 90 calendar days. The Rating Officer should give a copy of this rating to the employee and forward the original to the gaining supervisor. This interim summary rating will be taken into consideration in preparing the employee's Rating of Record at the end of the rating period.

b. When a Rated Employee completes a detail during the rating period, the Rating Officer for the detail should prepare an interim rating, provided the employee has worked under a performance plan for the detail for at least 90 calendar days. The Rating Officer for the detail should give a copy of this rating to the employee and forward the original to the appropriate Rating Officer. This rating will be taken into consideration in preparing the employee's Rating of Record at the end of the rating period.

c. When a Rating Officer is detailed, reassigned or separates from IBB rolls during the appraisal cycle, the Rating Officer should prepare an interim rating for employees who were supervised by the Rating Officer and who worked under a performance plan for at least 90 calendar days. The Rating Officer should give a copy of the ratings to the individual employees and transfer any current performance rating information to the Reviewing Officer. These interim ratings will be taken into consideration when the employees' new Rating Officer prepares Ratings of Record at the

end of rating period. If there is no new Rating Officer at the end of the rating period, the Reviewing Officer will serve as Rating Officer and determine the Rating of Record.

d. When a Rated Employee transfers to another government agency, the Rating Officer should prepare an interim rating, provided the employee has worked under a performance plan for at least 90 calendar days. The Rating Officer should give a copy of this rating to the employee and forward the original to the Office of Personnel, to be forwarded with other official personnel records to the gaining agency.

#### 493.4 Extension of Appraisal Period

a. If an employee did not work under a performance plan for 90 calendar days or did not receive at least one interim rating the rating period, the rating period will be extended to allow the employee to work under the plan for the minimum period. The Rating Officer will rate the employee's performance at the end of the rating period extension.

b. Except in connection with a within-grade increase determination, an appraisal period may not be extended if the employee received one or more interim ratings during the annual appraisal period.

#### 494 DETAILED RESPONSIBILITIES AND PERFORMANCE APPRAISAL PROCEDURES

The appraisal process involves three distinct stages: performance planning, progress review, and appraisal. Rating Officers must formally appraise each employee at least annually.

##### 494.1 Performance Planning

###### a. Plan Development

(1) Normally within 30 days of the beginning of each rating period, the Rating Officer and the Rated Employee should meet to discuss and establish the critical elements and desired results of the performance plan for the new rating period.

(2) In preparing the performance plan, the Rating Officer and the Rated Employee will take into account the mission of the major organization unit in which the employee's position is located and the mission of the employee's specific organization. The performance plan will include specific activities and tasks that will further these missions.

(3) The performance plan must be documented in writing on the IBB Performance Appraisal Report form (IBB-0005) and must be reviewed by the Reviewing Officer (if any).

(4) The plan development phase usually is completed within the first 30 days of the rating period.

###### b. Critical Elements

(1) During the "Plan Development" phase described above, the Rating Officer and the employee should meet and identify two to five critical elements for the employee's position. These critical elements may address individual results or objectives that are to be achieved or individual results that an employee is expected to achieve as part of a team. The objective of each critical element must be established, as well as the major activities that the employee is expected to carry out to further that objective.

(2) Performance plans for all supervisors and managers must include the Critical Performance Element for Supervision/Management that is included as Element Number 1 on the IBB Performance Appraisal Report Form. In addition, supervisors and managers should incorporate into their performance plans the concept of balanced measures.

#### c. Performance Standards

(1) There are two performance levels in the IBB performance appraisal program: "Meets Expectations" and "Does Not Meet Expectations." IBB has developed generic performance standards for the two levels. These IBB Generic Performance Standards apply to each critical element. The Generic Performance Standards are described on the Performance Appraisal Report Form. During the "Plan Development" period, the Rating Officer will identify any supplemental performance standards describing quality, timeliness, teamwork, customer service (or other relevant balanced measures) that apply to the critical elements. The employee's input or comments should be considered before finalizing and issuing the performance plan.

(2) The Rating Officer may supplement the generic performance standards at any time during a rating period. Such changes should be documented at that time or during the progress review. It is important to give the employee a copy of any changes and to retain the original document showing the changes and the date of the change.

d. If the Rating Officer and employee disagree over the content of the performance plan, they should attempt to resolve the disagreement. In the case of an unresolved dispute, the Reviewing Officer shall make the final decision regarding contents of the plan. Advice and assistance is available through the Office of Personnel.

e. The Rating Officer, Reviewing Officer and Rated Employee will sign and date the performance plan. The employee's signature indicates that the performance plan has been discussed with the employee and that the employee has received a copy. It does not signify that the employee agrees with the plan. The Rating Officer will retain the original copy of the plan and will provide a copy of the signed performance plan and the Generic Performance Standards to the employee. If the employee refuses to sign the performance plan, the Rating Officer should note this on the form, give the employee a copy of the plan (without the employee's signature), retain the original annotated form and continue the normal appraisal process.

f. In situations where a new Rating Officer arrives after the start of the annual appraisal cycle, the Rating Officer and the Rated Employee must establish a new performance plan and document it on the Performance Appraisal Report form with the proper signatures, even if the employee's elements and standards will not change during the remainder of the cycle.

#### 494.2 Progress Reviews

a. Rating Officers and Rated Employees are encouraged to review and discuss the Rated Employees' performance throughout the appraisal period and to use the Communication Worksheet (IBB-0005A) as a framework for discussion. At a minimum, Rating Officers must conduct one formal progress review with employees, preferably at the midpoint of the appraisal period. During each progress review, the Rating Officer and Rated Employee will discuss the employee's progress toward achieving the critical elements, any necessary changes in the critical elements, and any performance improvement or developmental needs. Information about an employee's performance that is available to the Rating Officer should be shared with the employee at the time of a progress review meeting.

b. The Communication Worksheet may be used at the mid-year formal progress review. All information provided on the Worksheet should relate to the established performance elements and standards. It is expected that the comments will recognize good performance and be used to measure improvement in problematic areas. The Rating Officer and Rated Employee are the only individuals to make use of this document or retain copies. A copy will not be placed in the employees performance folder and cannot be used as formal documentation of poor performance or in future adverse personnel actions. When a Rated Employee leaves an office, all copies of completed Communication Worksheets for the departed employee must be destroyed.

c. For employees who are meeting their critical elements, the progress review and any changes to the plan should be documented on the official IBB Performance Appraisal Report form. The signatures of the Rated Employee and the Rating Officer and the date(s) of their discussion(s) should be entered on the Report form in Section I-B.

d. For employees whose performance is at the "Does Not Meet Expectations" level, the Rating Officer should document the specific problem areas by citing examples of performance that did not meet the performance standard. The Rating Officer should consult with the Office of Personnel, Labor and Employee Relations Division, regarding these performance deficiencies. It is important to note that Rating Officers can and should consult Personnel and deal with employees who are not meeting standards at any time during the appraisal cycle. It is not necessary to wait until the final Rating of Record has been given before appropriate action may be initiated.

e. During discussion(s) modifications of performance elements and/or standards may be made.

#### 494.3 Completing A Written Performance Appraisal

a. At the end of the rating period, the Rating Officer initiates the written appraisal process by soliciting the Rated Employee's comments on his/her performance (including specific accomplishments) during the appraisal period.

b. In preparing the performance appraisal, the Rating Officer will consider the employee's performance during the rating period, including any feedback received, and assign a rating of "Meets Expectations" or "Does Not Meet Expectations" for each critical element. In the event that the employee is not assigned work in a critical element, no rating should be assigned, and the words "Not Rated" should be written on the form for that element. The Rating Officer will prepare the appraisal and submit it for higher level review and approval to the Reviewing Officer.

c. The Rating Officer must assign a summary rating in Section IV of the Performance Appraisal Report form and provide narrative comments to support the assigned rating.

d. An employee must have received a rating of "Meets Expectations" in all critical elements in order to be assigned a summary rating of "Meets Expectations." An employee who receives a rating of "Does Not Meet Expectations" in one or more individual critical elements must be assigned a summary rating of "Does Not Meet Expectations."

e. When a Rating Officer assigns a rating of "Does Not Meet Expectations," (i.e. unacceptable performance) the Rating Officer must provide a written explanation describing the specific areas in which the employee's performance "Does Not Meet Expectations" for the critical element or elements. The Rating Officer should consult with the Office of Personnel, Labor and Employee Relations Division, regarding further required actions on these performance deficiencies. For further information regarding unacceptable performance, see 5 CFR Part 432.

f. A summary rating of "Does Not meet Expectations" assigned by the Rating Officer, must be approved by the Reviewing Officer. If the Rating and Reviewing Officers do not concur, the Reviewing Officer will make the final determination.

#### 494.4 Discussion of Performance

a. Once the final rating has been determined and signed by the Rating and Reviewing Officers, the Rating Officer will discuss the rating and any developmental needs with the Rated Employee.

b. Following the discussion, the Rating Officer will ask the Rated Employee to sign the rating to indicate that the rating has been discussed. If the employee declines to sign the rating, the Rating Officer will so note on the form and submit the original in the normal fashion after giving a copy to the employee.

c. Rated Employees should have a reasonable period of time (normally three work days but generally no more than ten calendar days) to review the completed appraisal reports and add comments if desired on the final page of the Performance Appraisal Report. These comments are optional and, if

submitted, will become part of the Rating of Record. If the employee indicates that he/she plans to submit narrative comments, the Rating Officer should postpone final submission of the original copy until the employee submits the narrative comments or ten calendar days have passed, whichever comes first.

d. If a Rated Employee receives a rating of "Does Not Meet Expectations" he/she may submit comments to the Reviewing Officer within ten calendar days of receipt of the rating. These comments will become part of the Rating of Record. The Reviewing Officer must respond, in writing, to the employee's comments within ten calendar days of receipt. These comments will also become part of the Rating of Record.

494.5 Reconsideration - A Rated Employee may request reconsideration of a rating of "Does Not Meet Expectations" by an official in a position higher than the Reviewing Officer may. Such consideration must be processed under the applicable grievance procedure.

#### 494.6 Ratings of Record

a. If the performance appraisal prepared for an employee at the end of the rating period covers the entire rating cycle, that performance appraisal constitutes the employee's Rating of Record.

b. If the Rated Employee received one or more interim ratings during the annual rating period, the Rating Officer must consider these ratings (including ratings from other Federal agencies) in determining the employee's annual Rating of Record. The determination must be submitted on Form IBB-0005B, Determination of Annual Rating of Record, with applicable interim ratings attached.

c. When a covered employee transfers into IBB from another Federal Agency that does not use a two-level performance appraisal system, summary ratings at or above level 3 (Satisfactory) will be treated as input only, and will be considered at the end of the annual performance cycle. Previous Ratings of Record will be treated in accordance with 5 CFR Part 430.

#### 494.7 Inadmissible Comments

A number of factors must not be included in the report by any of the participants in the rating process (Rating Officer, Reviewing Officer or Rated Employee). The following subjects are inadmissible in any part of a performance appraisal report:

a. References to race, color, religion, sex (except for titles of address, first names or personal pronouns), national origin, age, political affiliation, marital status, or references to spouse or family;

b. Mention of the specific nature of a disability or medical problem, such as physical handicap, alcoholism or drug abuse. Alcoholism and drug abuse, including efforts at rehabilitation, are considered medical problems to be diagnosed only by medical personnel and should not be specifically discussed in any performance appraisal report. Reference may be made to

the confirmed knowledge of a disability or medical problem only to the extent that it affects job performance;

c. Mention of initiation of, involvement in, or participation in grievance or EEO procedures except when an appropriate authority has determined that an employee has committed a discriminatory action;

d. Comments on an employee's participation or non-participation in employee organizations or activities, such as Unions, Credit Union Committees, Foreign Affairs Recreation Association, etc.;

e. Recommendations on reclassification of the Rated Employee's position to a higher grade; and

f. Reference to previous performance ratings or events or performance outside the rating period.

NOTE: This list does not include all potential inadmissible comments. The Office of Personnel should be consulted in questionable situations.

#### 495 USE OF PERFORMANCE APPRAISALS

495.1 Establishment and Communication of Organizational Objectives - The appraisal process provides an opportunity to focus on the mission of the major organization unit in which the employee's position is located and the mission of the employee's specific organization. These play an important part in determining the individual results or objectives that are to be achieved or individual results that an employee is expected to achieve as part of a team.

#### 495.2 Within-in Grade Increase (WIGI)

a. In order to receive a within-grade increase, a Civil Service employee must demonstrate performance at an "acceptable level of competence." Employees with current Ratings of Record of "Meets Expectations" will be deemed to have met this level and will be eligible for within-grade increases.

b. An employee who has a current Rating of Record of "Does Not Meet Expectations" is ineligible for a WIGI until receiving a Rating of Record of "Meets Expectations." A new Rating of Record will be required for a within-grade increase determination, which is inconsistent with the current Rating of Record. For additional information regarding WIGI's and WIGI denials, see 5 CFR Part 531, Subpart D.

495.3 Quality Step Increase (QSI) - A QSI is an exceptional performance pay increase which provides faster than normal step increases and should be given only to the highest achieving employees who perform continuously at this level and who do not receive promotions for increasing levels of responsibility. All covered employees must have received a Rating of Record of "Meets Expectations" in order to be considered for a Quality Step Increase.



495.4 Promotion - In order to receive a career ladder promotion, an employee must have a current Rating of Record of "Meets Expectations" and cannot be currently performing in a critical element at the "Does Not Meet Expectations" level.

495.5 Training and Development - The performance plan, progress review and summary rating provide an opportunity to determine whether an employee's performance could be improved/enhanced by training or other developmental activities. The Rating Officer should document specific deficiencies that may be corrected by training and suggest training to help the employee correct these deficiencies.

#### 495.6 Reduction-in-Force (RIF)

a. For RIF purposes, the Ratings of Record are:

- (1) The rating given at the end of the rating period;
- (2) The rating given at the end of an extended rating period (extended only because the employee did not serve the minimum 90 calendar days in his/her current position at the end of the IBB annual rating cycle); and
- (3) The improved rating following an opportunity to demonstrate acceptable performance as provided in 5 U.S.C. 4302.

b. An employee must not be assigned a new Rating of Record for the sole purpose of affecting his/her RIF retention standing.

c. In a RIF, employees will receive service credit based on an average of the employee's three most recent Ratings of Record received during the 4 year period prior to the date of issuance of a specific RIF notice or an earlier cutoff date established by IBB.

d. Each covered employee will receive service credit of 18 years for a "Meets Expectations" Rating of Record and 0 years of service credit for a "Does Not Meet Expectations" Rating of Record. Employees who transfer into IBB from other agencies will receive credit according to the criteria in 5 CFR Part 351. For additional information on RIF procedures, see 5 CFR Part 351.

#### 495.7 Actions Based on Unacceptable Performance

a. If at any time during the rating period an employee's performance is determined to be unacceptable e.g., "Does Not Meet Expectations," in one or more critical elements, the employee will be given an opportunity to demonstrate acceptable performance (i.e., at the "Meets Expectations" level) in that critical element. The Rating Officer must consult with the Office of Personnel, Labor and Employee Relations Division, regarding required actions.

b. If the employee's performance does not improve to the "Meets Expectations" level during the opportunity to improve period, action will be initiated to reduce in grade, remove or reassign the employee. (NOTE: If the unacceptable determination does not coincide with the end of the

rating period, there is no need to complete the Performance Plan, Progress Review and Appraisal Record.)

#### 496 FORMS and RECORD KEEPING

496.1 Forms - The IBB Performance Appraisal Report form (IBB-0005) will be used to develop the performance plan, performance appraisal progress review and the summary rating.

#### 496.2 Record Keeping

a. The Rating Officer or other designated management official must maintain the original copies of all current year performance records for covered employees. These records are protected under the Privacy Act and must be kept in a locked file in a secure and confidential area. The information can be revealed only to those with a need to know in order to perform their professional duties, or to others with the written permission of the employee. At the end of each performance appraisal cycle, the completed original performance plans (as documented on the Performance Appraisal Report form) must be forwarded to the Office of Personnel.

b. No more than three copies of the Performance Appraisal Report may be prepared. Only the original copy of the completed Report should be submitted to the Office of Personnel. The Rated Employee must receive a copy after all parties sign all copies. The Rating Officer also retains a copy until the next performance appraisal is prepared or until either the Rating Officer or the Rated Employee leaves their position, whichever is earlier.

c. The Rating Officer or other designated official must supply to the Office of Personnel any requested certifications regarding the appraisal process.

d. When an employee moves from one organization within the Bureau to another, the Rating Officer must forward the employee's completed interim rating to the gaining supervisor.

e. When an employee transfers to another Federal agency or separates from the Federal Government, the Rating Officer must forward to the Office of Personnel all performance records. The Office of Personnel will forward the appropriate performance files to the gaining agency or otherwise properly direct them.

#### 496.3 Disposition of Records by the Office of Personnel

a. Ratings of Record will be maintained in accordance with 5 CFR Part 293, Subpart D. Summary ratings will be retained for 4 years.

b. When an employee transfers to another agency, disposition requirements in 5 CFR Part 293 Subpart D require Ratings of Record 4 years old or less to be transferred to the gaining agency. This includes the performance plan on which the most recent rating was based, and the summary rating prepared when the employee changes positions.

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Manual of Operations & Administration

NOTICE

Material within this Manual of Operations and Administration may no longer be current. To ensure having the most current policy or procedure, please contact the Agency office responsible for the subject matter, e.g., information about performance appraisal, staffing, or compensation should be directed to the Office of Human Resources. For assistance in determining which office to contact, please contact Cathy Brown or Renee Tyrance-Gauff of the Analysis and Administration Division on (202) 203-4664 or feel free to email this staff at cabrown@bbg.gov or crgauff@bbg.gov.

MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART V-A PERSONNEL (DOMESTIC), 500 EMPLOYEE BENEFITS, CONDUCT AND RESPONSIBILITIES  
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Section 500

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501 RETIREMENT - CSRS AND FERS

501.1 Authority and Background

a. Title 5 U.S.C. Chapters 83 and 84 and 5 CFR 831, 835, 837, 838, 841-846 contain the authority and regulations for the Civil Service Retirement System (CSRS) and the Federal Employees Retirement System (FERS).

b. The "CSRS and FERS Handbook for Personnel and Payroll Offices" contains detailed instructions, procedures and regulations concerning CSRS and FERS. This handbook is available in the personnel office.

c. A series of CSRS Retirement Facts publications and a FERS booklet (RI 90-1) contain helpful information for employees who are covered by CSRS or FERS and are also available in the personnel office.

501.2 Responsibilities

a. The Office of Personnel Management (OPM) administers the CSRS and FERS programs and prescribes rules, regulations, and procedures to be followed.

b. Office of Personnel (B/P) will:

- (1) determine the appropriate retirement coverage for employees,
- (2) provide information, necessary forms and advice concerning CSRS and FERS,
- (3) advise employees of retirement eligibility and benefits under CSRS and FERS,

(4) advise beneficiaries or relatives of deceased employees of their rights to file claims for survivor benefits, and

(5) facilitate retirement and retirement-related claims processing.

c. Employees may designate a beneficiary who is to receive a lump-sum payment (provided no family members are eligible for a survivor's annuity), or vary the automatic order of precedence for payment. It does not affect the right of anyone who is eligible for survivor benefits. Designation of Beneficiary Forms are available in the personnel office.

d. Deductions will be made from the employee's salary for the appropriate retirement system.

### 501.3 Reporting Procedures

a. When an employee separates and files an application for refund of retirement contributions or an eligible employee retires and files an application for retirement, the personnel office processes the application and forwards it to the Office of Personnel Management for final adjudication and payment of any benefits.

b. Immediately upon learning of the death of an employee, the personnel office will contact the appropriate beneficiary or beneficiaries and facilitate filing a claim for retirement benefits with the Office of Personnel Management.

## 502 THRIFT SAVINGS PLAN - TSP

### 502.1 Authority and Background

a. Title 5 U.S.C. Chapter 83, section 8351; Chapter 84, sections 8431-8440 and 5 CFR 1600-1690 contain the authority and regulations for the tax-deferred Thrift Savings Plan (TSP).

b. The "Summary of the Thrift Savings Plan for Federal Employees" contains detailed information on enrollment, the three funds, and their investment histories, and is available in the personnel office.

c. Various publications such as the semi-annual "Open Season Update," "Thrift Savings Plan Investments: Options and Operations," the "Loan Program," "Information About Court Orders," "Withdrawing your TSP Account Balance," and various Fact Sheets contain helpful information for employees who participate or are considering participation in TSP.

### 502.2 Responsibilities

a. The Federal Retirement Thrift Investment Board administers the program and prescribes rules, regulations, and procedures to be followed. The TSP Record-keeper mails Participant Statements semi-annually to participants showing their account balances and earnings.

b. Office of Personnel (B/P) will:

(1) determine whether employees are eligible to participate in the program,

(2) conduct "open season" election periods as instructed by the Federal Retirement Thrift Investment Board,

(3) provide information and necessary forms for interested employees,

(4) process elections and changes in participation status,

(5) provide separating participants with a withdrawal package (booklet and forms), and

(6) advise beneficiaries or relatives of deceased employees of their rights to file claims for benefits, and facilitate claims processing.

c. Employees:

(1) elect to start, change or allocate biweekly contributions (generally during an open season) by completing the TSP-1, Election Form (available in the personnel office) and submitting it to the personnel office for processing,

(2) keep their correspondence address current (submit a Locator Card) with their servicing administrative office in order to receive their semi-annual Participant Statement.

(3) designate a beneficiary, or vary the automatic order of precedence for distribution of TSP benefits by completing a TSP-3 (available in the personnel office) and send it to the National Finance Center, TSP Service Office, for acceptance and processing, and

(4) submit the appropriate withdrawal forms (provided by the personnel office) after separation from Broadcasting, to the National Finance Center, TSP Service Office.

d. Payroll will:

(1) deduct elected biweekly contributions from the participant's salary for the fund(s) elected,

(2) deposit the 1% automatic contribution to accounts of eligible FERS employees, even if no election form has been submitted,

(3) deposit matching contributions (up to 5%, including the 1% automatic contribution) to accounts of FERS participants,

(4) process and report necessary information to the TSP record-keeper for separated or transferred employees.

502.3 Reporting Procedures

Immediately upon learning of the death of an employee, the personnel office will contact the appropriate beneficiary or beneficiaries and facilitate filing a claim for benefits with the TSP Service Office, National Finance Center.

## 503 SOCIAL SECURITY AND MEDICARE PROGRAMS

### 503.1 Authority and Background

a. Since 1984, Federal employees' wages have been subject to tax for Medicare Hospitalization Insurance. Most new Federal employees hired after 12/31/86 are subject to Social Security tax.

b. The Social Security Act and the Federal Insurance Contributions Act (FICA) as amended, 26 U.S.C. Chapter 21; 42 U.S.C. 410(a)(5) and 405(p), the Internal Revenue Code, 3121-3122, and 20 CFR Ch. III, contain the authority and regulations for the Old-Age Survivors and Disability Insurance (OASDI) and the Medicare Hospital Insurance (Part A) payroll taxation programs.

c. The "Social Security Handbook" contains detailed information concerning the OASDI and Medicare Hospital Insurance programs. This handbook and related fact sheets and publications are available at any Social Security office. Employees may call Social Security's toll-free telephone number (1-800-772-1213) at any time for information, free copies of various publications, or to request a Personal Earnings and Benefit Estimate Statement (Form SSA-7005). Hearing-impaired callers using "TDD" equipment can call 1-800-325-0778.

### 503.2 Responsibilities

a. The Social Security Administration (SSA) administers the programs and prescribes rules, regulations, and procedures to be followed.

b. The Office of Personnel (B/P) will:

(1) determine the appropriate Social Security and Medicare coverage for employees,

(2) refer employees to SSA concerning eligibility for retirement insurance benefits, and

(3) advise surviving spouses or eligible relatives of deceased employees of their rights to file claims for benefits directly with SSA.

c. Payroll will:

(1) withhold Social Security taxes from employees' wages according to IRS instructions.

### 503.3 Reporting Procedures

Immediately upon learning of the death of an employee, the personnel office will notify the appropriate surviving spouse or eligible relative to contact the SSA to apply for benefits.

#### 504 FEDERAL EMPLOYEES GROUP LIFE INSURANCE PROGRAM - FEGLI

##### 504.1 Authority and Background

a. Title 5 U.S.C. Chapter 87 and 5 CFR 870-874 contain the authority and regulations for the Federal Employees Group Life Insurance (FEGLI) program.

b. The "Federal Employees Group Life Insurance Handbook for Personnel and Payroll Offices" contains detailed instructions, procedures and regulations concerning FEGLI. This material is available in the personnel office.

c. Pamphlet RI 76-21, "FEGLI - Description and Certification of Enrollment in the FEGLI Program," contains helpful information for employees. The pamphlet is also available in the personnel office.

##### 504.2 Responsibilities

a. The Office of Personnel Management (OPM) administers the FEGLI program and prescribes rules, regulations, and procedures to be followed.

b. Office of Personnel (B/P) will:

(1) provide information, necessary forms and advice concerning FEGLI benefits,

(2) determine whether employees are eligible to participate in the program,

(3) advise beneficiaries or relatives of deceased employees of their rights to file claims for survivor benefits,

(4) facilitate claims processing, and

(5) conduct "open season" enrollment periods as instructed by the Office of Personnel Management.

c. Employees:

(1) elect, waive or decline insurance by completing Standard Form 2817 (available in the personnel office) and submitting it to the personnel office for processing.

(2) designate a beneficiary, or vary the automatic order of precedence for distribution of life insurance benefits by completing Standard Form 2823 (available in the personnel office) and submitting it to the personnel officer for processing.



d. Payroll will deduct insurance premiums from the employee's salary for the insurance elected.

### 504.3 Reporting Procedures

Immediately upon learning of the death of an employee or eligible family member, the personnel office will contact the appropriate beneficiary or beneficiaries and facilitate filing a claim for benefits with the Office of Federal Group Life Insurance (OFEGLI).

## 505 FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM - FEHB

### 505.1 Authority and Background

a. Title 5 U.S.C. Chapter 89 and 5 CFR 890 contain the authority and regulations for the Federal Employees Health Benefits (FEHB) program.

b. "The Federal Employees Health Benefits Handbook for Personnel and Payroll Offices" contains detailed instructions, procedures and regulations. This handbook is available in the personnel office.

c. The pamphlet, "Federal Employees Health Benefits Program", SF-2809-A, contains helpful information for employees. The pamphlet RI 79-27, "Temporary Continuation of Coverage" contains information that allows temporary FEHB coverage after regular coverage ends under certain circumstances. These pamphlets are available in the personnel office.

d. The "FEHB Guide", pamphlet RI-70-1, contains premium rates and general information on the various participating health insurance carriers. Individual health plan brochures provide a complete description of plan benefits. These brochures are available in the personnel office.

### 505.2 Responsibilities

a. The Office of Personnel Management (OPM) administers the FEHB program and prescribes rules, regulations, and procedures to be followed, and reconsiders denied claims upon written request from an employee within one year of the carrier's denial.

b. Office of Personnel (B/P) will:

(1) determine whether employees and family members are eligible for coverage under the program,

(2) provide information and necessary forms for employees who wish to enroll or change enrollment status,

(3) process enrollments, terminations and changes in enrollment status,

(4) conduct "open season" enrollment periods as instructed by the OPM.

c. Employees

(1) enroll or change their enrollment status by completing a Health Benefits Registration Form, SF-2809 (available in the personnel office) and submitting it to the personnel office for processing, and

(2) notify the personnel office (within 60 days) when a family member loses coverage because of divorce or when a child turns age 22.

d. Payroll deducts insurance premiums from the employee's salary for the appropriate plan and notifies the carrier of enrollments and changes in enrollments.

e. The Insurance Carrier selected by the employee is responsible for answering questions concerning benefits, providing claim forms, claim processing and payments. The "FEHB Guide" (RI 70-1) contains telephone numbers for each participating insurance carrier.

## 506 COMPENSATION FOR WORK INJURIES

### 506.1 Authority and Background

a. The Federal Employees' Compensation Act (5 U.S.C. 8101, et seq.) and 20 CFR, Chapter 10A, provides compensation benefits to civilian employees of the United States for disability due to injury sustained while in the performance of duty or to employment related disease. The act also provides for the payment of benefits to dependents if the injury or disease causes the employee's death.

b. Publications CA-810 "Injury Compensation for Federal Employees", and CA-550 "Questions and Answers About the Federal Employees Compensation Act", provide additional information. Copies of the pamphlet "When Injured at Work" (CA-11) are available in the personnel office and in administrative offices.

### 506.2 Eligibility

All Broadcasting employees, are eligible for injury compensation benefits. Personal Service Contractors are also eligible for injury compensation benefits. A claim must be filed as benefits are not awarded automatically.

### 506.3 Responsibilities

a. The Office of Workers' Compensation Programs, U.S. Department of Labor (OWCP), administers the program for work injury compensation for Federal Government employees and prescribes rules, regulations, and procedures to be followed in administering the Act.

b. Health Units in Washington, D.C., and New York City, operated by the U.S. Public Health Service and the Department of State, provide first aid for employees injured while on duty; refer injured employees to approved medical facilities for diagnosis, treatment or hospitalization; and provide necessary forms and instructions for applying for benefits.

c. Supervisors will assure that:

(1) injuries are promptly reported and steps are taken to care for injuries,

(2) required reports to determine an employee's right to benefits are submitted.

(3) OWCP is notified immediately, through the employee's personnel office, when a disability ceases and/or an injured employee returns to work.

d. The Office of Personnel (B/P) will:

(1) provide information, necessary forms, and advice for claiming benefits,

(2) advise beneficiaries or relatives of deceased employees of their rights to file claims for survivor benefits,

(3) facilitate claims processing.

#### 506.4 Reporting Procedures

a. Immediately after an employee is injured, the employee should give written notice of the injury to his/her supervisor on form CA-1. If the nature of the claim involves an occupational illness or disease, written notice is given on form CA-2. Notice may be given by any person with knowledge of the injury if the injured employee is unable to do so.

b. When the supervisor receives the notice of injury or illness, the supervisor must complete any supervisory statements on the form, obtain statements from any witnesses, and give the form to the administrative officer for forwarding to the personnel office. If it appears that the injury will result in a medical expense or time lost from work, the personnel office will forward the form to OWCP. If there is no time lost and no medical expense involved, the claim will be retained as a permanent part of the Employee Medical Folder.

#### 507 HEALTH SERVICES

507.1 Authority - 5 U.S.C. 7901 authorizes the establishment of health programs to maintain and promote the physical and mental fitness of Federal employees.

#### 507.2 Services Provided -

a. Treatment of on-the-job-illnesses and injuries requiring emergency attention.

b. Referral of employees, upon request, to private physicians or dentists for treatment at personal expense.

c. Preventive programs relating to health.

d. Employee fitness center.

### 507.3 Responsibilities -

- a. Broadcasting contracts with the Department of State and the Department of Health and Human Services to provide emergency health care on premises.
- b. The Director, Office of Personnel is responsible for ensuring that contractor health services are adequate to meet the needs of employees and for ensuring that information about health programs and facilities is made available to employees.
- c. Supervisors are responsible for: ensuring that working conditions for their employees are as safe and healthful as possible; informing their employees of the health safety programs, services, and facilities available to them; and ensuring that employees are referred to health rooms for treatment and consultations whenever necessary.

### 507.4 Health Room Facilities

Washington, D.C. area health room facilities are located at:

- a. Cohen Building, 330 Independence Ave., S.W., Rm. 1165A;
- b. Switzer Building, 300 C St., S.W., Rm. 3050;

Facilities outside the Washington area are:

- c. Federal Building. 1100 Wilshire Blvd., Los Angeles, CA;
- d. Jacob Javitz Federal Bldg., 26 Federal Plaza, New York, NY;
- e. Claude Pepper Federal Bldg., 51 SW First Avenue, Miami, FL;
- f. John C. Kluczynski Federal Bldg., 230 S. Dearborn St., Chicago, IL;
- g. Covington Building, 8070 NW 53rd Street, Miami, FL.

507.5 Advisory, Referral and Counseling Service (ARCS) - The Advisory, Referral and Counseling Service provides employee assistance and conducts the wellness program.

- a. Authority - Chapter 79 of 5 USC.
- b. Policy -It is recognized that alcoholism and drug abuse are treatable health problems. Employees having these illnesses will receive the same careful consideration and offer of assistance that is extended to employees having any other health problem. Broadcasting is concerned with an employee's use of alcohol and/or drugs as it affects job performance or the efficiency of the service. Employees who believe that they have a problem with either should seek the confidential counseling and information which ARCS can provide. Job opportunities or promotions will not be affected because an employee has sought counseling.

c. Records - Medical and non-medical records are confidential. The records may not be disclosed unless the employee authorizes it in writing, noting the extent, circumstances and purposes under which disclosure can be made. Otherwise, disclosure can only be made to medical personnel in the case of a bona fide medical emergency; to qualified personnel for the purpose of research, audit or program evaluation (but without identification of employees); or if authorized by an appropriate order of a court of competent jurisdiction. Disclosure regarding participation or non-participation in an ARCS program is also prohibited.

d. Leave - Sick leave will be granted for treatment and rehabilitation as in any other illness or health problem.

e. Other Counseling - Personal, emotional, financial, marital, family and legal concerns contribute to the employee's physical and mental fitness to perform satisfactorily on the job. Employees are encouraged to contact the ARCS staff for confidential assistance in solving personal problems.

f. Responsibilities

(1) ARCS staff provides confidential counseling to employees and their families; refers employees to outside counseling services and resources; provides consultation to supervisors regarding problems or concerns of employees; educates employees and supervisors on problems of alcoholism, drug abuse, mental/emotional concerns and behavioral disorders.

(2) Supervisors and managers are responsible for advising employees of the ARCS staff and encouraging employees to seek counseling, particularly when an employee's work performance or conduct is not satisfactory.

(3) Employees are responsible for seeking assistance from ARCS or other professional counselors for help with alcoholism, drug abuse, or other personal or emotional problems.

g. Disciplinary Action or Unsatisfactory Performance - ARCS can assist employees in dealing with problems that might result in unacceptable conduct or poor performance. Before initiating a disciplinary or adverse action, supervisors should encourage employees to seek assistance from ARCS, and supervisors should consult with the ARCS staff on methods of dealing with the employee problem. However, only conduct or poor performance may be the basis of any disciplinary action, not non-participation in the ARCS program.

## 508 UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEES PROGRAM -UCFE

### 508.1 Authority and Background

a. Title 5 USC, Chapter 85, 8501-8509 and title XV the Social Security Act contains the authority and regulations for unemployment insurance benefits to civilian employees who become unemployed or in a non-pay status.

b. The "Social Security Handbook", 2300-2308, contains detailed instructions, procedures and regulations concerning unemployment insurance. The handbook is available at any Social Security Office.

c. The pamphlet, "Unemployment Insurance for Federal Workers", and Standard Form 8, "Notice to Federal Employees About Unemployment Insurance" provides helpful information on eligibility, benefits, how to file a claim, and is available in the personnel office.

d. Additional information may be obtained from any local public Employment Service Office of the State Employment Security Agency where one resides or works.

#### 508.2 Eligibility

All employees, except those excluded by law or regulation in section 8501 of Title 5 USC.

#### 508.3 Responsibilities

a. The Department of Labor is responsible for the general administration of the UCFE law in accordance with title XV of the Social Security Act and prescribes rules, regulations and instructions to State and Federal agencies.

b. The program is administered by each State through its local Employment Security Agency which determines entitlement to weekly benefits.

c. The Office of Personnel (B/P) will:

(1) advise employees of their potential eligibility for benefits when an employee separates, retires, or is in a non-pay status (leave without pay) of 30 or more consecutive days. (Time and Attendance Clerks are responsible for issuing the Standard Form 8 to employees in their office who are on leave without pay for periods of 7-29 days.)

(2) furnish Standard Form 50, "Notification of Personnel Action" and Standard Form 8 to same employees confirming separation/retirement. These forms are used by employees in applying for unemployment insurance benefits.

d. Employees (in order to claim any benefits) must file a UCFE claim at a local public employment service claims office where they work or reside, and attach a copy of their Standard Forms 8 and 50 to their claim. Employees do not contribute for unemployment protection.

For expeditious processing, employees should apply directly to the claims office where they work because the duty station, rather than the employee's residence, governs jurisdiction.

e. Payroll will answer inquiries received from unemployment compensation offices regarding service, wages, and reasons for separation (information taken from the Standard Form 50). Inquiries must be answered within 4

working days of receipt, or the State agency must be promptly notified when it can expect to receive a reply.

509 CLAIMS FOR PRIVATE PERSONAL PROPERTY LOSSES - The Uniform Regulations, 6 FAM 310, apply to domestic as well as overseas personnel. Upon completion of action by the Office of Operations, Department of State, that office forwards the claims to the Office of Budget for final determination and processing (see MOA VII 420).

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Manual of Operations & Administration

NOTICE

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PART V-A PERSONNEL (DOMESTIC), 500 EMPLOYEE BENEFITS, CONDUCT AND RESPONSIBILITIES  
Section 510

RIGHTS AND PRIVILEGES

510 Unassigned

511 Labor Management Relations  
    511.1 Purpose and Employee Coverage  
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Section 510

RIGHTS AND PRIVILEGES

510 Unassigned

511 Labor Management Relations

511.1 Purpose and Employee Coverage

- a. The purpose of these regulations is to state the policies and prescribe the procedures for the conduct of labor-management relations for the Civil Service employees of Broadcasting.
- b. These policies and procedures fulfill the requirements of Title VII - Federal Service Labor-Management Relations, of the Civil Service Reform Act of 1978, ( Title 5 USC, Chapter 71), hereinafter referred to as the Act.

511.1 Negotiations

The Labor and Employee Relations Division has the responsibility to represent Broadcasting in negotiation with the exclusive representative.



This designation has been made to facilitate the centralized and expeditious processing of labor relations matters. Other officers in Broadcasting whose responsibilities include the development of policies and procedures affecting working conditions are required to keep the Labor and Employee Relations Division informed of developments in their areas which affect Labor-Management responsibilities. In executing its responsibilities, Labor and Employee Relations will coordinate with appropriate officials. The Labor and Employee Relations Division, is to be informed either orally or in writing of any contact between union representatives and Broadcast supervisors, managers, or confidential employees relating to the union representation process.

a. An agreement between Broadcasting and the exclusive representative is subject to approval by the Director, Office of Personnel.

- (1) The Personnel Director shall approve an agreement unless the agreement is contrary to applicable law, rule or regulation.
- (2) Unless the Personnel Director disapproves the agreement it shall take effect after 30 days from its execution, or as agreed by the parties, and shall be binding on Broadcasting and the exclusive representative subject to all applicable laws, orders, and regulations.

# **BROADCASTING ADMINISTRATIVE MANUAL**

## **TITLE 5-A**

### **PERSONNEL (DOMESTIC)**

#### **SECTION 500- EMPLOYEE BENEFITS, CONDUCT AND RESPONSIBILITIES**

**(Last Updated: 6/2011)**

#### **SECTIONS**

- 520 OUTSIDE EMPLOYMENT AND RELATED ACTIVITIES
- 521 PURPOSE AND SCOPE
- 521 PURPOSE AND SCOPE
- 522 POLICY
- 523 GUIDELINES
- 524 ROUTING CLEARANCES

#### **520 OUTSIDE EMPLOYMENT AND RELATED ACTIVITIES**

Outside employment and related activities generally are permitted, and in many cases encouraged. Employees have an obligation to avoid actual and apparent conflicts of interest, particularly those which might adversely affect the Agency's ability to fulfill its statutory mission or call into question its reliability as an unbiased source of objective news. Employees who fail to meet this obligation risk undermining Agency operations.

#### **521 PURPOSE AND SCOPE**

This section provides guidance to employees, including employees of other organizations or agencies on detail to the Agency, who are currently engaged in or are considering engaging in employment or related activities outside their regular official duties and responsibilities. This guidance is intended to assist employees in avoiding activities that conflict with law or regulation or are inconsistent with U. S. Government or Agency policy. It provides an overview of applicable policies and regulations and guidance on how to obtain clearance and/or advice regarding outside activities.

#### **522 POLICY**

- a. Employees are expected to conduct themselves in accordance with the highest standards of integrity and to avoid illegality, questionable conduct, impairments of performance, and conflicts or apparent conflicts of interest. Conflict of interest questions arise whenever the pursuit of a private interest, such as outside employment, may impair the

full and effective exercise of an employee's official U. S. Government duties and responsibilities.

- b. Employees generally are permitted to engage in outside employment and activities such as teaching, lecturing, and writing. In many cases such activities are encouraged, particularly when they involve community service, increase public knowledge or understanding of the Agency and its mission, provide an opportunity for the employee to gain recognition and advancement in his or her professional field, provide experience and exposure that enhances the employee's performance, fulfill an economic need, or enable an employee to pursue an avocation or explore an alternate career field.
- c. Employees also may take a normal and active role in the activities of private organizations such as professional groups and societies. The extent of an employee's participation in the affairs of such organizations, however, may be limited when the organization is concerned primarily with international affairs or foreign policy, and participation would limit the effectiveness of the employee to perform official duties or impair the Agency's ability to carry out any of its various programs, particularly its ability to function as a credible and unbiased source of objective news and information.
- d. Employees are encouraged to submit material for supervisory clearance before engaging in outside employment or a related activity in accordance with section 524 below.

## **523 GUIDELINES**

- a. Outside Employment and Activities Generally. The following outside employment and activities are restricted by existing laws or regulations.
  - (1) An employee shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities (5 CFR §§2635.601-606).
  - (2) An employee shall not use public office for private gain (5 CFR §2635.702).
  - (3) An employee may not engage in outside employment, whether paid or unpaid, or accept a fee, compensation, gift, payment of expense, or any other thing of monetary value under circumstances which create the appearance of a conflict of interest (5 CFR §2635.501).
  - (4) An employee may not engage in outside employment which tends to impair his or her mental or physical capacity to perform official Broadcasting duties in an acceptable manner or which in any way interferes with his or her effective performance of such duties (5 CFR §2635.802).
  - (5) An employee may not receive any salary, fee, honorarium, or anything of monetary value from a private source as compensation for his or her services to the U.S. Government (18 USC §209).

(6) An employee may not render any services, except when acting on behalf of the United States, whether or not compensated, to any foreign government or to any state, province, semi-governmental agency, or municipality of a foreign government unless a specific exception is granted by the Office of the General Counsel (US Constitution, Art 1, Sec 9).

(7) An employee may not provide any services, except when acting on behalf of the United States, whether or not compensated, to any international organization of states (e.g., the United Nations or the Organization of American States) unless approval is obtained from the Office of the General Counsel (Agency policy, US Constitution, Art 1, Sec 9).

(8) An employee generally may not engage in additional U. S. Government employment which would result in his or her receiving basic pay from more than one position for more than forty hours of work per week. In addition to any other approvals required, an exception to this restriction must be approved by the Director of Personnel. Exceptions may include work which: is compensated on other than a time basis, e.g., a non-personal-service contract (see contract restrictions in paragraph 9, below); requires knowledge and use of one or more non-English languages (e.g., an instructor); or is in a shortage occupation having a special minimum pay rate, e.g., certain professional engineers (5 USC § 5533).

The forty hour per week basic pay restriction does not preclude an employee's performance of brief periods of overtime work on a regular or intermittent basis for a Broadcasting element other than the one to which officially assigned. Before assigning such overtime work, supervisors who are responsible for approving overtime should consult with their administrative officers.

(9) Generally, the Agency will not award a contract, including a purchase order, to: (1) an employee or other Government employee, or a business concern owned or controlled by such an employee; (2) a member of an employee's family or a business concern owned or controlled by such a family member; or (3) an ex-employee within two years following separation from employment, or a business concern owned or controlled by such an ex-employee or his or her family member (Federal Acquisition Regulations, Agency policy).

Exceptions may be considered in specific cases. Depending on the exception sought, approval from the Executive Director or the Agency Procurement Executive is required. In all cases, (a) an exception must be based on critical need (such as for scarce non-English language talent needed to meet broadcasting requirements), (b) in the opinion of General Counsel, any apparent conflict of interest (such as providing the same or similar service under contract which was previously provided as an employee) must be outweighed by the need for the services, and (c) reasonable alternatives must be unavailable. (MOA IX, section 130)

(10) No employee who is appointed to a full-time non-career position in the executive branch shall receive any earned income for any outside employment or activity performed during the appointment period that exceeds the amount permitted by 5 CFR §§ 2636.301-307.

(11) Generally, a non-U.S. citizen employee in the United States with a J-1 or other non-immigrant visa may not engage in any compensated (except for actual expenses) outside activity unless the activity is directly tied to the purpose for which the visa is issued (Dept of State policy).

(12) Because of the high risk of the public perception of a loss of impartiality or objectivity, no agency journalist should act as a translator or interpreter for the Secretary of State or any other U.S. government official engaged in official government business (Agency policy).

b. Teaching, Speaking, Writing, and News Media Work

Special requirements apply to employees who wish to teach, speak, write, lecture, or participate in conferences, or engage in work as a writer, correspondent, or broadcaster for any news medium, outside the scope of official duties, whether or not the employee is compensated (5 CFR § 2325.807).

(1) Teaching, Speaking, and Writing

Employees may not receive compensation for outside teaching, speaking, or writing on matters that relate to their official duties. Matters relate to official duties if they are:

- (A) Undertaken as part of the employees official duties;
- (B) Offered or undertaken primarily because of the employee's official status rather than their subject matter expertise;
- (C) Offered by a person whose interests can be affected by the performance or nonperformance of the employee's duties;
- (D) Drawn substantially on non-public Agency ideas or official data; or
- (E) Dealing in significant part with:
  - a. Any matter to which the employee is assigned or was assigned in the previous year;
  - b. Any ongoing or announced policy, program, or operation of the agency; and
  - c. For non-career employees, the general subject matter, area, industry, or economic sector primarily affected by the programs and operations of the Agency.

An employee who has a question as to whether his or her speech, written material, or teaching engagement is of official concern should consult the Office of Public Affairs for clearance. Clearance will not be granted if the speech, written product, or course contains classified material, or material of official concern which is inaccurate, incompatible with current U.S. foreign policy, or can reasonably be expected to affect U.S. foreign policy adversely.

Employees engaging in outside teaching, speaking, and writing are responsible for the content of their statements and their personal conduct away from the workplace. Failing to adhere to the regulatory standards described in previous sections may result in disciplinary action, up to and including removal from Federal service.

Employees may not refer to their official positions during the course of teaching, speaking, or writing except as permitted by 5 CFR §2635.807. Employees are encouraged to include a disclaimer that their views and opinions are their own and are do not necessarily represent those of the Agency.

#### (2) News Media Work

In addition to any clearance with respect to material of official concern, employees are encouraged to seek clearance with External Affairs before engaging in work as a writer, correspondent, or broadcaster for any newspaper, wire service, press syndicate or association, or any other news medium.

#### c. Activities of Private Organizations

Private organizations under this section are any associations or groups of persons except: Organizations established by the U.S. government; organizations in which the Agency, the Department of State, or the Agency for International Development officially participate; or organizations or associations of Federal employees.

(1) In participating in the programs and activities of a private organization, an employee must make it clear to the organization, and its members and constituents when appropriate, that the Agency has no official connection with the organization and does not necessarily sponsor or sanction its programs or views.

(2) An employee may not be a member of an organization which advocates the overthrow of the United States' constitutional form of government if the employee knows that the organization so advocates. If an employee has any doubt as to the goals or objectives of an organization, he or she may consult the Office of the General Counsel.

(3) When a private organization is concerned primarily with foreign policy, international relations, or any other matter of official concern to the Agency, employees should limit the nature of their participation with the organization until they have sought clearance from External Affairs. Specifically, an employee should not serve for such an organization as an advisor, officer, director, teacher, sponsor, committee chairperson, or in any other official capacity, or permit the use of his or her name on a letterhead in a publication, announcement, or news story, or at a public meeting regardless of whether the employee's official title or connection with the Agency is mentioned.

This restriction is not intended to prohibit or impair employees' full and active participation in professional or academic organizations such as the American Political Science Association, American Foreign Service Association, or African or Middle-East Studies Association. Employees are expected, however, to exercise discretion in such activities and ensure their official connection with the Agency is not misused.

Exceptions to this restriction may be granted by the Director of Personnel, if it can be demonstrated that the public interest, including the effective functioning of the Agency, will not be adversely affected by an employee's service with such an organization.

(4) When the purpose and program of a private organization do not fall primarily within the fields of foreign policy, international relations, or any other matter of official concern to the Agency, employees generally may freely participate in the organization's activities. However, employees may not use their official title or connection with the Agency on an organization's letterhead, in a publication, or in any way that would employ the prestige of the U.S. Government to enhance that of the organization or imply official Agency sponsorship or endorsement.

(5) When an employee is functioning as a representative of an organization or association of Federal employees, the employee's official title and connection with the Agency may be freely used so long as there is no implication of official sponsorship beyond that which has been officially approved. However, employees must not use their official authority or government resources in conjunction with organizations or associations of Federal employees without express written permission from Agency management.

## **524 ROUTING CLEARANCES**

- a. **Outside Employment Generally.** An employee considering engaging in any kind of outside employment is encouraged to obtain advance supervisory approval if the employment poses any question, conflict, or appearance of conflict with respect to the guidelines in section 523 of this section or would involve work for a foreign country or international organization. Examples of such outside employment include work that is closely related to an employee's official duties, relies on information gained in an official capacity, or which may require the employee's attention during official duty time. (If the employment involves speaking, writing, teaching, or participation in the activities of private organizations, see sections 524 b and c, below.) In order to avoid outside employment that conflicts with law or regulations, employees are encouraged to consult with their supervisor, the Office of External Affairs, the Office of Personnel or the Ethics Officer, Office of the General Counsel.

To seek advice, an employee should address a memorandum to his or her supervisor that provides as complete an outline as possible of the proposed employment. As applicable, the outline should include such details as the name and type of business of the proposed employer, work schedule, expected compensation, and a description of the work to be performed. In addition, if the proposed employment poses any issues of conflict or compliance with the guidelines in section 523 of this section, the memorandum should address such issues.

A non-U.S. citizen employee with a J-1 or other non-immigrant visa must attach to the memorandum a specific authorization from the Exchange Visitor Staff, Department of

State, if the employment sought is to be compensated (except for actual expenses). J-1 visa holders are encouraged to consult the Office of Personnel for guidance on outside activities.

The supervisor, after reviewing the memorandum, assuring the information provided by the employee is complete, and, if necessary, discussing the request with the employee, should:

- (1) Clear the request if no other input is required and the employment poses no conflict of interest or other concerns, then forward a copy of the request and clearance to the employee and to the Office of External Affairs; OR
- (2) Forward the request to the Office of Public Affairs if there is any question as to the propriety of the proposed employment. When forwarding a request, the supervisor should attach a statement of his or her opinion of any potential for impairment of the employee's capacity to perform official duties in the manner expected and any other pertinent comments.

The Office of Public Affairs, after receiving an unclear request, will:

- (1) Clear the request in consultation with the supervisor if the employment poses no conflict of interest or other concern and forward a copy of the request and clearance to the employee through the supervisor; OR
- (2) Forward the request to the Office of the General Counsel if there is any remaining question as to the propriety of the proposed employment with any pertinent comments or questions. If the request concerns matters requiring the attention of the Director of the Office of Human Resources, e.g., pay for more than forty hours from more than one Government position, it should be forwarded through appropriate channels to the Director of the Office of Human Resources.

The Office of the General Counsel (and the Director of the Office of Human Resources, if appropriate), will issue an opinion on the propriety of the proposed employment and return the request and opinion to Public Affairs for a final determination. External affairs will provide its advice and the GC opinion to the employee through the supervisor, who will then provide final advice the employee regarding the proposed activity.

- b. Speaking, Writing, Teaching, and News Media Work. Before accepting engagements to speak, write, or teach on subjects of official concern or agreeing to work as a writer, correspondent, or broadcaster for any news medium, an employee are encouraged to submit material for clearance from the Office of Public Affairs. Managers and supervisors whose employees have questions about covered activity or clearance requirements are encouraged to consult Public Affairs. The Public Affairs staff is always willing to discuss these matters and to respond to inquiries from employees.



To seek advice or clearance, an employee should follow the procedures outlined below for the appropriate activity. In many cases, a response can be obtained within one or two days of submission. In cases where questions arise about the appropriateness of an activity, however, Public Affairs may require thirty calendar days to respond. In any case, Public Affairs will notify the requestor in writing of the delay, the reasons for the delay, and the expected date of completion. In the event the final review results in non-clearance, the requester shall have the opportunity to review this determination with the Director and other reviewing officers, where appropriate, within five calendar days of notification.

(1) Official Writing for External Publication

All writing which was originally done as part of official duties is presumed to be of official concern. If no clearance by the Office of Public Affairs has previously been obtained and the employee wishes to publish such material outside the Agency, the employee must submit the manuscript for clearance to his or her office head or designee and, concurrently, to Public Affairs. The office head or designee may recommend clearance or non-clearance of the material in whole or part and forward the material and recommendations to Public Affairs, along with a written statement of reasons for any non-clearance. Public Affairs will ensure that the material is cleared with the proper element in Broadcasting before granting clearance.

(2) Unofficial Writing and Speaking

When such writing or speaking is on a subject of official concern (i.e., may reasonably be interpreted as relating to current Broadcasting responsibilities, programs, or operations or current U.S. foreign policy or as adversely affecting U.S. foreign relations, as described in section 523-b-1, the employee is encouraged to submit the manuscript or speech text for clearance as described in paragraph (1), above.

(3) Teaching

All outside teaching engagements involving matters of official concern should be cleared in advance by the Office of External Affairs as described in paragraph (1), above. Clearance should be renewed each school year. The request for clearance should include a detailed outline of each course to be taught, consisting of the names of required texts and brief descriptions of other course material, the name of the institution for which the class is to be taught, the frequency of classes and the number of hours per class, and the duration of the teaching assignment.

(4) News Media Work

Before engaging in work as a writer, correspondent, or broadcaster for any news medium, an employee should obtain clearance in advance from the Office of Public Affairs. The request for clearance should include a complete description of the proposed activity including the name of the news organization, a description of the types of news materials to be produced, and the expected frequency of assignments.

The Office of Public Affairs may grant clearance generically so that an employee may engage in outside news media work without submitting individual scripts, tapes, etc. If

generic clearance is granted, it normally will specify the types of news materials to which it extends, based on the employee's request, e.g., straight news pieces covering U.S. domestic affairs. An employee who has clearance to engage in outside news media work and who has any question as to whether a particular news assignment is covered by the approval should consult the Office of Public Affairs.

#### (5) Compensation

In addition to the clearance and approval requirements of this subsection, several statutes may restrict or prohibit the acceptance by an employee of any compensation for writing, lecturing, or teaching. Therefore, employees should seek advance advice from an Ethics Official, Office of the General Counsel, before agreeing to accept compensation for teaching, speaking, or writing on matters of official concern or any news media work. Such advice may be sought in the manner described in section 524-a for obtaining clearance of outside employment.

#### c. Activities of Private Organizations

An employee who wishes to determine if an activity is prohibited or restricted or, when applicable, wishes to request an exception from a prohibition or restriction, should address a memorandum to the Office of Human Resources requesting a decision. The memorandum should include all details pertinent to the activity in question including the name and description of the major functions and goals of the private organization. The Office of Human Resources will respond directly to the employee. The response will include recommendations for any additional clearances or approvals the Office of Human Resources feels are warranted. Approvals of exceptions will be made only by the Director.

#### (6) Disciplinary Action

A violation of the Federal regulations governing outside employment or other covered activities by an employee may be cause for appropriate disciplinary action, up to and including separation from the Agency, in addition to any penalty prescribed by law.

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PART V-A PERSONNEL (DOMESTIC), 500 EMPLOYEE BENEFITS, CONDUCT AND RESPONSIBILITIES  
Section 540

ADMINISTRATIVE GRIEVANCE SYSTEM FOR NON-BARGAINING UNIT CIVIL SERVICE EMPLOYEES

541 Purpose

542 Policy

543 Definitions

544 Employees Affected

543.1 Employees Included

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545 Matters Excluded from the Administrative Grievance System

546 Rights of the Grievant

547 Obligations of the Grievant

548 Rights of the Grievant Representative

549 Procedures

Section 540

ADMINISTRATIVE GRIEVANCE SYSTEM FOR  
NON-BARGAINING UNIT CIVIL SERVICE EMPLOYEES

541 PURPOSE -Subject to Title 5 Code of Federal Regulations, Part 771, Broadcasting is required to establish an administrative grievance system for non-bargaining unit Civil Service employees.

542 POLICY - It is Broadcasting's policy that employees should seek to prevent or resolve disputes at an early stage in an informal manner. If this is not possible, employees may file an administrative grievance under these procedures.

#### 543 DEFINITIONS

a. "Grievance" means a request by an employee or by a group of employees for personal relief from conditions of employment which are subject to the control of Broadcasting, and which are alleged to deprive the grievant of a right or benefit authorized by law or regulation or otherwise are a source of concern or dissatisfaction to the grievant. Grievances include, but are not limited to, complaints that performance appraisal reports were not prepared in accordance with regulations or included inaccurate or falsely prejudicial statements, working conditions, denials of non-GS step increases (e.g., for wage supervisors), and disciplinary actions.

b. "Non-Bargaining unit employee" means an employee not included in an appropriate exclusive bargaining unit as determined by the Federal Labor Relations Authority for which a labor organization has been granted exclusive recognition. Examples of employees not in the bargaining unit are security guards, confidential employees, management officials, supervisors and employees in the Office of Security. It may also include a former employee, provided the grievance involves a matter subject to the control of Broadcasting and provided personal relief is possible.

c. "Personal relief" means a specific remedy personally benefiting the grievant(s) but may not include a request for disciplinary or other action affecting another employee.

#### 544 EMPLOYEES AFFECTED

544.1 Employees Included - The Administrative Grievance System is applicable to non-bargaining unit Civil Service employees regardless of grade or the nature of the employee's appointment.

##### 544.2 Employees Excluded

a. Non-U.S. citizens appointed under Civil Service Rule VIII; such non-U.S. citizens are recruited overseas and appointed to overseas positions.

b. A non-U.S. citizen appointed under Section 1474(5) of Title 22, USC; such employees are those providing services related to translation and related work in foreign languages and serving under GG appointments.

c. A member of the Foreign Service of the United States for whom the Foreign Service Grievance System is applicable as described in Chapter 11 of Title I of the Foreign Service Act of 1980 and 3 FAM 660.

d. A member of the Civil Service included in a union bargaining unit as determined by the Federal Labor Relations Authority in accordance with Title VII, Civil Service Reform Act of 1978, for whom a collective bargaining agreement containing a negotiated grievance procedure is the sole and exclusive procedure available for the redress of grievances.

#### 545 MATTERS EXCLUDED FROM THE ADMINISTRATIVE GRIEVANCE SYSTEM

- a. The content of published Broadcasting regulations and policy.
- b. A decision for which a statutory appeals procedure exists, such as an appeal to the Merit Systems Protection Board (MSPB), Office of Personnel Management (OPM), or the Equal Employment Opportunity Commission (EEOC) This does not exclude matters on which a complaint may be filed with the Special Counsel of the MSPB, for a prohibited personnel practice as defined in 5 USC 2302. MSPB appeals include removals for disciplinary reasons, suspensions for more than 14 calendar days, reduction-in-grade and/or reduction-in-pay due to RIF, furloughs of 30 calendar days or less, reduction-in-grade or removal based upon unacceptable performance, and a denial of a GS within-grade increase; OPM appeals include job classification, retirement, or insurance; EEOC appeals include sexual, age, or racial discrimination/harassment.
- c. Matters administered by the General Accounting Office and the Office of Workers Compensation Programs.
- d. Oral or written admonishments.
- e. Non-selection for promotion from a group of properly ranked and certified candidates or failure to receive a non-competitive promotion.
- f. A proposal to take disciplinary or adverse action.
- g. A return of an officer or employee from the Senior Executive Service (SES) to the General Schedule or another pay system during the one year period of probation or for less than fully successful executive performance.
- h. Reassignment of an SES appointee following receipt of an unsatisfactory rating.
- i. An action terminating certain temporary or term promotions.
- j. The substance of performance requirements and standards established in accordance with regulation.
- k. The granting or failure to grant or the amount of a performance award, incentive award, Presidential award, Presidential Rank Award, or quality step increase, etc., or the adoption or failure to adopt an employee suggestion or invention.
- l. Failure to be recertified in the SES or conditional recertification.
- m. The termination of a probationary employee.

n. A Senior Executive Service performance appraisal.

o. A return of an employee from an initial appointment as a supervisor or a manager to a non-supervisory or non-managerial position for failure to satisfactorily complete the probationary period.

p. Termination of temporary employment.

q. An action taken in accordance with the terms of a formal agreement voluntarily entered into by an employee such as one which assigns the employee to another geographic location or returns an employee from overseas.

#### 546 RIGHTS OF THE GRIEVANT

a. Freedom from restraint, interference, coercion, discrimination or reprisal in presenting a grievance.

b. The right to be accompanied, represented, and advised by a representative of his or her own choosing. Broadcasting may disallow the choice of an individual as a representative which would result in a conflict of interest or position, which would conflict with the priority needs of the Agency, or which would give rise to unreasonable costs to the Government.

c. A reasonable amount of official time to prepare and present the grievance if the employee is otherwise in duty status. Use of official time must be done with the approval of the employee's supervisor.

d. The right to communicate with the personnel office.

547 OBLIGATIONS OF THE GRIEVANT - In presenting a grievance, the grievant and/or the representative must comply with the following (failure to do so may, at the discretion of Broadcasting, be the basis for rejecting a grievance):

a. Compliance with time limits;

b. Identification of the matter being grieved in sufficient detail to enable reviewing officials to clearly identify it (i.e. law, rule or regulation violated);

c. Specification of personal relief requested.

#### 548 RIGHTS OF THE GRIEVANT REPRESENTATIVE:

a. Freedom from restraint, interference, coercion, discrimination or reprisal.

b. A reasonable amount of official time to prepare and present the grievance if the representative is an employee and is in a duty status.

#### 549 PROCEDURES

a. A grievance must be filed in accordance with these procedures. The parties are free to obtain guidance and assistance from the personnel office.

b. A grievance under this procedure is forever barred unless it is presented in writing to the appropriate official within 30 calendar days after the event or incident giving rise to the grievance.

c. In cases other than those involving a written reprimand or suspension for 14 days or less, before an employee files a grievance, the matter should be discussed with the supervisor or lowest level management official (Responsible Officer) with authority to resolve it. The employee initiates the grievance procedure by submitting a grievance in writing to the Responsible Officer (see 549e for appropriate contents of the grievance). The Responsible Officer must respond in writing within twenty working days of receiving it. This deadline may be extended by mutual agreement between the employee and the Responsible Officer. If the employee is not satisfied with the decision, he or she may proceed to the next step and the final grievance decision must be made at a level higher than the Responsible Officer (except when such action is taken by the Director of Broadcasting).

d. Within 15 days of receipt of the initial decision as discussed in "c" above, or within 30 days of receipt of a written determination of a suspension of 14 days or less or a written reprimand, a grievance may be presented in writing to the appropriate office head or the Director or designee. If Broadcasting considers the grievance non-grievable, it shall so declare in its written reply and state the reason(s) supporting this claim.

e. The grievance must state:

(1) a specific description of the act or incident, and a copy of any decisions (see "c" above) if applicable, which gave rise to the grievance;

(2) the identification of any law, regulation, or Broadcasting policy that the grievant believes has been violated, misapplied or misinterpreted;

(3) names of any witnesses who have knowledge of the relevant facts;

(4) any documentary evidence on which the grievance rests;

(5) if applicable, copies of a reprimand or proposed suspension by the Proposing Official and the final determination by the Deciding Official;

(6) the action requested (e.g. a reconsideration of the decision, a lesser penalty imposed, removal of inaccurate statements from a performance appraisal, etc.).

f. The official considering the grievance may designate a factfinder(s), if appropriate. The factfinder(s) may not be a person who was involved in the action being grieved and may not be directly subordinate

organizationally to an official who was part of the decision-making process that resulted in the action being grieved.

g. Normally, the grievance will be reviewed by the official considering the grievance within 45 work days of receipt of it from the employee. However, this period may be extended if circumstances warrant it. If so, the employee shall be notified of the extension. The employee must be given a written decision. (The Director of the Office of Cuba Broadcasting will recommend a decision to the Director for Broadcasting.) The written decision will constitute a final decision by Broadcasting

h. All individuals joining a group grievance must identify themselves by signing the formal written grievance. All individuals in a group grievance are required to accept the decision reached through the Administrative Grievance System and are not entitled to re-initiate the complaint as an individual grievance.

i. Grievance Records - A grievance file will be maintained and controlled by the labor relations office ( B/PL) for all formal grievances.



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NOTICE

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PART V-A PERSONNEL (DOMESTIC), 500 EMPLOYEE BENEFITS, CONDUCT AND RESPONSIBILITIES

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PART V-A PERSONNEL (DOMESTIC), 500 EMPLOYEE BENEFITS, CONDUCT AND RESPONSIBILITIES  
Section 560

DISCIPLINARY AND ADVERSE ACTIONS

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Section 560

DISCIPLINARY AND ADVERSE ACTIONS

561 DISCIPLINARY AND ADVERSE ACTIONS

561.1 Purpose - The objective of disciplinary and adverse actions is to correct and improve improper employee behavior and conduct so as to promote the efficiency of the service. Major offenses may be cause for severe action, including removal, regardless of whether previous action has been taken against the offending employee.

561.2 References - Title 5 CFR, Part 752. For furloughs of 30 days or less, see MOA V-A 790; for furloughs of more than 30 days, see MOA V-A 770.

561.3 Covered Employees - This section applies to Civil Service non-bargaining unit employees covered by Title 5 CFR, Part 752. It does not apply to members of the Senior Executive Service or Foreign Service or those employees excluded under Title 5 CFR, Part 752.

Civil Service employees in exclusive bargaining units represented by labor organizations are covered by procedures found in the negotiated labor-management agreements between Broadcasting and those organizations.

561.4 Covered Actions - This section applies to (1) admonishments, (2) reprimands, and (3) actions taken under the provisions of Title 5 CFR, Part 752.

#### 561.5 Definitions

a. Day - calendar day

b. Admonishment - An oral or written warning from a supervisor telling an employee that particular conduct or behavior is unacceptable and will not be tolerated. It often is the first step taken by supervisors in dealing with a conduct problem. An admonishment may be considered when assessing a penalty in any subsequent disciplinary action. It is not filed in the employee's Official Personnel Folder. Admonishments cannot be appealed or grieved.

c. Reprimand - A written disciplinary sanction from a supervisor telling an employee that particular conduct or behavior is unacceptable and will not be tolerated. A copy is placed in the employee's Official Personnel Folder for a specified period of 1 to 3 years. The reprimand may be considered when assessing a penalty in any subsequent disciplinary action.

d. Suspension - A suspension is the placement of an employee, for disciplinary reasons, in a temporary status without duties and pay. Suspensions are taken for such cause as will promote the efficiency of the service. A suspension is recorded on an SF-50, Notification of Personnel Action, which is permanently filed in the employee's Official Personnel Folder, and may be considered when assessing a penalty in any subsequent disciplinary action. A suspension may be for a definite stated period or for an indefinite period pending the conclusion of an investigation, inquiry or further action.

e. Reduction in Grade - A reduction in grade is the placement of an employee in a grade lower than her or his current grade for disciplinary reasons for such cause as will promote the efficiency of the service. A reduction in grade is recorded on an SF-50, Notification of Personnel Action, which is permanently filed in the employee's Official Personnel Folder and may be considered when assessing a penalty in any subsequent disciplinary action.

f. Removal from the Federal Service - Removal is effected for disciplinary reasons for such cause as will promote the efficiency of the service when a lesser penalty is unlikely to be effective in correcting an employee's conduct. A removal is recorded on an SF-50, Notification of Personnel Action, which is permanently filed in the employee's Official Personnel Folder and may be considered when assessing a penalty in any subsequent disciplinary action.

g. Non-Bargaining Unit Employee - An employee not in a recognized bargaining unit under the provisions of Title 5 USC, Chapter 71.

#### 561.6 Proceeding with an Action

a. In each case, the circumstances will be considered to determine the most appropriate action. Depending on the seriousness of the offense and other factors, an employee may be suspended or removed without receiving a written reprimand or other lesser action. In all cases, supervisors and managers must consult with the Office of Personnel before initiating a disciplinary action to ensure compliance with law and regulation and consistency of application.

Before proceeding with an action, the supervisor or other appropriate management official may wish to discuss with the employee the specific circumstances or conduct which may warrant the action to elicit relevant facts. During such a discussion, the employee may present his/her side of the case including any extenuating circumstances.

b. Admonishment or Reprimand - The employee's supervisor or other appropriate management official will issue (if written) or present (if an oral admonishment) the admonishment or reprimand to the employee. An admonishment or reprimand will contain the specific conduct or behavior for which correction or improvement is sought.

c. Suspension, Reduction in Grade or Pay, or Removal

##### (1) Requirements

Step1 - The proposing official will provide a written notice of the proposed action to the employee. The notice shall state the basis for the proposed action with sufficient details so as to enable the employee to prepare a response. Upon the employee's request, the proposing official will provide one copy of the supporting documentation.

NOTE: A 30-day advance notice is required by statute before a proposed action to remove, reduce in grade or pay, or suspend for more than 14 days may be effected.

Normally, an employee will remain in a pay and duty in his or her regular assignment during the proposal period. However, in those circumstances where this status may pose a threat to persons or property or otherwise jeopardize Government interests, the proposing official may elect one or a combination of the alternatives listed below.

(a) Assigning the employee to other duties; or

(b) Allowing the employee to take leave, or carrying him/her in an absence without leave status if the employee has absented himself or herself from the work site without approved leave; or

(c) Curtailing the notice period under the provisions of Title 5 USC 7513(b) when, even in the absence of judicial action, there is reasonable

cause to believe that the employee has committed a crime for which a sentence of imprisonment may be imposed; or

(d) Placing the employee in a paid, non-duty status for such time as is necessary to effect the action with the approval of the Office of Personnel.

Step 2 - Upon receipt of the official notice of proposed action, the employee will have ten days to respond to the deciding official. The response may be oral or written, or both. If the employee is in duty status, a reasonable amount of official time will be allowed, usually up to eight (8) hours, to prepare the oral and/or written response. The proposing official may grant additional time to prepare based on demonstrated need. The employee's response may include any statement or material the employee believes is relevant to defending against the proposed disciplinary action. The employee has the right to be represented by an attorney or other appropriate representative during these proceedings.

Step 3 - The deciding official will consider the employee's response and provide a written determination to the employee which includes specific reasons for the decision (including mitigating and/or aggravating factors), the disciplinary action to be taken, the effective date of the action, and the grievance and appeal rights contained in this section. If the deciding official determines that further investigation is necessary or there are other factors that will unreasonably delay the decision, the employee will be notified.

## (2) Proposing and Deciding Officials

(a) Deciding Official - The Deciding Official for suspensions, reductions in pay or grade, and removals is the Director of Personnel or designee.

(b) Proposing Officials - A supervisor or manager one level below the deciding official or another official designated by the Director of Personnel may propose an action under this section.

## 561.7 Grievances/Appeals

a. Written Reprimand or Suspension of 14 Days or Less - An employee may grieve a written reprimand or a suspension of 14 days or less under the provisions of MOA V-A 540.

b. Suspension of More than 14 Days, Reduction in Grade or Pay, and Removal - The employee may appeal the matter to the Merit Systems Protection Board (MSPB) under MSPB rules.

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PART V-A PERSONNEL (DOMESTIC), 500 EMPLOYEE BENEFITS, CONDUCT AND RESPONSIBILITIES  
Section 570

INCENTIVE AWARDS PROGRAM

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#### EXHIBITS

Exhibit 570A - Format for Nominations for Honor Awards and Special Act or Service

Exhibit 570B - Computation of Cash Awards for Suggestions, Inventions and Special Acts or Services

Exhibit 570C - Format for Nominations for Annual Awards

Exhibit 570D - Nomination/Score sheet for Excellence in Programming Awards

#### SECTION 570

##### INCENTIVE AWARDS PROGRAM

##### 571 INCENTIVE AWARDS PROGRAM

##### 571.1 Incentive Awards Program

a. The components of the Incentive Awards Program are described below: Superior Accomplishment Cash Awards (paragraph 573); Honor Awards (paragraph 574); Career Service Awards (paragraph 575); Employee Suggestion Program (paragraph 576); and Presidential Awards (paragraph 577).

b. This program is separate from the various cash performance award programs tied to the annual performance appraisal process and described elsewhere in MOA V-A: PMS (GS, GG, and Wage) in MOA V-A-260; and SES in MOA V-A-1130. For Quality Step Increases see MOA V-A-239.

c. This section applies to all employees. People who work under non-personal services contracts (i.e. purchase order vendors) are not employees of the Federal Government.

571.2 Purpose - Incentive awards are designed to improve Government efficiency, economy and effectiveness by motivating employees to increase productivity and creativity by rewarding their efforts which benefit the Government.

#### 571.3 Policy

a. Broadcasting will make maximum use of its authorities under Chapter 45 of title 5, United States Code to:

(1) Establish and administer incentive awards programs which best support and enhance Broadcasting and national goals, and meet employee recognition needs; and

(2) Provide for adequate funds to provide for payment of awards, and staffing and support services to ensure prompt action on awards recommendations, and effective promotion and publicity of the program.

#### 571.4 Definitions

a. Award or Superior accomplishment award means a monetary or non-monetary award for a contribution resulting in tangible benefits or savings and/or intangible benefits to the Government.

b. Contribution means an accomplishment achieved through an individual or group effort in the form of a suggestion, an invention or a special act or service in the public interest connected with or related to official employment, which contributes to the efficiency, economy, or other improvement of Government operations, or achieves a significant reduction in paperwork.

c. Intangible benefits means benefits to the Government which cannot be measured in terms of dollar savings.

d. Non-monetary award means a medal, certificate, plaque, citation, badge, or other similar item that has an award or honor connotation.

e. Special act or service means a contribution or accomplishment in the public interest which is:

(1) A nonrecurring contribution either within or outside of job responsibilities;

(2) A scientific achievement; or



(3) An act of heroism.

f. Tangible benefits means benefits or savings to the Government that can be measured in terms of dollars.

g. Suggestion or Invention means a contribution that promotes the efficiency, economy or other improvement of Government operations or achieves a significant reduction in paper work. Such suggestions include: ideas that save money, staff hours, material, supplies, and equipment; ideas that produce a useful change in an operating policy or procedure; ideas that bring about improvement in the quality of a product, activity, or program; and ideas that improve service to the public. In most cases, suggestions that relate directly to improvement in services and benefits provided to employees, to working conditions, maintenance, routine safety practices, and to other aspects of the work environment are not eligible for cash awards, but may be recognized through letters of commendation.

h. Group Award - An award granted to two or more persons for their share in the same contribution.

i. Non-Government award - Awards presented to Government employees by non-Government organizations, such as GEICO Public Service award, Arthur S. Flemming award, etc.

## 572 COMMITTEES

### 572.1 Incentive Awards Committees

a. The Director of Broadcasting appoints the Incentive Awards Committee. Additional committees are established when needed for special awards.

b. The Chairperson and members will serve on the Committee for a period of 18 months and may be reappointed as needed. The term of office will commence on the date of appointment.

572.2 Executive Secretary - The Director, Office of Personnel, appoints an Executive Secretary who:

a. attends committee meetings but does not vote;

b. plans, publicizes, and makes recommendations for improvements in the Awards Program;

c. receives nominations for all incentive awards;

d. after approval, authorizes payment for cash awards other than performance awards covered under MOA V-A-260 and -280;

e. checks with heads of Offices and Services, or designees, to make sure that awards are presented promptly and with appropriate ceremony and publicity;

f. maintains records and prepares reports for the Office of Personnel Management.

572.3 Incentive Awards Committee Authorities and Responsibilities - The Incentive Awards Committee is delegated the following authorities and responsibilities:

- a. to review, analyze, and evaluate the effectiveness of the Awards Program.
- b. to review and recommend to the Director, honor awards and/or cash awards of more than \$1,000, but not more than \$10,000. For cash awards in excess of \$10,000, the Committee submits its recommendations (to OPM) through the Director;
- c. to recommend disapproval, request further justification or recommend another more appropriate type of recognition for any incentive award nomination received by the Committee.

#### 572.4 Responsibilities of Heads of Services and Offices

a. The heads of Offices and Services, or designees, are responsible for publicizing, promoting, and administering the Awards Program in their respective areas. They should encourage employees to strive for awards and to nominate others for awards. They must endorse nominations before forwarding them to the Executive Secretary of the Incentive Awards Committee. They are also responsible for arranging suitable and prompt ceremonies for presenting the awards, and for seeing that recognition is given in TUNE IN and other media, if appropriate.

b. Heads of Offices and Services, or designees, will establish administrative facilities to carry out the following responsibilities:

- (1) to approve or disapprove recommendations for cash awards of \$1,000 or less;
- (2) to send a copy of the approved nomination for a cash award of \$1,000 or less to the Executive Secretary of the Incentive Awards Committee for authorization of payment. Upon receipt of cash award, to arrange for presentation of a cash award certificate and check to the employee.

#### 573 SUPERIOR ACCOMPLISHMENT CASH AWARDS

##### 573.1 General

a. The Superior Accomplishment Cash Awards program provides monetary awards to employees in recognition of one-time contributions resulting in tangible benefits or savings and/or intangible benefits to the Government. Such contributions include one-time special acts, service, or achievement of non-recurring contributions whether within or outside of job responsibilities, scientific achievement, or acts of heroism.

b. Superior accomplishment awards programs shall be for:

- (1) the granting of recognition commensurate with the value of the contribution to the Government; and

(2) obtaining maximum benefits for the Government, whenever possible, by considering the applicability of employee contributions throughout Government.

c. An award under this section may be granted alone or in addition to a performance award granted under MOAV-A-260 and -280 or a quality step increase granted under MOA V-A-239.

d. An award under this section shall not be used as a substitute for other personnel actions, or as a substitute for pay or for any other form of monetary recognition, e.g., SES Presidential Rank awards, other Presidential awards, or cash performance awards.

e. To be awarded under this section, a contribution must:

(1) have been made while the contributor was a Government employee;

(2) be supported by a written justification separate from the employee's rating of record; and

(3) be approved at a management level higher than that of the individual who recommended use of the suggestion or invention, or recommended the award.

f. Acceptance of a monetary award constitutes an agreement that the use by the Government of the idea, method, or device for which the award is paid does not form the basis of a further claim against the Government.

g. Due weight shall be given to an award under this section when rating and ranking an employee for promotion.

h. Superior accomplishment awards shall not be mandatory.

573.2 Eligibility - This section applies to all employees. NOT those persons under a non-personal services contract (i.e. purchase order vendors).

#### 573.3 Procedures for Recommending and Approving Awards

a. Consistent with paragraphs 573.1 and 573.2 above, a supervisor may nominate or review employee nominations for an award for an employee or group of employees. Such nominations must be by memorandum. (Scales for measuring tangible and intangible benefits in determining the amount of cash awards are provided in Exhibit 570B.)

b. The next higher-level supervisor must review all nominations to determine whether they are consistent with the above criteria.

c. Awards of up to \$1,000 may be approved by the Director, Office Director or designee.

d. If the award is more than \$1,000, the nomination must be forwarded to the Executive Secretary of the awards committee. The awards committee

will review nominations and forward its recommendations for approval by the Director for Broadcasting or his/her designee.

e. Award nominations in excess of \$10,000 require that the Director certify to OPM that the suggestion, invention, superior accomplishment or other meritorious efforts are highly exceptional and unusually outstanding. In such instances, a cash award in excess of \$10,000, but no higher than \$25,000, may be awarded to the employee with the approval of OPM. Awards between \$25,000 to \$35,000 must be approved by the President following Broadcasting and OPM review and approval (see paragraph 577.)

#### 573.4 Payment

a. An award under this section is in addition to regular pay and does not increase an employee's base pay. The award is subject to the withholding of income taxes.

b. When an award is approved for an employee of another agency, the benefiting agency shall make arrangements to transfer funds to the employing agency to cover the award. If the administrative costs of transferring funds would exceed the amount of the award, the employing agency shall absorb the award costs and pay the award.

c. When an award is approved for a member of the armed forces for a suggestion, invention, or scientific achievement, arrangements shall be made to transfer funds to the agency having jurisdiction over the member in accordance with Executive Order 11438, "Prescribing Procedures Governing Interdepartmental Cash Awards to the Members of the Armed Forces."

573.5 Funding - Superior accomplishment awards shall be funded by money budgeted for the Incentive Awards Program based on an assessment of the effectiveness of various awards in achieving their stated objectives, award amounts used in previous years, and estimates of appropriate increases or decreases for the current year, subject to overall budget constraints.

#### 574 HONOR AWARDS UNDER THE INCENTIVE AWARDS PROGRAM

Honor awards are a means of recognizing achievement and are designed to bestow singular honor and official recognition and to act as an incentive to further accomplishments. Employees may be nominated individually or in group

#### 574.2 Broadcasting Honor Awards

a. Distinguished Honor Award is the highest recognition for an individual. All employees are eligible and selection is based upon outstanding or exceptional contribution to the accomplishment of Broadcasting's mission, or to public service of national or international significance. The award consists of a certificate, a gold medal, a rosette, and either a tie bar or stick pin. The level of achievement for this award is comparable to one of the following:

(1) exceptionally outstanding service to Broadcasting or the Government resulting in achievements of marked national or international significance;

(2) exceptionally outstanding service and/or leadership in the administration of one or more Broadcasting program which results in highly successful accomplishment of mission, or in a major attainment of objectives or specific accomplishment to meet unique or emergency situations;

(3) outstanding accomplishments over a prolonged period that involve the exercise of authority or judgment in the public interest.

Contract employees, members of the armed services and commissioned officers of the Public Health Service are not eligible.

b. Superior Honor Award is the second highest honor award given to individuals or to groups of employees. All employees are eligible. It recognizes significant contributions of unusual value and approaches the high standards required for the Distinguished Honor Award. When individually awarded, it consists of a certificate, a silver medal, a rosette and either a tie bar or stick pin. When awarded to a group, it consists of a certificate for each individual identified in the group. The following are examples:

(1) outstanding service to the Government; service of significance where the interests of the United States are involved or which has aided in furthering Broadcasting objectives;

(2) outstanding results in increased productivity, increased efficiency, and economy of operations resulting in a substantial contribution to the accomplishment of Broadcasting's mission;

(3) outstanding leadership and/or professional competence leading to the successful attainment of significant Broadcasting goals;

(4) a superior creative service or contribution such as the development of a new and highly effective product, program, or method for accomplishment of a Broadcasting objective;

(5) achievements in the identification, correction, and control of waste, fraud, and mismanagement.

Contract employees, members of the armed services, and commissioned officers of the Public Health Service are not eligible.

c. Meritorious Honor Award is presented to individuals or groups in recognition of deserving accomplishments in the discharge of assigned responsibilities that significantly exceed normal requirements. All employees are eligible. While the contributions are more limited in scope than those required for the higher awards, they are nevertheless significant in nature. The award to an individual consists of a certificate, a bronze medal, a rosette, and either a tie bar or stick pin.

For a group the award consists of a certificate for each individual identified in the group. The following are examples:

(1) outstanding service in the conduct or improvement of Broadcasting's information program;

(2) accomplishment of assigned responsibilities in an exemplary manner beyond the call of duty, and establishment of a record of achievement;

(3) demonstration of unusual initiative in contributing to the efficiency or improved management of Broadcasting programs or operations, including outstanding executive or technical ability;

(4) extraordinary devotion to duty under adverse conditions;

(5) achievements in the identification, correction, and control of waste, fraud, and mismanagement.

Contract employees, members of the armed services, and commissioned officers of the Public Health Service are not eligible.

d. AWARD FOR VALOR is presented to employees who have demonstrated outstanding performance under unusually difficult or dangerous circumstances requiring exceptional personal bravery and perseverance to complete an assignment. It may be offered for sustained superior performance while under threat of physical attack or harassment, or for an individual act of courage or exceptional performance at risk of personal safety. The award consists of a gold medal, a lapel emblem, and a certificate.

e. AWARD FOR HEROISM is presented to employees who, without concern for personal safety, exhibit unusual heroism in an emergency, whether or not in connection with performance of assigned duties, which reflect credit on the Federal Service. This award consists of a silver medal, a lapel emblem and a certificate.

f. The Director's Award for Outstanding Creativity recognizes exceptional field program, film or TV production, radio script or broadcast, exhibit, design layout, publication, story series, cultural activity, or other evidence of program creativity. The award is a plaque and a certificate. All employees are eligible.

g. Outstanding Secretary Award is offered annually and recognizes the high standards of performance that characterize the service of secretaries.. Any secretary is eligible for the award. This award consists of a certificate and cash (with the dollar amount to be determined annually). The award will be granted to the nominee whose overall performance most fully demonstrates qualities, competencies, and accomplishments exemplifying secretarial excellence. Key factors will include professional skills, managerial and organizational achievement, dedication to duty , interpersonal relations, contributions to the objectives of the office or service where serving.

h. Special Commendation recognizes special contributions which directly benefit Broadcasting or unusual dedication under adverse circumstances. Award consists of an honor certificate. All employees are eligible.

i. Career Achievement Award recognizes retiring career employees of any rank or pay plan who, over a period of 20 years or more, have performed with unusual dedication and distinction. The award consists of a certificate signed by the Director. Any employee may be eligible.

j. Expressions of Appreciation recognize people other than Broadcasting employees who have contributed in an outstanding manner to Broadcasting objectives.

k. Certificate of Appreciation is designed for awards to individuals or groups who have made valuable contributions to Broadcasting but which do not meet the specific criteria for other awards. Nominations are to be submitted to the Executive Secretary of the Incentive Awards Committee by memorandum. Each nomination must be accompanied with a citation, and must bear the endorsement signature of the nominee's supervisor and of the head of the Office or Service in which the nominee works.

Each certificate will carry the signature of the Director. The nomination will be processed by the Executive Secretary and the completed certificate forwarded to the appropriate office for presentation.

#### 574.3 Nomination Procedures

a. Any employee may nominate any other employee or group of employees for an honor award consistent with the criteria cited.

b. Nominations may be submitted at any time except for those annual awards which are announced.

c. Nominations for group awards are confined to the smallest practical unit properly identified with the accomplishment. This need not be an officially recognized organizational element, but can be any group of two or more employees who contributed to the same special act or service. A list of the official names, pay plans and grades of all employees to be included in the group must accompany the nomination.

d. Nominations are submitted to the Executive Secretary of the Incentive Awards Committee by memorandum in accordance with Exhibit 570A. Each nomination must bear the endorsement signature of the nominee's supervisor and of the head of the Office or Service in which the nominee works.

e. When sufficient nominations have been received, the Incentive Awards Committee meets and makes recommendations to the Director, for all honor and cash awards.

f. Awards that can be approved by the heads of the, Offices or Services (up to \$1,000) should be forwarded to the Executive Secretary within 30 days of receipt for processing.

g. Award nominations contain privileged information and should be made available only to those involved in the decision process or who otherwise have a need to know. Nominees should not be informed of recommendations until acted upon by the approval authority

h.. After the Director has approved an award, these awards will be presented promptly by the heads of Offices or Services. Appropriate publicity will be given the winners. A copy of the award nomination and certificate will be placed in the recipients' Official Personnel Folder for permanent retention and Employee Performance File for a period not to exceed three years.

574.4 Safe Driving Awards - All full-time chauffeurs or motor vehicle drivers are eligible for this award which is given to full-time employees, a major portion of whose duties consist of driving motor vehicles.

a. The award is given as a recognition of outstanding driving care and ability. Employees eligible for consideration are those who have driven one or more years without being involved in an accident that involves personal or property damages resulting from their own carelessness or negligence, and whose performances are otherwise rated as fully successful or equivalent on this performance requirement, as indicated by their annual performance appraisal and their performance since submission of the last performance appraisal.

b. Cash awards will be given for safe driving and high sustained performance as follows:

Years of Safe Driving	Amount of Award
1	\$ 50.00
2	75.00
3	100.00
4	125.00
5 or more	150.00

The employee will continue to receive the maximum monetary award each year after five consecutive years so long as he or she continues to meet all eligibility requirements and is recommended for the award each year. The selection criteria are:

- (1) a candidate must be a full-time employee;
- (2) the major portion of a candidate's duties must consist of driving a motor vehicle;
- (3) a candidate must also have otherwise performed at the Fully Successful Level or equivalent as indicated by his or her annual performance appraisal and his or her performance continues at the level or above since submission of the last performance appraisal;
- (4) if an employee has a preventable accident, he or she must begin anew to accumulate his or her years of safe driving.



The awards are made only for the immediate preceding fiscal year. It is incumbent upon supervisors to make their recommendations as soon as possible, but not later than two months after the end of the fiscal year. There must be an interval of a fiscal year before an employee may be recommended for another award of this type.

574.5 Other Awards for Which Employees are Eligible - The Executive Secretary may announce the following awards and describe the format for their submission as they are announced: The President's Award for Distinguished Federal Civilian Service, Presidential commendations, Presidential Management Improvement Award, Outstanding Handicapped Federal Employee of the Year, and other awards as appropriate.

#### 574.6 Annual Broadcasting Awards

a. Annual Awards - These awards are Broadcasting's highest recognition of individuals. Nominations will be reviewed by Element Heads and the Awards Committee. The final selection will be made by the Director. The awards are presented annually as appropriate, and consist of an honor certificate and \$1,500 cash presented at the annual awards ceremony. Nominations for all Annual Awards must be submitted to the Incentive Awards Coordinator no later than November 15 of each year.

(1) Outstanding Employee Award - This award will be presented to a Broadcasting employee for extraordinary effort and dedication to the goals of the organization. Selection will be based on outstanding commitment and demonstrated accomplishment in overcoming hardships to make a personal contribution to the goals of Broadcasting. The winner of this award will be selected from all other annual award winners outlined below. (See Exhibit 570C for format.)

(2) Voice of America News and English Broadcasting Award - This award will be presented to the employee most responsible for significant programming within News and English Broadcasts. Selection will be based on the conception and development of outstanding programming or news coverage. The programming submitted must demonstrate both relevance to the target audience and adherence to the VOA charter. It should be so extraordinary as to serve as a model for all. All News and English Broadcasts employees are eligible for this award. (See Exhibit 570C for format.)

(3) Voice of America Language Broadcasting Award - This award will be presented to the employee most responsible for significant programming within the language services. Selection will be based on the conception and development of outstanding programming. The programming submitted must demonstrate both relevance to the target audience and adherence to the VOA charter. It should be so extraordinary as to serve as a model for all. All Voice of America Language Broadcasts employees are eligible for this award. (See Exhibit 570C for format.)

(4) Voice of America Technical Excellence Award- This award will be presented to a Broadcast Operations employee who has demonstrated a high degree of initiative and creative ingenuity to meet program objectives. Selection will be based on outstanding technical skills and contributions

toward improving the overall VOA program quality. All Broadcast Operations employees are eligible for this award. (See Exhibit 570C for format.)

(5) Engineering Award - This award will be presented to the employee whose superlative achievements best personify the objectives and accomplishments of the Office of Engineering and Technical Services. Selection will be based on concrete accomplishments in engineering-related activities, resolution of specific engineering problems, and display of engineering skill of the highest order. All Office of Engineering and Technical Services employees are eligible for this award. (See Exhibit 570C for format.)

(6) Foreign Service National Employee Award - This award will be presented to a Broadcasting Foreign Service National Employee. Selection will be based on performance of assigned duties in a manner clearly instrumental in the achievement of major mission goals and objectives; special effectiveness in bridging national differences between the U. S. and the host country; and/or personal or professional courage in difficult, demanding or hardship situations. All Broadcasting Foreign Service National Employees are eligible. (See Exhibit 570-C for format).

(7) Transmitting Station Award - This award will be presented to a domestic or overseas transmitting station. Selection will be based on ability to keep the station operating despite problems, creativity in facility improvements, safety, local community involvement, and cost consciousness. All transmitting stations are eligible for this award. Because the award is granted to a Station and not to an individual, it is honorary in nature. The award consists of an honor certificate. (See Exhibit 570C for format.)

(8) Resource Management Award - This award will be presented to the employee most responsible for outstanding contributions to improvements in the management of Broadcasting administrative and personnel resources. Selection will be based on initiative and significant accomplishments in essential management support services, efficient resolution of specific problems, and display of professional management support skills of the highest order. All those serving in the following management support functions are eligible: employees in the Office of Personnel and Administration, and administrative personnel in domestic elements and at overseas posts.

(9) The OCB Outstanding Employee of the Year Award - This award will be presented to an OCB employee for extraordinary effort and dedication to the goals of the organization. Selection will be based on outstanding commitment and demonstrated accomplishment in overcoming hardships to make a personal contribution to the goals of Broadcasting. All OCB employees are eligible for this award.

(10) The Voice of America Outstanding Employee of the Year Award - This award will be presented to a VOA employee for extraordinary effort and dedication to the goals of the organization. Selection will be based on outstanding commitment and demonstrated accomplishment in overcoming

hardships to make a personal contribution to the goals of the Voice of America. All VOA employees are eligible for this award.

(11) The Television and Film Service Outstanding Employee of the Year Award - This award will be presented to a TV employee for extraordinary effort and dedication to the goals of the organization. Selection will be based on outstanding commitment and demonstrated accomplishment in overcoming hardships to make a personal contribution to the goals of the Television and Film Service. All TV employees are eligible.

(12) The Television and Film Service Technical Excellence Award - This award will be presented to a Technical Operations employee who has demonstrated a high degree of initiative and creative ingenuity to meet TV program objectives. Selection will be based on outstanding technical skills and contributions toward improving the overall quality of TV programs. All TV technical employees are eligible for this award.

(13) The TV Post Excellence Award - The recipient of this award will be the overseas post which has made the most effective use of TV materials, products, and services in fulfillment of Broadcasting objectives. This award will recognize not one officer at a post, but rather, will acknowledge a post's team effort in achieving greater placement and use of TV products. Because the award is granted to a post and not to an individual, it will be honorary in nature.

(14) The Television and Film Service Program Excellence Award - This award will be presented to a TV production or program employee who has demonstrated a high degree of initiative and creative ingenuity in meeting TV program objectives. Selection will be based upon outstanding production skills and/or contributions towards improving the overall quality of TV programming. All Production and Program employees are eligible for this award.

(15) The Broadcasting Equal Employment Opportunity Award - This award will be presented to the employee who, with leadership, skill, imagination, innovation and perseverance, has made the greatest contribution toward the promotion of equal employment opportunities for minorities and women during the course of the year and/or over a sustained period of time. Contributions may have been in the area of recruitment and employment of new employees or in the treatment and advancement of current employees.

(16) The Affiliate Relations Award - This award will be presented to the employee or post which plays an essential role in placing VOA and TV material. Selection will be based on dedication, special achievements and exemplary services for placement of radio and television programs throughout the world.

(17) The Terry Hourigan Memorial Award - The Terry Hourigan Memorial Award is an achievement award meant to honor the memory of Terry Hourigan, a seasoned, professional broadcaster who served as Executive Producer of the Voice of America, co-founder and Director of VOA Europe and Director of Program Review for the Board for International Broadcasting. The award is designed to honor outstanding programming initiatives. This award will

be given only occasionally and given only to an individual leader who has demonstrated the ability to create compelling programming, to make innovative use of technology and to foster leadership in talented broadcasters. Any VOA, TV, Marti, RFA and RFE/RL employee who possesses the talent for developing remarkable programming, is a skilled manager of resources, and who shares Terry Hourigan's gift for leadership is eligible.

#### COWAN AWARD FOR HUMANITARIAN REPORTING

This award is privately endowed, funded by friends and members of the Cowan family to honor both Geoffrey Cowan -- who left VOA in November 1996 to become Dean of the Annenberg School for Communication at the University of Southern California -- and his father, VOA's second director, Louis G. Cowan. The award, consisting of a certificate and up to \$5,000, will be presented in February during Press Freedom Week. The winner of the Cowan Award will be selected by a distinguished panel of journalists, broadcasters, and nationally-known public figures.

This award will be presented on an annual basis to the VOA broadcaster who has distinguished himself/herself in humanitarian reporting. Such reporting will be original in nature and will effect change, impacting the lives of VOA listeners in some direct or indirect way. The Award winner's reporting will have introduced new information that stimulates awareness and/or action. It is compelling and instructive. Such reporting could focus on human suffering in the coverage of a refugee situation, a human rights issue, or natural disaster. The Award will honor the reporter's series of report and/or body of work.

Excellence in Programming Awards - VOA Awards for Excellence in Programming have been instituted to bestow recognition on employees responsible for the highest quality programming originating from the Voice.

(1) General - Awards for Excellence in Programming may be approved for individual employees or groups of employees. The Awards Committee will consider on a quarterly and annual basis presentation of awards for exemplary accomplishment in the following categories:

- (a) Correspondent Report/Interview/Backgrounder;
- (b) News Special or Documentary;
- (c) Feature or Special Program;
- (d) Regularly Scheduled Programs or Series;
- (e) Special Events Coverage/Remote Broadcasts;
- (f) Original Script;
- (g) Adaptation of Central
- (h) Music Programs.

(2) Description of Awards - Awards for Excellence in Programming that are given quarterly consist of a framed certificate and a cash award of \$250 to the individual or the group receiving the award. The minimum award to members of groups winning quarterly awards is \$50. The annual awards consist of a framed certificate and a cash award of \$1,000 to the individual or to the group. The minimum award to members of groups winning annual awards is \$100.

(3) Committee for Excellence in Programming - The Committee for Excellence in Programming (VOA) shall consist of a Chairperson and six members named by the Director, VOA. The Awards Coordinator will provide administrative support to the Committee.

(4) Duties and Responsibilities of the Committee - Quarterly, the Committee will consider nomination in each category and make recommendations to the Director, VOA of one winner per category, as appropriate. Annually, the Committee will review the quarterly award recipients and make recommendations to the Director, VOA. The Director, Voice of America will select the quarterly and annual award recipients. The decisions on VOA Awards for Excellence in Programming are final and are not subject to appeal or review.

(5) Documenting and Routing Nominations

(a) Nominations should be made by the Service or Branch Chief and endorsed by the Division Director before submission to the Incentive Awards Coordinator.

(b) Division Directors must clear the nominations.

(c) In addition to the form, the nomination submission must consist of the following:

(i) one leadered 10-inch reel with box and tape clearly labeled as to content, broadcast date and length of program.

(ii) one copy of the program on cassette labeled as above.

(iii) seven copies of the English language script or a detailed summary in English.

(6) Quarterly award nominations will be due by the tenth of the month following each quarter.

c. Special Broadcasting Industry Awards

(1) The Committee for Excellence in Programming will work in conjunction with the Awards Coordinator on special broadcasting industry award competitions. The organizations sponsoring these awards request nominations at various times throughout the year. Criteria for the selection of candidates, formats for the recommendations, and other details will be embodied in announcements issued by Personnel.

Nominations for these awards will be sent to the Awards Coordinator for Committee review.

(2) The Committee will then make recommendations to the Director, VOA. Final decisions on submission of VOA programs to outside organizations will be made by the Director, Voice of America.

574.7 Radio Marti Gold Star Award - The Radio Marti Gold Star Award consists of a certificate and \$125. This award may be presented to an Radio Marti supportive staff employee (e.g. secretaries, clerks, program, technical, and production assistants, etc.) who demonstrates a high degree of dedication and personal commitment to the goals and objectives of the Radio Marti Program operation.

#### 574.8 Non-Government Awards

a. Purpose - Various private groups provide honor awards for Federal employees. These awards reflect most favorably on the caliber of service performed within the Federal service and Broadcasting participation is strongly encouraged. Among the many nationally known awards in this category are the Arthur S. Flemming Award, GEICO Public Service Award, Roger W. Jones Award for Executive Leadership, etc.

b. Procedures - The organizations sponsoring these awards request nominations at varying times throughout the year. Criteria for the selection of candidates, format for the recommendations, and other details are embodied in the announcement sent by these organizations to the Executive Secretary. The Executive Secretary reproduces and disseminates this material to major operating elements within Broadcasting.

#### 574.9 Time-Off As An Incentive Award

The Time-Off Award is a Congressionally-authorized award. Supervisors may give Civil Service and Foreign Service employees time-off with pay without charge to leave. First line supervisors may approve one-day awards. Office Directors or their designee must approve awards of more than one day. The approving official must be one level above the nominating official (except for a one-day award). Time-Off Awards do not require approval of the Awards Committee. However, approving officials are expected to exercise sound judgment and discretion in granting these awards, and be keenly aware that granting time-off is a special limited recognition of exceptional performance.

Time-Off Awards provide immediate recognition of employee accomplishments. Examples of worthy accomplishments include: a major contribution to an important project or assignment; a display of initiative and skill in completing an assignment or project well before the deadline; initiative and creativity in making improvements in a product, activity, program or service; ensuring that the mission of Broadcasting is accomplished during a difficult period when additional hours of work are needed; or, in the absence of a coworker, assisting with extra work in addition to an employee's own duties.

The following restrictions are based on government-wide regulations:

1. Full-time Employees - Each award may range from a minimum of one day (eight hours) to a maximum of five days (forty hours). Employees may receive time-off awards more than once, but total awards approved in a calendar year may not exceed 80 hours.

2. Part-time Employees - Each award may range from a minimum of one day to a maximum of five days. A one-day award may not exceed the part-time employee's longest daily schedule. Total awards approved in a calendar year may not exceed an employee's biweekly work schedule (32-64) hours at the time of the award.

All approved nominations must be forwarded to the Office of Personnel so that an SF-50, Notification of Personnel Action, may be completed. A copy of the approved nomination will be placed in the employee's performance folder.

More than one employee may receive a time-off award for the same project or accomplishment. A time-off award should not be granted for an accomplishment already recognized through another incentive award or a quality step increase. A time-off award should be scheduled by mutual agreement between the recipient and the supervisor as soon as possible. The recipient has up to one year from the effective date of the SF-50 to use the time off. The time off may be taken at one time or it may be used intermittently throughout the year; but it shouldn't be scheduled at the end of the leave year if the recipient will lose annual leave as a result. Time-off not used in the one-year period will be forfeited and may not be restored, nor can the employee receive payment in lieu of time off. A time-off award is not transferable from one government agency to another.

The time-off award has no effect on benefits, payment of night differential or Sunday pay, accrual of sick and annual leave, or performance awards. Time-off awards should not be granted in lieu of compensatory time off.

#### 575 CAREER SERVICE RECOGNITION

575.1 General - This award recognizes employees who have completed 10, 20, 25, 30, 35, 40, 45, and 50 years of creditable service with the U.S. Government. All creditable Federal civilian and military service is used in computing service for this award. (For retired military employees, all military service is creditable for this purpose, even though it may not all be creditable for leave and retirement purposes). Employees must be in Government at the time the period of service is completed. (See MOA V-A-574.2j) for Career Achievement Awards.

575.2 Responsibilities - The Executive Secretary of the Incentive Awards Committee is responsible for determining which employees are eligible for Career Service Awards and ensuring that the Career Service Awards Program is uniformly administered and is consistent with established principles and standards.

575.3 Types of Awards - Career Service Awards consist of the following types of certificates, emblems, and plaques:

No. of Years Service	Type of Emblem or Plaque
10	Bronze
20	Silver
25	Silver
30	Gold
35	Gold
40	Gold
45	Gold
50	Plaque

575.4 Procedures - The Executive Secretary will have certificates printed and signed by the Director, and forwarded with appropriate emblems to Offices or Services for employees assigned in the United States and to posts for employees assigned overseas.

575.5 Presentations - The presentation of Career Service Awards provides an opportunity to demonstrate formally the Broadcasting's high regard and appreciation of the valued services of its employees. Upon receipt of the certificates and emblems the head of the Office or Service will arrange a time for the presentation ceremony, and will present the awards.

#### 576 EMPLOYEE SUGGESTION PROGRAM

576.1 General - The Employee Suggestion Program provides a means by which employees can contribute their ideas on ways to improve the economy and effectiveness of Broadcasting operations. It is a component of the Incentive Awards Program.

##### 576.2 Responsibilities -

###### a. Office of Personnel

(1) is responsible for the direction and administration of the Suggestion Program within Broadcasting.

b. Heads of Elements are responsible for ensuring that appropriate procedures exist in their organizations to stimulate and facilitate development of suggestions, to evaluate and forward promptly to the Office of Personnel suggestions originating in their own or other elements and to implement suggestions adopted by their organizations.

##### 576.3 Procedures

a. Developing Suggestions - Employees are encouraged to seek the assistance and advice of their supervisors in developing and drafting their suggestions for submission. Supervisors should give every encouragement to employees to make suggestions for improving operations. One effective way of encouraging employees is to acquaint them with specific problems for which the supervisor is seeking solutions, and then invite their attention to ways of correcting the problem.



b. Submitting/Reviewing Suggestions

(1) A memorandum or an Employee Suggestion Form (OF-163) in duplicate should be used in submitting suggestions.

(2) Suggestions may be reviewed by the supervisor or sent directly to the Executive Secretary of the Incentive Awards Committee.

(3) The Executive Secretary will review the suggestions and forward them to the responsible Office for evaluation.

(4) The Director for Broadcasting or his/her designee, will exercise final approval authority.

(5) Award nominations in excess of \$10,000 must use the procedures described in paragraph 573.2.

c. Validity of Suggestions

(1) Suggestions that contribute directly to economy or otherwise help directly to carry out specific operations of Broadcasting will be eligible for cash awards. These will include ideas that save money, staff hours, material, supplies, and equipment; ideas that produce a useful change in an operating policy or procedure; ideas that bring about improvement in the quality of a product, activity, or program; and ideas that improve service to the public.

(2) Suggestions that relate directly to improvement in services and benefits provided to employees, to working conditions, maintenance, routine safety practices, and to other aspects of the work environment will not be eligible for cash awards, in most cases. Adoption of a suggestion of this kind which is related primarily to changes in the work environment will be recognized by a letter of commendation to the employee with a copy to his or her personnel file. Only if such an adopted suggestion has particularly broad and significant benefit will a cash award be paid.

(3) A suggestion, new or old, will be considered for an award if it results in an improvement not already under active consideration.

(4) Suggestions submitted for cash awards generally are received by the Executive Secretary of the Incentive Awards Committee before implementation by the evaluating office. However, employee ideas may be submitted to the Executive Secretary as suggestions after evaluation and implementation by the responsible office provided:

(a) The employee submits the suggestion within six months of the effective date of implementation; and

(b) The suggestion is submitted through the evaluating and implementing officer(s) who will provide or confirm any data of actual savings projected on an annual basis, or estimate and evaluate the intangible

benefits, and recommend to the Office of Personnel the amount of award to be made.

(5) A suggestion may be either (a) outside the employee's job responsibilities, or (b) within the employee's job responsibilities but so meritorious as to warrant special recognition. When a suggestion is determined to be within or partially within the employee's job responsibilities, the amount of any cash award may be reduced proportionately from what the award would have been had the contribution been clearly beyond the employee's job responsibilities (e. g., by 25%, 50% or 75%, as appropriate). However, if the contribution benefits other units within or outside of the Agency or other Government agencies and the employee's assigned duties did not require such improvements or changes in these organizations, the employee should receive recognition based on the total benefits to the other organizations or agencies.

(6) Suggestions should contain information on present method, procedure or operation, and its weaknesses, proposed changes or innovation, ways of implementing the change; areas or posts to benefit; cost and tangible savings during the first year of operation if it is within the employee's capability to estimate, or intangible benefits expected from the proposed change.

(7) If the suggestion is meritorious solely or primarily because it will result in savings, these savings must be clearly demonstrable. Savings may be shown in terms of lower unit cost, reduction in cost of operations, combining duties to free personnel for other essential work, elimination of surplus positions, etc. However, reductions in unit costs cannot be considered savings if they are the result of such outside factors as the receipt of less complex work items or the normally expected decrease in unit costs occurring from increased volume, or if they are the result of, or result in, less effective operation or poorer quality of work or service.

(8) The following proposals are not considered valid suggestions:

(a) those that point out a problem without providing a solution;

(b) proposals relating to a personal grievance or problem;

(c) those that have no apparent benefit;

(d) those that are clearly within the job requirements of the employee, such as, proposals to improve working conditions the employee or his or her superior can correct through normal or customary action.

#### d. Action on Suggestions

(1) Acknowledging and Control - The Office of Personnel will acknowledge receipt of the suggestion and will maintain appropriate records on all suggestions.

(2) Investigating and Evaluating - The Office of Personnel will refer copies of the suggestion for evaluation and recommendation to the offices

most knowledgeable on the subject and most concerned with its implications and possible implementation.

(a) Suggestions submitted through the normal procedure will be referred for evaluation upon receipt of the supervisory evaluation by the Office of Personnel.

(b) Employees may request that all identification pertaining to them be removed before the Office of Personnel circulates the suggestion for evaluation. No reason need be given for requesting removal of identification.

(3) Timeliness - Whenever a final recommendation cannot be made to the Office of Personnel within thirty (30) days, the evaluating office should prepare an interim reply stating the reason(s) for the delay and estimating the probable date of completion of the evaluation.

(4) Documenting Suggestion File - Each suggestion file processed will be documented with factual information so as to ensure equitable consideration by the reviewing authorities. Each file will include specific information to show clearly the reasons for the action, favorable or unfavorable.

(5) Reviewing Evaluations - The Office of Personnel will review each suggestion, together with appraisal reports to determine whether the contribution has received fair and impartial evaluation; whether an award is warranted; and, if warranted, that the appropriate award has been recommended by the implementing office.

(6) If a Suggestion Is Not Adopted - If a suggestion is not adopted, the employee will be notified in writing, or orally if appropriate, as to the reasons for non-adoption.

(7) Time Limitation - A two-year period immediately following the date of a decision on a suggestion is designated as the "award entitlement period." If during this period the idea is adopted, the case should be reopened for award consideration. An employee may start a new "award entitlement period" by resubmitting his or her suggestion two years after the previous decision. If the evaluating office does not complete an evaluation and submits an interim reply, the Office of Personnel may so advise the employee. This advisory notice to the employee begins an "award entitlement period" which continues until a recommendation is made or until the expiration of two years from the date of the interim reply, whichever comes first.

(8) Duplicate Suggestions - If the same suggestion is submitted independently by more than one employee, the award will be given to the employee whose suggestion carries the earliest formal receipt date. An award for a suggestion may be given to more than one employee where there is a joint employee participation in the development and submission of the suggestion.

(9) Appeals - There is no "appeal," as such, from the decision not to adopt a particular suggestion. The decision to adopt or not to adopt a

suggestion is a management prerogative and is thus not grievable. However, if a employee can provide new or more information, he or she should request a reevaluation of the suggestion. All persons responsible for reviewing cases should welcome additional information that permits better evaluation of a case.

(10) Records - The Office of Personnel will retain a file on each suggestion for at least two years after final action.

e. Maximum Use of Suggestion - When an employee makes a suggestion that may be of use in another agency, whether or not the contribution is of benefit to Broadcasting, it is sent by the appropriate Office of Personnel to the appropriate agency for evaluation.

576.4 Cash Awards for Suggestions will be paid on the basis of resulting tangible and/or intangible benefits. The employee will be notified of an award by letter and a copy will be placed in his or her Official Personnel Folder for permanent retention and Employee Performance File for a period not to exceed three years. A suggestion award cannot be paid unless an adopting element puts a suggestion into effect or signifies a definite intention to implement a suggestion as soon as it may be practical. Even if adopted in modified form, a suggestion is eligible for an award based upon the contribution involved.

a. Award Recommendations - The adopting organization recommends the amount of an award based upon its estimate of monetary savings or intangible benefits. The basis of the computation must be explicitly stated.

b. Approval and Payment - Award amounts of \$10,000 or less are approved and payment authorized by the Director of Broadcasting.

c. Computing Awards

(1) Tangible Benefits - The amount of an award for a suggestion that results in a monetary saving is based normally on the estimated net monetary saving for the first full year of operation. A cash award will not be made unless the net saving is \$250 or more. When substantial nonrecurring costs are involved in the installation of a suggestion which is useful for a number of years, and if the computation of the award on the basis of the first year saving would result in an inadequate award, the award may be made on the basis of estimated average annual net savings over a period of years. See Exhibit 570B for scale for tangible benefits.

(2) Intangible Benefits - When benefits cannot be expressed in terms of monetary savings, the amount of cash award is determined by the importance of the activity affected by the suggestion, and by the impact of the suggestion on it. The criteria for judgment of intangible benefits are shown in page 2 of Exhibit 570B.

## 577 PRESIDENTIAL AWARDS

### 577.1 Authority and Coverage

a. Under title 5, United States Code, Chapters 45 and 54, the President may pay a cash award to and incur necessary expenses for the honorary recognition of an employee who:

(1) by his or her suggestion, invention or other personal effort contributes to the efficiency, economy, or other improvement of Government operations, or achieves a significant reduction in paperwork; or

(2) performs an exceptionally meritorious special act or service in the public interest in connection with or related to official employment.

b. Presidential awards for Senior Executive Service (SES) members (i.e., Meritorious Executive and Distinguished Executive) are discussed in MOA V-A-1130.

577.2 Nomination Procedure - Nominations for such awards including the President's Award for Distinguished Federal Civilian Service must be submitted through the Director for Broadcasting for approval and submission to the Office of Personnel Management.

577.3 Review by the Office of Personnel Management - The Office of Personnel Management shall review agency recommendations for the President's Award for Distinguished Federal Civilian Service and recommend to the President which career employees should receive this award.

577.4 Determination of Benefits - The Office of Personnel Management has the authority to determine the benefits derived from any suggestion, invention, or other contribution which forms the basis for a Presidential award.

577.5 Payment - A Presidential award is paid by the agency primarily benefiting from the employee contribution.

577.6 Simultaneous Awards - A Presidential award may be in addition to a superior accomplishment award.

#### 578 ANNUAL PROGRAM REVIEW AND ORIENTATION AND TRAINING

578.1 Program evaluations will be conducted annually by the Office of Personnel.

578.2 Periodic orientation and training on the incentive awards program will be provided to all personnel by the Office of Personnel.

Exhibit 570A - Format For Nominations for Honor Awards and Special Act or Service

TO: Executive Secretary, Incentive Awards Committee

FROM: Nominator (Give office symbol. Nomination must be signed.)

NOMINEE: (State official name as it appears on all official documents. If nomination is for a group award, a list of the employees with pay plans and grades must be attached.)

OFFICE:

TITLE AND GRADE:

NOMINATED FOR: (Be specific)

CITATION: (Give a concise three-or-four-line statement (not over forty words) pinpointing the achievement that can be used on the Certificate.)

JUSTIFICATION: The justification for award should be based on actual achievement and must be factual, specific, clear and well documented.

TANGIBLE BENEFITS: Describe any tangible benefits accrued.

AWARDS RECEIVED AND NOMINATIONS MADE OR PENDING, IF ANY: (give details)

COMMENTS AND RECOMMENDATIONS BY REVIEWING OFFICERS:

(date)

(signature and title)

(date)

(signature and title)

ACTION BY HEAD OF OFFICE:

a. Approved:

(date)

(signature)

b. Disapproved:

(date)

(signature)

Exhibit 570B - Computation of Cash Awards for Suggestions, Inventions,  
and Special Acts or Services

a. Tangible Savings

Tangible savings means savings to the Federal Government that can be measured in terms of dollars saved. In assigning a value to any employee contribution, whether of the suggestion or performance type, every effort should be made to determine the tangible savings that may accrue. The savings, for example, of 15 minutes in a particular operation, elimination of 10,000 pieces of paper, and extension of life of equipment by 6 months should be converted into dollars to arrive at the estimated tangible savings.

A cash award is not granted unless the tangible savings have a value to \$250 or more. The amount of a cash award will normally be based on the estimated tangible savings for the first full year of operation in accordance with the following scales:

SCALE FOR MEASURABLE BENEFITS

Estimated First-Year Benefits to Government	Amount of Award
Up to \$10,000-----	10% of benefits
\$10,001 - \$100,000-----	\$1,000 for the first \$10,000, plus 3% of benefits over \$10,000.
\$100,001 or more-----	\$3,700 for the first \$100,000, plus .5% of benefits over \$100,000

Monetary awards may not exceed the above scales.

When there are substantial nonrecurring costs to install an employee contribution which will be useful for a number of years, and if the amount of the award on the basis of the net first-year benefits would result in an inadequate reward, the award may be based on an average of estimated net benefits over a period of years.

b. Intangible Benefits

A cash award may also be made when an employee contribution does not lend itself to appraisal on the basis of tangible benefits. The amount of such cash award is determined on the basis of its value to the agency's operations and importance to the programs affected. There is no substitute for good judgment in determining the amount of a cash award. However, the minimum cash award of \$25 is not granted unless the contribution compares favorably with those receiving the minimum cash award for tangible benefits.

The criteria used for determining degree of benefit from contributions having intangible benefits are as follows:

(1) Exceptional Benefit: Contribution materially affecting substantial or significant phases of Broadcasting's over-all program or of outstanding services in the public interest.

(2) High Benefit: Contribution affecting significant phases of broadcasting's operations or which involve major changes in methods.

(3) Substantial Benefit: Contribution which is an important improvement affecting minor programs, such as safety contributions which prevent disabling injuries or heavy damage to property, or contributions involving important changes in methods or property.

(4) Moderate Benefit: Contribution limited in scope either as to number of employees or nature of program affected. The following scale provides guidance for evaluating intangible benefits:

AMOUNT OF BENEFIT EXTENT OF APPLICATION

Contributor's Immediate Work Area		Several Divisions, Branches, or Sections
Moderate	\$25 - \$100	\$100 - \$250
Substantial	\$100 - \$250	\$250 - \$500
High	\$250 - \$500	\$500 - \$1000
Exceptional	\$500 - \$1000	\$1000 - \$2500
Entire Bureau or Comparable Area		Entire BBG
Moderate	\$250 - \$500	\$500 - \$1000
Substantial	\$500 - \$1000	\$1000 - \$2500
High	\$1000 - \$2500	\$2500 - \$5000
Exceptional	\$2500 - \$5000	\$5000 - \$10,000

c. Tangible Plus Intangible Benefits

Contributions may result in a combination of tangible and intangible benefits. In such cases, the amount of award based on the tangible benefits will be computed first and the appropriate amount for intangible benefits will be added. In every case, the record must reflect the basis on which the award was computed.

d. Monetary Awards for Groups

An award cannot be granted to two or more persons for the same contribution except in group or shared awards. Group awards may be made in shares if each individual in the group made varying contributions; that is, in recognizing a group and supervisor, it may be appropriate to award a larger amount to the supervisor and equal shares to the rest. The total amount of the award generally should be the amount authorized for a



cash award if made to one individual, except that at least the minimum cash award is given to each individual in a group.

Exhibit 570C - Format for Nominations for Annual Broadcasting Awards

TO: Incentive Awards Coordinator

FROM: Nominator

NOMINEE: (State official name as it appears on all official documents. If nomination is for a group award, a list of the employees must be attached.)

OFFICE:

TITLE AND GRADE:

NOMINATED FOR: (Be specific)

CITATION: (Give a concise three-or-four-line statement (not over forty words) pinpointing the achievement that can be used on the Certificate.)

JUSTIFICATION: The justification for award should be based on actual achievement and must be factual, specific, clear, and well documented.

BENEFIT: Describe any tangible or intangible benefits accrued.

AWARDS RECEIVED AND NOMINATIONS MADE OR PENDING, IF ANY: (give details):

COMMENTS AND RECOMMENDATION BY REVIEWING OFFICERS:

(date)

(Signature and Title)  
(Service or Branch Chief)

(date) (Signature and Title)  
(Division Chief)

(date) (Signature and Title)  
(Element Head)

Exhibit 570D - Nomination/Score sheet for Excellence in Programming Awards

I. To be completed by nominating office (Please type.)

Program Title:

Category:

Service:

Nominees: (Please note names submitted are final. No exceptions will be made.)

Length: Cassette Side A:

Cassette Side B:

Broadcast Date:

Division Chief Approval:

II. Rating (to be completed by Excellence in Programming Committee)

Scale: 1-3 Fair 4-5 Average 6-7 Good 8-9 Excellent 10 Superior

CRITERIA

SIGNIFICANCE: (importance, timeliness)

INTEGRITY: (accuracy, objectivity, balance)

CLARITY & WRITING: (editing, sense of order, logic of sequence, organization, composition and approach)

PRODUCTION: (format, design, direction, performance)... or in the case of category 6, provision for these elements

XX

XXXXXXXXXXXXXX

TOTAL SCORE:

SUMMARY RATING: (total score divided by 4)

REMARKS:

Select from one of the listed categories:

1. Correspondent Report/Interview/Backgrounder
2. News Special or Documentary
3. Feature or Special Program
4. Regularly Scheduled Programs or Series
5. Special Events Coverage/Remote Broadcasts
6. Original Script
7. Adaptation of Central Material
8. Music Programs

International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

Material within this Manual of Operations and Administration may no longer be current. To ensure having the most current policy or procedure, please contact the Agency office responsible for the subject matter, e.g., information about performance appraisal, staffing, or compensation should be directed to the Office of Human Resources. For assistance in determining which office to contact, please contact Cathy Brown or Renee Tyrance-Gauff of the Analysis and Administration Division on (202) 203-4664 or feel free to email this staff at [cbrown@bbg.gov](mailto:cbrown@bbg.gov) or [crgauff@bbg.gov](mailto:crgauff@bbg.gov).

MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART V-A PERSONNEL (DOMESTIC), 500 EMPLOYEE BENEFITS, CONDUCT AND RESPONSIBILITIES

580 EEO PROCESS

581 Witnesses and Representatives in the Federal EEO Process

The procedures outlined here relate specifically to the processing of individual and class complaints of discrimination that include the provisions in section 1614.105 through 1614.110 and in section 1614.204. These procedures should be consistent with all other applicable provisions and the instructions for complaint processing contained in the commission's Management Directives (MD). These MD's will serve as a primary document for processing complaints.

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EQUAL EMPLOYMENT OPPORTUNITY REPORTING REQUIREMENTS

CHAPTER 1

DELEGATION OF AUTHORITY

I. INTRODUCTION

In order for the agency to implement a continuing affirmative employment

program to promote equal employment opportunity and to identify and eliminate discriminatory practices and policies, the agency shall appoint a Director of Equal Employment Opportunity, who shall be under the immediate supervision of the agency head. 29 C.F.R. § 1614.102(b)(3).

#### II. DIRECTOR OF EEO MUST HAVE INDEPENDENT AUTHORITY

Agencies must avoid conflicts of position or conflicts of interest as well as

the appearance of such conflicts. For example, the same agency official(s) responsible for executing and advising on personnel actions, may not also be

responsible for managing, advising, or overseeing the EEO pre-complaint or complaint processes. Those processes generally challenge the motivations and

impacts of personnel actions and decisions. In order to maintain the integrity

of the EEO investigative and decision making processes, those functions must be

kept separate from the personnel function.

Agencies should also be cautious of excessive intrusion on the investigative

and deliberative processes of EEO complaint resolutions by agency representatives and offices responsible for defending the agency against complaints. Maintaining some distance between the fact-finding and defensive

functions of the agency enhances the reliability of the EEO office and the integrity of the EEO complaints process. Legal sufficiency reviews of EEO matters are best handled by a functional unit apart from the unit which handles

agency representation in EEO complaints. This is suggested by the Commission

because impartiality or the appearance of impartiality is important to the credibility of the equal employment program.

For example, it would be excessively intrusive for the individual who represented the agency in an equal employment hearing to have authority to approve decisions with respect to resolution in the same or related cases. It

may also be improper for members of the functional unit of the office where the

representative is employed to have the legal sufficiency function with respect

to cases in which a colleague served as agency representative.

#### III. AUTHORITY TO DELEGATE OTHER FUNCTIONS

The agency, through the Director of Equal Employment Opportunity, shall have

the authority to designate Equal Employment Opportunity Officer(s) and such

Special Emphasis Program Managers, clerical and administrative support as may

be necessary to carry out the functions described in Part 1614 in all organizational units of the agency and at all agency installations.

29 C.F.R. § 1614.102(b)(3).

Special Emphasis Program Managers may include managers of the Program for People with Disabilities, the Federal Women's Program, Hispanic Employment Program and such other programs as may be required by the Office of Personnel

Management or the particular agency.

An agency head may delegate authority under this part to one or more designees.

§ 1614.607.

#### IV. EEO OFFICIALS CANNOT SERVE AS REPRESENTATIVES

EEO counselors, EEO officers, and EEO program managers have vital roles in the

resolution of discrimination complaints and to operate effectively they must

have the confidence of both the agency and the employees. It is inconsistent

with their neutral roles for EEO counselors, EEO officers, and EEO program managers to serve as representatives for agencies or complainants.

Therefore,

EEO counselors, EEO officers, and EEO managers cannot serve as representatives

for complainants or for agencies in connection with the processing of discrimination complaints. See generally, 29 C.F.R. § 1614.605(c) (disqualification of representatives for conflict of duties).

## CHAPTER 2

### EQUAL EMPLOYMENT OPPORTUNITY COUNSELING

#### I. INTRODUCTION

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. This section of the management directive prescribes Commission guidance and procedures to be followed by EEO counselors when presented with both individual and class allegations of discrimination.

(1) While recognizing that each agency will have its own techniques for counseling, the Commission has compiled a guide of step-by-step techniques for

counseling that may be used by agencies in developing or refining their own

procedures. (See Attachment A.) EEO counseling is an essential part of the Federal system for processing and resolving employee and applicant EEO concerns. The opportunity for informal resolution at an early stage is an

important feature of the counseling stage. If resolution is not achieved, the counselor plays a vital role in ensuring prompt and efficient processing of the formal complaint. The EEO counselor has six clearly defined duties that must be performed for each completed counseling action where an informal resolution is not achieved. The six duties are:

1. Advise the aggrieved person about the EEO complaint process under 29 C.F.R. Part 1614 and possible election requirements;
2. Determine the issue(s) and basis(es) of the potential complaint;
3. Conduct a limited inquiry for the purposes of furnishing information for settlement efforts and determining jurisdictional questions if a formal complaint is filed;
4. Seek a resolution of the matter at the lowest possible level;
5. Document the resolution or advise the complainant of his/her right to file a formal discrimination complaint if resolution fails; and
6. Prepare a report sufficient to determine that required counseling actions have been taken and resolve any jurisdictional questions that may arise.

## II. PROVIDING ADVICE TO THE AGGRIEVED PERSON

### A. Provide Required Written Notice.

1. At the initial counseling session or as soon as possible after, the counselor must provide the aggrieved person written notice of the following:
    - a. The right to have the counselor refrain from revealing the identity of the aggrieved person except when authorized by the aggrieved person.
    - b. The right to representation throughout the complaint process including the counseling stage.
    - c. The possible election requirement between a negotiated grievance procedure and the EEO complaint procedure.
- Where an agency is covered by 5 U.S.C. § 7121(d) and where the negotiated procedure and the statute (2) cover the alleged discrimination, the aggrieved individual is required to elect either: (1) the statutory procedure for discrimination (the internal agency EEO process) or (2) the negotiated grievance procedure, but not both.
- d. 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.

The complainant has 20 calendar days from the date of the alleged discriminatory act to file a mixed case appeal with the Merit Systems Protection Board and 15 calendar days from the date of a counselor's notice of final interview or 30 calendar days after the initial EEO counselor contact to

file a formal mixed case EEO complaint. (S)he may not file both an MSPB appeal and an EEO complaint on the same matter. The process selected first is deemed the elected process.

e. 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 (s)he wishes to file a formal complaint at the conclusion of counseling.

f. 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, pursuant to section 1614.201(a).

g. 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.(3)

h. 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.

i. The right to go to U.S. district court 180 calendar days after filing a formal complaint or 180 days after filing an appeal.

j. 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.

k. The duty to keep the agency and EEOC informed of current mailing address and

to serve copies of appeal papers on the agency.

l. 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: (1) the right to

file a formal individual or class complaint within 15 calendar days of receipt

of the notice, (2) the appropriate official with whom to file a formal complaint, and (3) 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 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.

m. Only the same or like and related matters raised at the counseling stage may be the subject of a formal complaint.

n. The time frames in the complaint process.

o. The class complaint procedures and the responsibilities of a class agent, if

the aggrieved person informs the EEO counselor that (s)he wishes to file a class complaint.

2. The counselor must conduct a final interview with the aggrieved person within 30 days of initial contact unless the aggrieved person and the agency

through the EEO Director or his/her designee agree in writing to an extension

of counseling for up to an additional 60 days. Where the agency or the unit of

the agency where the counseling occurs has an established alternative dispute

resolution procedure and the aggrieved individual agrees to participate in the

procedure, the pre-complaint processing period shall not exceed 90 days.

3. The counselor must provide the aggrieved person with a written notice of

final interview at the conclusion of counseling. The notice will provide instructions on how to file a formal complaint (including a class complaint)

and specify that such a complaint must be filed within fifteen (15) calendar

days of receipt of a notice of final interview.

4. If counseling continues beyond thirty (30) days, the counselor must inform

the complainant that (s)he has the right to file a formal complaint after thirty (30) days in counseling, regardless of whether counseling has been completed.

B. Provide Other EEO Complaint Information to the Aggrieved Person.

In addition to providing a written notice as outlined above, the counselor should explain the requirements for initiating a formal complaint. If the complainant raises class issues, the counselor should explain the class procedures or refer the person to a counselor trained in class procedures.

1. Aggrieved Person Must Contact EEO counselor.

All persons who believe they have been discriminated against because of race,

color, religion, sex, national origin, age, handicap or reprisal for opposing

any practice made unlawful by Title VII, the ADEA, the EPA, or the Rehabilitation Act or for participating in any stage of administrative or judicial proceedings under those statutes, must first make contact with an EEO

counselor to receive counseling before filing a formal complaint of discrimination. The counselor must make whatever inquiry into the matter (s)he

believes necessary and seek resolution of the matter on an informal basis.

## 2. Time Limits.

A person who believes (s)he 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 time limit to permit timely contact

when:

a. the aggrieved person shows that (s)he was not notified of the time limits and

was not otherwise aware of them; or

b. (s)he did not know and reasonably should not have known that the matter or

personnel action occurred; or

c. despite due diligence, (s)he was prevented by circumstances beyond his/her

control from contacting a counselor within the time limits; or

d. other reasons considered sufficient by the agency or Commission as are found

to exist. All time limits in part 1614 are subject to waiver, estoppel, and

equitable tolling. Where these exceptions are invoked, agency legal counsel

should be consulted for guidance.

## 3. Class Agent Must Contact EEO Counselor.

The regulatory requirements for class complaints at 29 C.F.R.

§ 1614.204 provide a different structure for class complaints than for individual complaints. For class complaints there is a three-stage process.

The

first stage is the establishment of a class complaint. At this stage, the class

agent is required to seek counseling from an agency EEO counselor. The second

stage is a determination on the merits of the class complaint. The third stage

is the determination of the claims for relief of the individual class members.

A class is defined as a group of employees, former employees, or applicants who

are alleged to have been adversely affected by an agency personnel policy or

practice which discriminates against the group on the basis of their common

race, color, religion, sex, national origin, age, or handicap.

The aggrieved person comes to the EEO counselor as a class agent representing

the group. A class allegation must be brought to the attention of an EEO counselor by a class agent within 45 days of the date that the specific policy

or practice adversely affected the class agent or, if a personnel action, within 45 days after its effective date. Extensions of time should be

considered by the agency pursuant to the guidance in section II.B.2. above.

A person must seek class counseling just as (s)he would for individual complaints. However, the facts must be framed to meet the requirements of section 1614.204.

C. Provide Information On Special Procedures as Required.

Depending upon the facts and circumstances of the particular case, an aggrieved

person may have options other than the part 1614 procedure available in pursuit

of a discrimination claim. The individual, in some cases, may have to elect the

process (s)he wishes to pursue. These so-called "special procedures" apply in

age discrimination complaints, mixed case complaints, Equal Pay Act complaints

and matters where a negotiated grievance procedure could apply.

It is crucial, therefore, that the EEO counselor be familiar with those special

procedures and be able to identify such cases when the aggrieved person first

seeks counseling. Unless the counselor is able to identify a special case and

advise the aggrieved person fully on the procedures, the aggrieved person will

not be able to make informed decisions concerning his/her case. Experience has

shown that sometimes aggrieved persons are given incomplete or incorrect information concerning the applicable procedures. Since aggrieved persons rely

on the knowledge and advice of counselors, counselors must know the procedures

and must be able to counsel aggrieved persons accordingly.

1. Negotiated Grievance Procedures in Collective Bargaining Agreements. (4)

a. Aggrieved Person Makes Election.

At the initial counseling session, the counselor must inform the aggrieved person of the possible applicability of the election of remedies

provisions

from the Civil Service Reform Act of 1978, 5 U.S.C. § 7121(d), concerning negotiated grievance procedures.

(1) In order for an aggrieved person to be covered under 5 U.S.C. § 7121(d),

both of the following conditions must be met:

(a) (S)he must be employed in a Federal agency subject to the provisions of 5

U.S.C. § 7121(d); and

b) (S)he must be covered by a collective bargaining agreement at the agency

where the grievance arises. The agreement must also permit allegations of discrimination to be raised in the negotiated grievance procedure.

2) If these conditions are met, then the counselor must inform the aggrieved

person that 5 U.S.C. § 7121(d) applies. This means that the aggrieved person

must be informed of the requirement that (s)he choose one, (not both) of the

following:

a) a right 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

b) a right to have his/her allegations of discrimination addressed under 29

C.F.R. Part 1614.

3) An election to proceed under 29 C.F.R. Part 1614 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 29 C.F.R. Part 1614.

4) Allegations of discrimination that are raised by employees not covered by

section 7121(d) are to be processed as EEO complaints under 29 C.F.R. Part 1614

regardless of whether they are also pursuing a grievance on the same matter

(e.g. a five day suspension from work) under a collective bargaining agreement

not covered by section 7121(d).(5)

a) Under section 1614.301(c), the complaint may be held in abeyance while the

grievance on the same matter is processed. The abeyance shall terminate without

further notice upon the issuance of a final decision on the grievance. The complaint may be held in abeyance only if the aggrieved is provided written

notice of the abeyance.

The notice of abeyance shall state that the abeyance is instituted pursuant to

section 1614.301(c) and that time limits for processing the complaint contained

in section 1614.106 and for appeal to the Commission contained in section 1614.402 will also be held in abeyance until fifteen (15) days following the

issuance of the final decision on the grievance.

(b) If the EEO complaint is held in abeyance, the time limits for processing

are tolled until a final decision is rendered in the grievance process.

b. Election is Final.

Pursuant to section 1614.301, EEO counselors are required to inform an aggrieved person that once (s)he decides which forum she will use - the negotiated grievance procedure in a collective bargaining agreement covered by

section 7121(d) or 29 C.F.R. Part 1614 - the aggrieved person is precluded from

using the other forum to address the same matter. This

preclusion holds regardless of whether discrimination is actually raised.

For

example, if an aggrieved person elects to have a matter involving a claim of discrimination addressed under the terms of a collective bargaining agreement

by filing a grievance, (s)he could not also file a formal complaint of discrimination under 29 C.F.R. Part 1614 on the same matter. This bar to a subsequent formal EEO complaint would hold true even if the grievance omitted

the allegations of discrimination.

If an agency issues a decision rejecting the grievance either because the individual is not covered by the collective bargaining agreement, the collective bargaining agreement does not contain a provision that allows allegations of discrimination to be raised in the grievance process, or because

the grievance was untimely filed, the agency shall include appeal rights to the

EEOC. The case shall be processed as a complaint under part 1614. 29 C.F.R. §

1614.301(b).

#### c. Appeals

The complainant has the right to appeal a final decision on his/her grievance

to the Commission as provided in subpart D of 29 C.F.R. Part 1614.

#### 2. Mixed Cases.

##### a. MSPB Mixed Case Complaints and Appeals.

In addition to negotiated grievance procedures, 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 Merit Systems Protection Board (MSPB). Two criteria determine whether a case is

a mixed case:

(1) the employee has standing to file an appeal to the MSPB. The following employees generally have a right to appeal to the MSPB: (6)

(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; and

2) the matter which forms the basis of the discrimination complaint can be appealed to the MSPB. 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.

b. Choosing a Forum.

If both criteria for a mixed case are met, the EEO counselor must notify an

aggrieved person that (s)he must choose the forum in which (s)he 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 (see section C.1. above).

1) Federal agencies are initially responsible for identifying mixed cases and

for advising aggrieved persons of their right to pursue the matter as a mixed

case complaint or as a mixed case appeal. Federal agencies must identify mixed

cases early in order to ensure that aggrieved persons are fully informed of

their complaint processing options.

2) 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 29 C.F.R. Part 1614 ("mixed case

complaint"), but not both. Whichever action the employee files first is considered an election to proceed in that forum.

3) An election to proceed under 29 C.F.R. Part 1614 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 29 C.F.R. Part 1614.

4) If an employee chooses to file an appeal with the MSPB on a mixed case, the

agency must thereafter dismiss any subsequently filed complaint on the same

matter, regardless of whether the allegations of discrimination are raised in

the appeal to the MSPB. Upon dismissal, the agency must advise the employee to

raise the allegations of discrimination in connection with his/her appeal to

the MSPB.

5) Where the agency disputes MSPB jurisdiction, the agency shall notify the complainant that it is holding the mixed case complaint in abeyance until the MSPB's administrative judge rules on the jurisdictional issue. During this period, all time limitations for processing or filing will be tolled. An agency decision to hold a mixed case complaint in abeyance is not appealable to EEOC.

If the MSPB administrative judge finds that MSPB has jurisdiction over the matter, the agency shall dismiss the mixed case complaint under 1614.107(d).

6) If the employee elects to file a mixed case complaint under 29 C.F.R. Part 1614, the agency must process the complaint in a manner substantially similar to any other discrimination complaint, 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.

c .Constructive Discharge.

A discriminatory constructive discharge occurs when the employer discriminatorily creates working conditions which are so difficult, unpleasant, or intolerable that a reasonable person in the aggrieved person's position would feel compelled to resign. In other words, the aggrieved person is essentially forced to resign under circumstances where the resignation is tantamount to the employer's termination or discharge of the employee. Similarly, in coerced or involuntary retirement cases, the aggrieved person alleges that (s)he was essentially forced to retire, for example, because of age, and the retirement decision was not voluntary.

## CHAPTER 3

### SPECIAL PROCEDURES FOR RELATED PROCESSES

#### I. INTRODUCTION

As set out in Chapter 2, Section V, special procedures apply to certain related

processes. The relationship between 29 C.F.R. Part 1614 complaints, Merit Systems Protection Board (MSPB) actions, grievances pursuant to negotiated grievance procedures, notices of intent to sue in Age Discrimination in Employment Act (ADEA) complaints and the alternative available in Equal Pay Act

(EPA) complaints are set out more specifically here. All time frames in this

chapter are expressed in calendar days.

## II. PROCESSING MIXED CASE COMPLAINTS AND APPEALS -- 29 C.F.R.

§ 1614.302

### A. Definitions

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.

### B. Procedures

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, i.e., (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.

#### 1. Standing

a. the following employees generally have a right to appeal to the MSPB and, therefore, to initiate a mixed case complaint or appeal: (1

- 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).

b. The following employees generally do not have a right to appeal to the MSPB:

- (1) probationary employees (but see 5 C.F.R. § 315.806 under certain circumstances, discrimination based on party affiliation, marital status, procedural deficiencies),
- 2) non-appropriated fund activity employees, and
- 3) employees serving under a temporary appointment limited to one year or less.

#### 2. Appealable Matters

a. 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.

b. See Attachment A for a more complete listing of appealable actions.

### 3. Election to Proceed is Required

a. 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 as an

EEO complaint with the agency, but not both.

b. Whatever action the individual files first is considered an election to proceed in that forum. Filing a formal EEO complaint constitutes an

election to

proceed in the EEO forum. Contacting an EEO counselor or receiving EEO counseling does not constitute an election.

c. Where an aggrieved person files an MSPB appeal and timely seeks counseling,

counseling may continue pursuant to section 1614.105, at the option of the parties. In any case, counseling must be terminated with notice of rights pursuant to section 1614.105(d), (e), or (f).

### 4. Procedures for Handling Dual Filing

a. Where the agency does not dispute MSPB jurisdiction:

If an individual files a mixed case appeal with the MSPB before filing a mixed

case complaint with the agency, and the agency does not dispute MSPB jurisdiction, the agency must thereafter dismiss any complaint on the same matter, regardless of whether the allegations of discrimination are raised in

the appeal to the MSPB.

The agency must advise the complainant that (s)he must bring the allegations of

discrimination contained in the dismissed complaint to the attention of the

MSPB, pursuant to 5 C.F.R. § 1201.155.

The agency final decision dismissing the complaint must advise the complainant

of the right to petition EEOC to review the MSPB's final decision on the discrimination issue. An agency decision to dismiss a mixed case complaint is

not appealable to the Commission except where it is alleged that section 1614.107(d) has been applied to a non-mixed case matter.

b. Where the agency or the MSPB administrative judge questions MSPB jurisdiction:

The agency shall hold the mixed case complaint in abeyance until the MSPB's administrative judge rules on the jurisdictional issue, notify the complainant that it is doing so, and instruct him/her to bring the discrimination allegation to the attention of MSPB. During this period, all time limitations for processing or filing the complaint will be tolled. An agency decision to hold a mixed case complaint in abeyance is not appealable to EEOC. If the MSPB's administrative judge finds that MSPB has jurisdiction over the matter, the agency shall dismiss the mixed case complaint and advise the complainant of the right to petition EEOC to review MSPB's final decision on the discrimination issue. If the MSPB administrative judge finds that MSPB does not have jurisdiction over the matter, the agency shall recommence processing of the mixed case complaint as a non-mixed case EEO complaint.

c. Where a complainant files with the agency first:

If an employee first files a mixed case complaint at the agency and then files

a mixed case appeal with the MSPB, the agency should advise MSPB of the prior

agency filing and request that the MSPB dismiss the appeal without prejudice.

d. Where a complainant has pending a non-mixed case complaint or a series of

non-mixed case complaints and the matters raised in those complaints lead to an

appeal on a matter that is appealable to the MSPB. (2)

If the agency believes that the non-mixed case complaint(s) are sufficiently

related to the subsequent mixed case complaint, such that the mixed case matter

cannot be adjudicated without also adjudicating the non-mixed matters, the agency must notify the complainant in writing that the filing of a mixed case

appeal may terminate the processing of the non-mixed cases and that the non-mixed matters will be consolidated with the mixed case appeal.

The agency may file with the MSPB a motion to consolidate the non-mixed case

matter with the mixed case appeal. Upon filing the motion, the non-mixed case

complaints will be held in abeyance pending a decision by the MSPB Administrative Judge on the agency's motion. If the MSPB Administrative Judge

should fail to consolidate the non-mixed case complaints, they shall be processed pursuant to section 1614.106, et seq. Time for processing will commence to run without notice, fifteen (15) days following the decision denying jurisdiction. The time periods are to run from the time processing ceased. This means that if processing of the non-mixed matter ceased on the

70th day, the count of days will begin with day 71.

5. Processing Where MSPB Dismisses a Mixed Case Appeal Because it Finds no Jurisdiction, (i.e., The case is not appealable to MSPB and thus not mixed)

If the individual files a mixed case appeal with MSPB and MSPB subsequently

dismisses the appeal as non-jurisdictional, the agency must inform the individual that (s)he may contact a counselor within forty-five (45) days to

raise the discrimination claim(s) and that the filing of the mixed case appeal

will be deemed to be the date the individual initially contacted the counselor.

If the individual filed the appeal after the agency issued an agency final decision on the mixed case complaint or after the agency failed to issue a final decision on the mixed case complaint within 120 days, the agency must

provide the complainant a thirty (30) day notice of right to elect a final decision with a hearing or an immediate final decision by the agency pursuant

to section 1614.110 and thereafter proceed as in a non-mixed case.

6. Processing Mixed Case Complaints Filed at the Agency

If an employee elects to file a mixed case complaint, the agency must process

the complaint in the same manner as it would any other discrimination complaint, except :

a. Within forty-five (45) days following completion of the investigation, the

agency must issue a final decision.

b. Upon the filing of a complaint, the agency must advise the complainant that

if a final decision is not issued within one hundred and twenty (120) days of

the date of filing the mixed case complaint, the complainant may appeal the

matter to the MSPB at any time thereafter, as specified in 5 C.F.R. § 1201.154(a), or may file a civil action as specified in section

1614.310(g),

but not both.

c. Also upon the filing of a complaint, the agency must notify the complainant

that if (s)he is dissatisfied with the agency's final decision on the mixed

case complaint, (s)he may appeal the matter to the MSPB (not the EEOC) within

twenty (20) days of receipt of the agency's final decision.

d. Upon issuance of the agency's final decision on a mixed case complaint, the

agency must advise the complainant of the right to appeal the matter to the

MSPB (not EEOC) within twenty (20) days of receipt of the notice and of the

right to file a civil action as provided in section 1614.310(a).

III. NEGOTIATED GRIEVANCE PROCEDURES IN COLLECTIVE

BARGAINING AGREEMENTS

A. Where Agency is Covered by 5 U.S.C. § 7121(d).

The election to proceed under the negotiated grievance procedure or under part

1614 is set out in this Management Directive in Chapter 2 (EEO Counseling). The

underlying principle is that an aggrieved employee who has a choice of forums

in which to proceed cannot go forward in more than one forum (unless the employing agency is exempt from coverage of 5 U.S.C. § 7121(d)). This is true

"irrespective of whether the agency has informed the individual of the need to

elect or of whether the grievance has raised an issue of discrimination."

§

1614.301(a).

If an employee first files a grievance and thereafter files a complaint of discrimination on the same matter, the complaint must be dismissed without prejudice to the complainant's right to proceed through the negotiated grievance procedure, including the right to appeal to the Commission from a

final decision as provided in subpart D of part 1614 (Appeals and Civil Actions). The dismissal of the complaint must advise the complainant of the

obligation to raise discrimination allegations in the grievance process and of

the right to appeal the final grievance decision to the Commission. §

1614.301(a).

An individual is not prohibited from filing a grievance alleging a non-EEO discrimination matter and a complaint at the same time.

B. Where Agency is not Covered by 5 U.S.C. § 7121(d).

1. The U.S. Postal Service and the Tennessee Valley Authority are examples of

two agencies not covered by 7121(d). In such agencies, aggrieved persons may

file a complaint pursuant to part 1614 and may also file a grievance pursuant

to a collective bargaining agreement where the agreement provides for filing

complaints of discrimination on the same bases as part 1614.

2. In such agencies, complaints filed pursuant to part 1614 may be held in abeyance where a grievance is filed on the same matter, if written notice of

the abeyance is provided.

3. Complaints may be held in abeyance until a final decision is issued on the

grievance.

#### IV. PROCESSING NOTICES OF INTENT TO SUE UNDER AGE

##### DISCRIMINATION IN EMPLOYMENT ACT

It is incumbent upon Federal agency personnel responsible for processing discrimination complaints to inform complainants or potential complainants of

the unique nature of age discrimination complaints and the following procedures

available to them in pursuing an age discrimination complaint.

#### A. Election of Administrative Process

An aggrieved person may file an administrative age discrimination complaint with the agency pursuant to 29 C.F.R. Part 1614. If the aggrieved person elects to file an administrative complaint, (s)he must first exhaust administrative remedies before (s)he may file a civil action in U.S. district court. Exhaustion in an age 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. See also chapter 8, sections II and III.

#### B. Aggrieved May Bypass Administrative Process

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 Commission with a written notice of intent to sue under the ADEA. The notice to the Commission 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 Commission, the aggrieved person must wait at least thirty (30) days before filing a civil action.

#### C. Responsibilities Regarding Notices of Intent to Sue

The following is a statement of the procedures and a delineation of the responsibilities on the part of the aggrieved person, the Commission, and the agency with respect to the filing and processing of notices of intent to sue under the ADEA.

##### 1. The Aggrieved Person

It is the responsibility of the aggrieved person to provide the Commission with a written notice of intent to sue within one hundred and eighty (180) days of the date of the alleged discriminatory action.

a. 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  
hand delivered to:

Equal Employment Opportunity Commission  
Office of Federal Operations  
Federal Sector Programs  
1801 L Street N.W.  
Washington, D.C. 20507  
or facsimile sent to:  
(202) 663-7022

b. 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.

## 2. The Commission

Upon receipt of a notice of intent to sue, the Commission will promptly notify the concerned 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. Commission

contact with the concerned agency will normally be through the agency headquarters level Office of Equal Employment Opportunity or similarly designated office, as the case may be. A copy of the Commission's notification

will be provided to the aggrieved person and/or his/her representative, if any.

Additionally, the Commission will take any appropriate action to ensure the elimination of any unlawful practice.

Where an aggrieved person files a civil action before the agency has completed

its inquiry, or before the Commission has reviewed the agency's disposition,

the Commission will close the matter and will take no further action on the notice of intent to sue.

## 3. The Agency

Upon receipt of a notice of intent to sue, an 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

particular agency and may vary depending on the scope and complexity of the

allegations. Agencies are encouraged to make good faith efforts to resolve the matter.

## V. EQUAL PAY ACT COMPLAINTS

Equal Pay Act (EPA) complaints will be administratively processed like Title

VII complaints. The complainants in EPA cases should be notified of the statute of limitations of two years, or three years for a willful violation, and of the right to file directly in Federal district court without first providing notice to the Commission or exhausting administrative remedies.

[Attachment A]

APPEALABLE ACTIONS -- 5 C.F.R.

The counselor should determine whether the individual has appeal rights for the

appealable actions listed below.

Part Action

302 Denial of restoration after recovery from compensable injury of an excepted service employee

315 Termination during probation (under limited circumstances)

317 Certain involuntary reassignments or demotions connected with conversions

to Senior Executive Service

330 Improper application of re-employment priority rights

351 Reduction-in-force

352 Denial of re-employment rights under various circumstances

353 Denial of restoration following military duty; recovery of competitive service employees from certain injuries

432 Reduction-in-grade and removal based on unacceptable performance

531 Denial of within-grade increases

731 Adverse suitability determinations

752 Adverse actions by agencies

-- Removal

-- Suspensions for more than 14 days

-- Reduction-in-grade (demotion)

-- Furloughs for 30 days or less

831 All adverse retirement decisions of OPM except termination of annuity payments

930 Adverse actions involving administrative law judges

[Attachment B] (SAMPLE)

NOTICE OF POSSIBLE APPLICABILITY OF

5 U.S.C. § 7121(d) TO ALLEGED DISCRIMINATORY ACTION

(29 C.F.R. Part 1614)

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 the 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 a 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 are 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 from 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 final 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 those 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 agency or ask the EEO counselor for further information and assistance.

(1) 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 personnel office at the agency or to the MSPB.

(2) This provision is specifically meant to address those situations where a series of events connected in time or type, culminate in termination or appealable disciplinary action against a person with standing to appeal to the MSPB. Example: minor discipline, warnings or other matters which form the basis for a non-mixed case, but ultimately lead to suspension in excess of 14 days or termination which raise mixed case issues.

#### I. AGENCY SHALL ACKNOWLEDGE FORMAL COMPLAINT

Immediately upon receipt of a formal complaint of discrimination, the agency shall acknowledge receipt of the complaint in writing. The acknowledgment shall also inform the complainant of the date on which the complaint was filed and should inform the complainant of the issues alleged. Note that, if the complaint is mailed, the date of filing is the postmark date, not the date the agency received the complaint. The acknowledgment is not appealable. The agencies must also inform the complainant of the issue(s) to be investigated and, if appropriate, that the complaint, or a portion of the complaint, is dismissed. This may be done simultaneously with the acknowledgment. Copies of the acknowledgment and all subsequent actions on the complaint should be mailed or delivered to the complainant's representative.

#### II. THE AGENCY SHALL ALSO PROVIDE OTHER INFORMATION AND NOTICE OF RIGHTS

##### A. Agency Shall Inform the Complainant of the Agency's Obligations

###### 1. To Investigate in a Timely Manner

The obligation to investigate in a timely manner. The investigation must be factually complete, impartial and finished within one hundred and eighty (180) days of filing the complaint or within the time period contained in an order from the Office of Federal Operations on an appeal from a dismissal pursuant to section 1614.107, unless the EEO Office or designee and the complainant agree in writing to an extension of not more than ninety (90) days. See § 1614.108(e).

###### 2. To Process Mixed Cases Timely

The obligation to process mixed cases in a timely manner. With regard to mixed case complaints, if a final decision is not issued on a mixed case complaint within one hundred and twenty (120) days of the date of filing, the complainant may appeal to the Merit Systems Protection Board (MSPB) at any time thereafter pursuant to 5 C.F.R. § 1201.154(b)(2) or may file a civil action as provided in section 1614.310(g), but not both. See § 1614.302(d)(1).

###### 3. Unilateral Extension for Sanitizing Classified Information

The agency may, after providing notice to the complainant, unilaterally extend the time period or any period of extension for no more than 30 days where it must sanitize a complaint file that may contain information classified pursuant to Executive Order 12356 or successor orders as secret in the interest of national defense or foreign policy.

B. Agency Shall Inform Complainant of His/Her Rights

The agency shall ensure that all rights enumerated in Chapters 2 and 3 are provided to every complainant. In addition, the agency shall inform the complainant of the following:

1. The Right to Hearing

The complainant has 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.

2. The Right to Appeal

The complainant has the right to appeal the final decision or dismissal of all

or a portion of the complaint.

a. The notice shall inform the complainant that (s)he may appeal within thirty

(30) days by mail to:

Equal Employment Opportunity Commission

Office of Federal Operations

P.O. Box 19848

Washington D. C. 20036

or hand deliver to:

Equal Employment Opportunity Commission

Office of Federal Operations

Federal Sector Programs

1801 L Street N.W.

Washington, D.C. 20507

or send facsimile to:

(202) 663-7022.

b. The notice shall provide the information at 29 C.F.R. 1614.403 (a)-(d) (Use

of appeal form EEOC Form 573, content of petition, service of copies on agency

EEO director, and certification of delivery).

c. With regard to a mixed case, if the complainant is dissatisfied with the

agency's final decision on the mixed case complaint,

the complainant may appeal the matter to the MSPB, not the EEOC, within twenty

(20) days of receipt of the agency's final decision.

3. The Right to File a Civil Action

The complainant has the right to file a civil action in Federal district court

on matters raised in the administrative process:

a. Within ninety (90) days of receipt of an agency final decision on an individual or class complaint if no appeal has been filed;

b. After one hundred and eighty (180) days from the date of filing an individual or class 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 Commission's final decision on

appeal; or

d. After one hundred and eighty (180) days from the date of filing an appeal

with the Commission if there has been no final decision by the Commission.  
4. See chapter 2, attachment E for detailed list.

#### C. Agency Information for all Witnesses-Including Agency Officials Alleged to

have Discriminated Against the Complainant

Since the Agency officials alleged to have discriminated against the complainant often will be in the best position to articulate the non-discriminatory reason for taking the action complained about, it is particularly important that (s)he fully understand the investigatory process.

To this end, the Agency must ensure that these officials be given formal written notice of their right to representation and what materials are available and accessible in the case file if they are not already provided. This should apply to other witnesses as well to ensure consistent and fair treatment. The above written notice must be delivered each time information is sought by the investigator.

#### III. AGENCY DISMISSAL PROCESS

##### A. Agency Should Process Certain Dismissals Expeditiously

To conserve program resources and program integrity, certain dismissals should

be processed expeditiously. Following are types of dismissals which should be

made early in the administrative process:

##### 1. Untimely Counseling Contact

a. 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.

[\$ 1614.107(b)].

b. The aggrieved person did not contact an EEO counselor within forty-five (45)

days of the discriminatory event or within forty-five (45) days of the effective date of the personnel action [29 C.F.R. § 1614.105(a)(1)], and

1) The aggrieved person did not show that the forty-five (45) day contact period should be extended pursuant to section 1614.105(a)(2). In other words,

(s)he could not establish that (s)he was not notified of the time limits and

was not otherwise aware of them, or did not know and reasonably should not have

known that the matter or personnel action occurred or that despite due diligence was prevented by circumstances beyond his/her control from contacting

a counselor within the time limits, or for other reasons considered sufficient

by the agency or the Commission, and

2) The aggrieved person cannot show other equitable circumstances that mitigate untimely contact. Time limits are subject to waiver, estoppel and equitable tolling under section 1614.604(c).

##### 2. Untimely Filing of the Formal Complaint

The aggrieved failed to file a formal complaint within fifteen (15) days of the

counselor's notice of right to file a formal complaint in an individual

complaint [§ 1614.105(d)] or in a class complaint [§ 1614.204(c)].

### 3. Failure to State a Claim

The aggrieved person failed to state a claim under section 1614.103. A claim

not covered by EEO statutes should be dismissed early. Also, where the improper

agency is named, an early dismissal pursuant to section 1614.106(a) is expected.

B All Agency Dismissals Must Be Accompanied by Reasons for the Action and Must

Cite Section and Subsection of the Commission's Regulations

Following are additional bases for dismissal under 29 C.F.R. Part 1614:

1. The complaint states the same claim that is pending before or had been decided by the agency or Commission except in those cases where a class action

complaint is pending. (1)

[29 C.F.R. § 1614.107(a)]

2. The complainant files a civil action concerning the same matter, at least

one hundred and eighty (180) days after (s)he filed his/her administrative complaint.

[29 C.F.R. § 1614.107(c)]

3. 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.

[29 C.F.R. § 1614.107(c)]

4. The complainant has raised the matter in a negotiated grievance procedure

that permits allegations of discrimination, indicating an election to pursue a

non-EEO process.

[29 C.F.R. § 1614.107(d)]

5. The complainant has elected to appeal the matter to the Merit Systems Protection Board, rather than file a mixed case complaint under section 1614.302.

[29 C.F.R. § 1614.107(d)]

6. The complaint alleges that a proposal to take or a preliminary step in taking a personnel action is discriminatory. (2)

[29 C.F.R. § 1614.107(e)]

7. The complaint is moot.

[29 C.F.R. § 1614.107(e)]

8. The complainant cannot be located provided that reasonable efforts have been

made to locate the complainant and the complainant has not responded within

fifteen (15) days to a notice of proposed dismissal sent to his or her last

known address.

[29 C.F.R. § 1614.107(f)]

9. The complainant has failed to respond to a written "request to provide relevant information or to otherwise proceed" within fifteen (15) days of receipt provided that the request contained notice of the proposed dismissal

and further provided that there is otherwise insufficient available information to adjudicate the matter.

[29 C.F.R. § 1614.107(g)]

10. The complainant refuses, within thirty (30) days of receipt of an agency offer of settlement, to accept the offer, providing that it is an offer of full relief containing a certification from the agency's EEO Director, chief legal officer, or designee reporting directly to the EEO Director or chief legal officer, that the offer constitutes full relief, and providing further that the offer gave notice that failure to accept within thirty (30) days would result in dismissal of the complaint. See section 1614.501 for appropriate relief. See also Chapter 9 on full relief and Handout at Appendix B to Chapter 9.

[29 C.F.R. § 1614.107(h)]

#### C. Processing of Partially Dismissed Complaints

Complainants dissatisfied with the agency's dismissal of all or part of the complaint can immediately appeal from the agency's dismissal. Where an appeal from a partial dismissal is filed, and the dismissal is reversed by the EEOC's Office of Federal Operations, the matter will be sent back to the agency for completion of the investigation. The time frame for completing the investigation of the accepted portion of the complaint will be stayed pending a decision on the appeal. Agencies may, but are not required to investigate the accepted portions of the complaint during this time period. When, on appeal, the dismissal of a portion of a complaint is upheld but the remainder of the complaint is to be processed administratively, the EEOC does not intend to force the complainant to proceed to court on the dismissed portion at that time. The complainant can wait until a final decision is issued by the agency or the EEOC on the merits of the remainder of the complaint and will have 90 days from receipt of that decision to file in Federal district court.

#### D. Allegations of Dissatisfaction Regarding Processing of Pending Complaints

If a complainant is dissatisfied with the processing of his/her pending complaint, whether or not it alleges prohibited discrimination as a basis for dissatisfaction, (s)he should be referred to the agency official responsible

for the quality of complaints processing. Agency officials should earnestly attempt to resolve dissatisfaction with the complaints process as early and expeditiously as possible.

The agency must process complaints alleging discrimination pursuant to part

1614. Where an aggrieved person or participant in the EEO complaints process

alleges that (s)he is treated differently or that (s)he is being adversely affected by a policy or practice having a discriminatory effect on the processing of his/her complaint on a basis protected by the laws which the EEOC

enforces, the aggrieved person must be provided EEO counseling and the opportunity to file a formal complaint.

IV. I INVESTIGATIONS SHALL BE CONDUCTED BY THE AGENCY AGAINST WHICH THE COMPLAINT HAS BEEN FILED.

A. Agency Retains Responsibility

An agency may contract out an investigation or may arrange for another agency

to conduct the investigation, but must remain responsible for the content and

timeliness of the investigation.

B. Investigations Must Be Finished Timely

Investigations must be finished within one hundred and eighty (180) days of

filing a complaint or within the time period contained in an order from the

Office of Federal Operations to investigate a complaint following an appeal

from a dismissal, unless the EEO Officer or designee and the complainant agree

in writing to an extension of not more than an additional ninety (90) days.

C. Investigation Shall be Completed in a Manner Consistent with Chapter 5 of

this Directive

D. What Must Be Done for an Investigation to Be Considered Complete

A timely completed investigation means that within the applicable time period:

4. the complaint must be investigated in a manner consistent with Chapter 5;

5. copies of the investigative file, including a summary (3 of investigation

must be provided to the complainant(s); and

6. a thirty (30) day notice must be given to the complainant informing him of

his/her right to request a hearing, if it is not a mixed case, or of the right

to request an immediate final decision by the agency pursuant to section 1614.110.

V. FINAL DECISIONS

A. Final Decisions Must be Issued Within Sixty (60) Days

The agency shall issue a final decision within sixty (60) days of receiving

notice that a complainant has requested an immediate decision from the agency; within sixty (60) days of the end of the 30-day period for requesting a hearing, if the agency has not received a timely request; or within sixty (60) days of receiving the findings and conclusions of an administrative judge.

B. Final Decisions Shall Include the Following:

1. findings on the merits of each issue in the complaint;
2. appropriate remedies and relief in accordance with subpart E of part 1614 when discrimination is found;
3. notice of right to appeal to the Equal Employment Opportunity Commission (EEOC Form 573, Notice of Appeal/Petition to be attached);

If a mixed case, notice of right to appeal to the MSPB (not the EEOC) within twenty (20) days of receipt of the agency final decision.

4. notice of right to file a civil action in Federal district court;
5. the name of the proper defendant in any such lawsuit; and,
6. the applicable time limits for appeals and lawsuits.

(1) In that case, an individual complaint will be subsumed under the class complaint.

(2) If the individual alleges, however, that the preliminary step was part of a pattern of harassing the individual for a prohibited reason, the complaint cannot be dismissed under this section because the preliminary step has already affected the employee.

(3) See Chapter 5 of this Management Directive for the nature and content of an investigative summary.

## CHAPTER 5

### DEVELOPMENT OF COMPLETE AND IMPARTIAL FACTUAL RECORDS PURSUANT TO 29 C.F.R. PART 1614

#### I. INTRODUCTION

Section 1614.108(b) requires that "the agency shall develop a complete and impartial factual record upon which to make findings on the matters raised by the written complaint." Pursuant to that regulation, this chapter prescribes the Equal Employment Opportunity Commission's standards for completeness and impartiality in factual findings on formal complaints of discrimination. This chapter is intended to ensure that Federal agencies consistently develop sound factual bases for findings on matters raised in equal employment opportunity complaints while retaining the maximum flexibility in the use of fact-finding techniques and in the use of established dispute resolution plans. This directive is not intended as an exhaustive guide for conducting



investigations, but represents the standard that the Commission should expect in an investigation.

## II. CONTENTS OF A COMPLAINT FILE

The complaint file will include the various documents and information acquired during fact-finding under this directive, indexed and tabbed in accordance with the instructions contained in this chapter. The file will include affidavits or statements of the complainant and witnesses, copies (or extracts) of records, policy statements, or regulations of the agency, organized to show their relevance to the complaint or the general environment out of which the complaint arose. It will also include transcriptions, notes, or minutes of proceedings conducted pursuant to this directive along with an investigative summary of the findings.

The complaint file will also include letters, notes, and copies of letters and notes by, to, or from the investigator, the complainant, the EEO staff or counselor concerning the processing of the complaint. It should include a copy of the complaint and any notices of meetings and conferences. However, documentation concerning the substance of attempts to resolve the complaint during informal counseling or during any alternative dispute resolution procedure should not be included in the complaint file.

## III. RESPONSIBILITIES

### A. Director of Equal Employment Opportunity

The Director of Equal Employment Opportunity shall ensure that (1) all issues listed are investigated, (2) that all employees of the agency cooperate in the investigation, and (3) that witness testimony is given under oath or affirmation and without a promise that the information will be kept confidential.

The Director will also ensure that individual complaints are properly and thoroughly investigated and that final decisions are issued in a timely manner

in accordance with 29 C.F.R. § 1614.110.

### B. Equal Employment Opportunity Investigator

The equal employment opportunity investigator is a person officially designated and authorized to conduct inquiries into matters raised in equal employment opportunity complaints. The authorization includes the authority to administer oaths and to require employees to furnish testimony under oath or affirmation without a promise of confidentiality.

### C. Complainant

The complainant must cooperate in the investigation and keep the agency informed of his/her current address. Where the agency has provided the complainant with a written request to provide relevant information or otherwise

proceed with the complaint, coupled with a 15-day notice of proposed dismissal,

a failure to respond could result in dismissal of the complaint. § 1614.107(g).

### IV. INVESTIGATION

An investigation of a formal complaint of discrimination is an official review

or inquiry, by persons authorized to conduct such inquiries or reviews, into

matters raised in an equal employment opportunity complaint.

The investigative process is non-adversarial. That means that the investigator

is obligated to collect evidence regardless of the parties' positions with respect to the items of evidence.

Models for the analysis of common types of discrimination cases appear at Attachment A to this Chapter.

#### A. Methods of Investigation

##### 1. Statement of Issues Accepted

A copy of a statement of the issues accepted for investigation shall be provided to the investigator prior to the commencement of the investigation.

The statement of issue must agree with those issues contained in the acknowledgment letter to the complainant.

##### 2.A Variety of Fact-Finding Techniques Allowed

Investigative inquiries may be made using a variety of fact-finding models, such as the interview or the fact-finding conference, and a variety of devices,

such as requests for information, position statements, exchange of letters or

memoranda, interrogatories, and affidavits. The inquiry/review process may also

incorporate some of the features of a dispute resolution plan.

#### B. Purpose of the Investigation

The purpose of the investigation is to (1) gather facts upon which to base a

determination as to whether an agency subject to coverage under the statutes

which the Commission enforces in the Federal sector has violated

a provision of any of those statutes (1 and (2) if a violation is found, to

have a sufficient factual basis from which to fashion an appropriate remedy.

#### C. General Investigative Requirements

The investigation shall include a thorough review of the circumstances under

which the alleged discrimination occurred, the treatment of members of the complainant's group as compared with the treatment of other similarly situated

employees, and any policies and/or practices which may constitute or appear to constitute discrimination, even though they have not been expressly cited by the complainant. The investigative report must include a section devoted to the articulation of the nondiscriminatory reason for the action alleged to be discriminatory. This must include as a minimum, the articulation of the non-discriminatory reason or reasons given by the Agency official alleged to have committed the discriminatory act or acts. If this specific information is not initially obtained, it must be specifically requested, obtained and included in the investigative report. This section may (and usually will) contain any other defenses articulated by other management officials or witnesses. Any allegation not supported in any way by the facts should be identified as such so that the responsible management official can be exonerated.

#### V. THE ROLE OF THE INVESTIGATOR

##### A. Collecting and Discovering Factual Information

The role of the investigator is to collect and to discover factual information concerning the issues in the complaint under investigation and to prepare an investigative summary.

##### B. Variety of Methods Available

The investigator may accomplish his/her mission in a variety of ways. The investigator may function as:

7. a presiding official at a fact-finding conference,
8. an examiner responsible for developing material evidence,
9. an issuer of requests for information in the form of requests for the production of documents, interrogatories, and affidavits, and/or,
10. a face-to-face interviewer in on-site visits.

##### C. Investigator Must Be Unbiased and Objective

In whatever the mix of fact-finding activity selected for a particular case,

the investigator must be and must maintain the appearance of being unbiased,

objective, and thorough. (S)he must be neutral in his/her approach to factual development. The investigator is not an advocate for any of

the parties or interests and should refrain from developing allegiances to them. In addition, the following rules must be observed:

4. The person assigned to investigate shall not occupy a position in the agency

that is directly or indirectly under the jurisdiction of the head of that part

of the agency in which the complaint arose.

5. The investigator, if a contract investigator, shall not have been hired by

or be obligated to the person(s) involved in the matter(s) giving rise to the

complaint. For example, where the contract monitor of EEO investigation

contracts is alleged to have been involved in discriminatory activity, the use of the usual contract investigator would create an apparent bias because there is at best the appearance that the contract investigator could not be impartial.

6. An agency is prohibited, in some situations, from using its own immediate investigative resources, even though the investigation of discrimination complaints in the Federal service is primarily an agency function and responsibility. In such cases the agency shall use alternatives, such as contract investigators or other outside sources. Such situations include, but

are not limited to:

a) Particularly sensitive cases involving high-level officials (e.g., complainant is an immediate subordinate of the head of the agency and the head

of the agency is alleged to have taken discriminatory action).

b) Potential conflict of interest (e.g., complainant is an employee in the EEO

office and names the EEO director as the person taking the wrongful action).

c) A small agency unable to carry out an unexpected EEO workload (e.g., an

agency with less than 450 employees has

a staff of part-time or ad hoc EEO investigators and is unable to absorb an

additional investigative caseload).

D. Investigator Must Be Thorough

This means identifying and obtaining all relevant evidence from all sources

regardless of how it may affect the outcome.

The investigator need not concern himself/herself with balancing the amount of

evidence supporting the complainant as compared with the amount of evidence

supporting the agency. To ensure a balanced record, it is necessary only to

exhaust all sources likely to support the complainant and the respondent. An

investigation conducted in this manner might reveal

that there is ample evidence to support the complainant's allegations and no

evidence to support the agency's version of the facts, or vice versa.

Nevertheless, this investigation would be complete.

Since Agency officials from the Office of Personnel are often knowledgeable

about sources of relevant/material information or evidence pertaining to individual complaints, the investigator must solicit this input from a designated official in the Office of Personnel as an integral part of every

investigation.

## VI. EVIDENCE

### A. Quality of Evidence

Evidence will be gathered from the complainant, witnesses, and other sources.

In order to support findings and ultimately decisions, this evidence should be

material to the complaint, relevant to the issue(s) raised in the complaint,

and as reliable as possible.

#### 1. Material Evidence

Evidence is material when it relates to one or more of the issues raised in the

complaint or raised by the agency's answer to it. To determine whether evidence

is material, one must look to the allegations of discriminatory conduct and

resultant harm contained in the complaint and the agency's answers to the allegations. If the evidence relates to one or more of those matters, then it

relates to matters at issue and it is material.

#### 2. Relevant Evidence

Evidence is relevant if it tends to prove or disprove a material issue raised

by a complaint. Relevancy and materiality are often used

interchangeably. Generally, relevance is the more important concept in an investigation. If evidence is not relevant, whether it is material is of little

consequence. A test of relevance is to ask, "What does this evidence tend to

prove?" If the answer is that it tends to prove or disprove a proposition that

is related to the complaint, then the evidence is relevant.

#### 3. Reliable Evidence

Evidence is reliable if it is dependable or trustworthy. Evidence should not be

ignored because it is of questionable reliability. Such evidence may lead to

evidence that is reliable.

Some factors to consider in determining whether testimony is reliable are: whether the witness' testimony is based on his/her own experience and personal

knowledge, or based on rumor, hearsay, or innuendo; whether the testimony is a

statement of fact or is merely a conclusion; and whether witnesses have an interest in the outcome of the complaint, or are otherwise biased.

Some factors to consider in determining whether documents are reliable are: whether they were prepared in response to the investigation or whether they are

maintained in the ordinary course of business; whether they are obtained from

the custodian of records or the author of the document; whether they are copies

or original documents and whether the documents are signed and/or dated.

The rules of evidence were designed to set limits on the reliability of documents and testimony entered in evidence in court. Such formal rules

will

not be strictly applied in the collection of evidence for the investigation of Federal equal employment opportunity complaints. Such rules may be used, however, as a guide in assessing the evidentiary weight to be given particular items of evidence.

## B. Types of Evidence

There are many types of evidence which can be obtained on the issues raised in an equal employment complaint. The three basic types of evidence are circumstantial evidence (e.g. comparative evidence or other evidence giving rise to an inference of discrimination), direct evidence, and statistical evidence.

### 1. Comparative Evidence

Comparative evidence must be sought in every case alleging disparity in treatment on a basis protected by a law enforced by the EEOC.

One of the challenges of developing comparative evidence is gathering sufficient evidence to determine whether the comparatives are similarly situated with respect to the complainant. In general, similarly situated means

that the persons who are being compared are so situated that it is reasonable

to expect that they would receive the same treatment in the context of a particular employment decision. It is important to remember that individuals

may be similarly situated for one employment decision, but not for another. For

example, a female GS-4 clerk-typist may be similarly situated to a male GS-7

paralegal in a discrimination case involving the approval of annual leave where

the same rules are applied to both by the same supervisor or where both are in

the same unit or subject to the same chain of command. The investigator would

be obligated to find out whether there were indeed persons, not named by the

complainant but similarly situated, whose treatment could be compared to the

complainant's treatment.

### 2. Direct Evidence

Direct evidence of discrimination consists of facts which reveal that intentional discrimination caused an adverse action without the need to resort

to inference or circumstantial evidence.

Direct evidence is relevant in cases involving disparate treatment where the

question is whether the employer intentionally treated

employees differently because of a protected factor. It is also relevant in

cases involving the effect of policies where the question is whether the policy

disparately treats all employees in the protected class.

Direct evidence is rare. The statement "I would never hire a woman for that job" is direct evidence of discrimination on the basis of sex in hiring.

### 3. Statistical Evidence

Statistical evidence or a survey of the general environment will be conducted as appropriate. For example, this evidence may be probative when allegations involve comparative treatment of groups, as in an allegation of a pattern or practice of discrimination, or the adverse effect of an agency policy or practice.

### C. Sources of Evidence

#### 1. The Complainant

The equal employment opportunity complaint will generally provide the initial information concerning the bases, issues, and incidents which gave rise to the complaint of discrimination. The complaint may also indicate the reason, if any was given, for any adverse employment decision. Additional background and detailed information must be obtained from the complainant and recorded through written questions and answers (interrogatories), recorded interviews (using handwritten notes or verbatim transcription), an exchange of letters or memoranda, or a fact-finding conference. This information should include medical documentation, where necessary. Witness testimony intended to be made a part of the complaint file should be made under oath or affirmation or penalty of perjury.

Volume II of the EEOC Compliance Manual will assist in developing inquiries.

That volume contains substantive topics arranged in sections. Most sections contain advice on what questions to ask when certain issues are raised. The

Commission's Compliance Manual is published commercially and is available at many libraries and at the Commission's district, area, and field offices.

#### 2. The Agency

Information from the agency may be obtained initially through a request for

information. Consult the agency Director of EEO or EEO officer for instructions

concerning to whom to direct the request. The EEOC Compliance Manual, Volume I,

Section 26.3 provides some guidance on developing requests for information. Follow-up information should be obtained in a variety of ways, including further requests, affidavits, interrogatories, or a fact-finding conference.

In most instances, the individual who initiated or enforced the decision about

which the complaint was filed should be interviewed early in the investigation.

His/her reasons for the action will often open other avenues to explore. The designated official from the Office of Personnel also must be solicited for

sources of information and additional witnesses if any.

### 3. Witnesses

Witnesses can be identified by asking the complainant, the official involved in the alleged discriminatory action, or other obvious witnesses if they are aware

of other persons who might have information related to the complaint.

Witnesses

need not be employees at the respondent agency.

a. The EEO staff may be of some assistance in discovering other witnesses, but

they should rarely be witnesses themselves. Their information will usually be

hearsay and their use as a witness would compromise their objectivity. The primary source of the information is required.

b. Witness bias should be noted when it is discovered. The following should be

noted: 1) Favorable feelings toward a party based on a mutual alliance, family

ties, or close friendship; 2) hostility to a party, because of a past disagreement; and 3) self-interest in the outcome of the complaint are some

indicators of potential bias. The indicators should be made a part of the record, and efforts should be made to corroborate the testimony. The weight

accorded the evidence adduced from such witnesses will be governed by the degree to which it can be determined that the bias colored the testimony.

### 4. Documentary Evidence

All relevant documents should be obtained. The complainant, the supervisor, the

manager who took the personnel action, or the personnel office of the agency,

may be sources to help identify relevant documents.

Statistical evidence can usually be obtained through the EEO Office or the personnel office of the agency.

### D. Evidence on the Question of Remedies

Where it appears to an agency that a finding of discrimination is likely, evidence should be gathered from which an appropriate remedy can be fashioned.

This essentially means that a determination of the parameters of full relief

should be made and the appropriate inquiries developed. Agencies should be aware that, during the investigative process, they need to address evidence

that may be used in connection with framing remedies. Evidence on the question

of remedies may include evidence of a complainant's interim earnings or subsequent promotions (in a discharge or non-promotion case) or other mitigating factors. See Chapter 9 on full relief.



## VII. Witnesses and Representatives in the Federal EEO Process

The procedures outlined here relate specifically to the processing of individual complaints of discrimination under section 1614.108. The principles reflected in these procedures, however, should also guide the processing of class complaints of discrimination under section 1614.204.

### A. Disclosure of Investigative Material to Witnesses

#### 1. To the complainant

The complainant must receive a copy of the complaint file and a transcript of the hearing, if a hearing is held.

#### 2. To other witnesses

Agencies may disclose information and documents to a witness where the investigator determines that the disclosure of the information or documents is

necessary to obtain information from the witness, e.g. to explain the allegations in a complaint or to explain a manager's articulated reason for an

action in order to develop evidence bearing on that reason.

#### 3. The Agency Official Alleged to Have Discriminated Against the Complainant

The agency official responsible for allegedly discriminatory activity is a witness and is entitled to no more rights than any other witness. However, since this official is the one who usually bears the burden of articulating the

non-discriminatory reason for taking the action complained against, it is necessary for the investigator to ensure that all information in the complaint

file has been made available so that a thorough defense may be proffered. The

Agency is responsible for remedial action in the event that they determine that

the complainant has been discriminated against illegally. Since the remedial

action could well be against the responsible management official, it is only

fair that (s)he be allowed a full and complete opportunity to provide input and

articulate non-discriminatory reasons on all of the evidence to be used in the

formal investigation.

This has not always been so. On March 13, 1978, The former U.S. Civil Service

Commission, in a Federal Personnel Manual (FPM) Letter 713-42, titled Participation in the Discrimination Complaint Process of Persons Named as "Alleged Discriminatory Officials," set forth guidance on the participation in

the EEO process of persons alleged to have discriminated against complainants.

The EEOC adopted the substance of that guidance on November 29, 1978 [See 43

Fed Reg. 60901]. For many years that guidance controlled the ADO's access to

complaint file information. On October 15, 1987, the EEOC revoked its adoption of several FPM Letters and Civil Service Commission Bulletins, but retained the ADO participation provisions. Then, effective November 30, 1987, the EEOC adopted new EEO complaint procedures which deleted the term and concept of an ADO [52 Fed. Reg. 41920, October 30, 1987]. In the supplementary information, the EEOC expressed the view that an individual who is named or is identified as the person responsible for the action which gave rise to a complaint is a witness whose participation in the complaint process should not be materially different from that of any other witness. After the Commission's deletion of the term and concept of an ADO, some Federal agencies decided to coin new terms for ADO's, such as "Responsible Management Officials", "Responding Management Officials," and others. From a legal standpoint, complaints are filed against Federal agencies as entities regardless of whether a complainant names or identifies the person responsible for the action which gave rise to the complaint. The agency is responsible for remedial action in the event that it is determined that the complainant has been discriminated against illegally. Agencies must determine, on a case-by-case basis, whether individual employees should be disciplined. However the disciplinary matter is a matter separate from whether discriminatory conduct has occurred. The primary purpose of the complaint process is to determine whether discriminatory conduct occurred and not to provide a separate set of rules for agency officials who are identified as being responsible for the actions which gave rise to the allegations of discrimination. The responsible management official should have access to case materials to the extent needed to respond to allegations and give evidence. The agency has the burden of determining what case material may be released in accordance with The Privacy Act. Agencies should treat all witnesses consistently and fairly. They should be fully informed of the nature of a counselor's or an investigator's inquiry and allowed to respond fully to the inquiry and informed of the right to be represented at any stage of the EEO complaint process.

#### B. Travel Expenses

##### 1. Witness Employed by Federal Government

Section 1614.605(f) requires that, when the presence of a witness is required or authorized by agency or Commission officials in connection with a complaint, the witness be in an official duty status. A witness is entitled to travel expenses. If a witness is employed at an agency other than the one against which the complaint is brought and must travel to provide the attestation or testimony, the witness is entitled to reimbursement for travel expenses. The current employing agency of a Federal employee must initially authorize and pay the employee's travel expenses and is entitled to reimbursement from the responding agency which is ultimately responsible for the cost of the employee's travel. Decision of the Comptroller General, Matter of John Booth -

Travel Expenses of Witness - Agency Responsible, File: B-235845, 69 Comp. Gen.

269 (1990).

## 2. Outside Complainant or Applicant Not Employed by Federal Government

The agency is not responsible, however, for paying the travel expenses of an

"outside" complainant or applicant. Although the complainant who, for purposes

of his/her complaint is a witness, may once have been employed by the agency

against whom she/he complains, the termination of the employment status with

the Federal government also terminates any Federal obligation to pay travel

expenses associated with prosecution of the complaint. Decision of the Comptroller General, Matter of: Expenses of Outside Applicant Complainant to

Travel to Agency EEO Hearing, File: B-202845, 61 Comp. Gen. 654 (1982).

## C. Official Time

Section 1614.605 provides that complainants are entitled to a representative of

their choice during pre-complaint counseling and at all stages of the complaint

process. Both the complainant and the representative, if they are employees of

the agency where the complaint arose and was filed, are entitled to a reasonable amount of official time to present the complaint and to respond to

agency requests for information, if otherwise on duty. Witnesses who are Federal employees, regardless of whether they are employed by the respondent

agency or some other Federal agency, shall be in a duty status when their presence is authorized or required by Commission or agency officials in connection with the complaint.

## 1. Reasonable Amount of Official Time

"Reasonable" is defined as whatever is appropriate, under the particular

circumstances of the complaint, in order to allow a complete presentation of the relevant information associated with the complaint and to respond to agency requests for information. The actual number of hours to which complainant and his/her representative are entitled will vary, depending on the nature and complexity of the complaint and considering the mission of the agency and the agency's need to have its employees available to perform their normal duties on a regular basis. Complainant and the agency should arrive at a mutual understanding as to the amount of official time to be used prior to the complainant's use of such time.

## 2. Meeting and Hearing Time

Since most of the time spent by complainants and their representatives during the processing of a typical complaint is spent in meetings and hearings with agency officials or with EEOC administrative judges, and since complainants and their representatives generally have no control over the length of those meetings and hearings, whatever time is spent in such meetings and hearings is automatically deemed reasonable. Stated another way, whenever the presence of a complainant and/or his/her representative is required by an agency or an EEOC official in connection with an investigation or hearing on the complaint, both the complainant and the representative are to be granted official time for the duration of such meetings or hearings and are in a duty status regardless of their tour of duty.

## 3. Preparation Time

Since presentation of a complaint involves preparation for meetings and hearings, as well as attendance at such meetings and hearings, complainants and their representatives are also afforded a reasonable amount of official time, as defined above, to prepare for meetings and hearings. They are also to be afforded a reasonable amount of official time to prepare the formal complaint and any appeals that may be filed with the Commission, even though no meetings or hearings are involved. However, because investigations are conducted by agency or Commission personnel, the regulation does not envision large amounts of official time for preparation purposes. Consequently, "reasonable," with respect to preparation time (as opposed to time actually spent in meetings and

hearings), is generally defined in terms of hours, not in terms of days, weeks, or months. Again, what is reasonable depends on the individual circumstances of each complaint.

#### 4. Aggregate Time Spent on EEO Matters

The Commission considers it reasonable for agencies to expect their employees to spend most of their time doing the work for which they are employed. Therefore, an agency may restrict the overall hours of official time afforded to a representative, for both preparation purposes and for attendance at meetings and hearings, to a certain percentage of that representative's duty hours in any given month, quarter, or year. Such overall restrictions would depend on the nature of the position occupied by the representative, the relationship of that position to the mission of the agency, and the degree of hardship imposed on the mission of the agency by the representative's absence from his/her normal duties. The amount of official time to be afforded to an employee for representational activities will vary with the circumstances. Moreover, section 1614.605(c) provides that, in cases where the representation of a complainant or agency would conflict with the official or collateral duties of the representative, the Commission or the agency may, after giving the representative an opportunity to respond, disqualify the representative. At all times, the complainant is responsible for proceeding with the complaint, regardless of whether (s)he has a designated representative. The Commission does not require agencies to provide official time to employee representatives who are representing complainants in cases against other Federal agencies. However, the Commission encourages agencies to provide such official time.

#### D. Duty Status/Tour of Duty

For purposes of these regulations, "duty status" means the complainant's or representative's normal hours of work.

It is expected that agency and Commission officials will, to the extent practical, schedule meetings and hearings during the complainant's normal working hours and that agency officials shall provide official time for complainants and representatives to attend such meetings and hearings. If meetings and hearings are scheduled outside of the complainant's or the representative's normal work hours, agencies should adjust or rearrange the

complainant's or representative's work schedule to coincide with such meetings

or hearings, or grant compensatory time or official time to allow an

approximately equivalent time off during normal hours of work. The selection of the appropriate method for making the complainant or representative available in any individual circumstance shall be within the discretion of the agency.

Any reasons for an agency's denial of official time should be fully documented and made a part of the complaint file.

Witnesses who are Federal employees, regardless of their tour of duty and whether they are employed by the respondent agency or another Federal agency,

must be in a duty status when their presence is authorized or required by Commission or agency officials in connection with a complaint.

#### E. Use of Government Property

Since the filing of an EEO complaint is a personal matter, the complainant's

use of government property in the processing of the complaint must be authorized by the agency.

### VIII. COMPLAINT FILE

#### A. Contents of the Complaint File

The complaint file will be assembled in a suitable binder, have a title page

(see Appendix B of this chapter), and contain all documents pertinent to the

complaint, including the following:

1. The notice of the EEO counselor to the complainant pursuant to 29 C.F.R. §

1614.105(d).

2. The written report of the EEO counseling efforts pursuant to § 1614.105(c), and any attached documents.

3. A copy of the complaint.

4. Acknowledgment of filing of complaint.

5. If the complaint is withdrawn in whole or in part, or otherwise amended or

changed, the withdrawal or changes must be in writing and signed by the complainant. A copy of the signed withdrawal or change must be made a part of

the complaint file.

6. If adjustment or resolution of the complaint is reached, the terms of the

adjustment or resolution must be reduced to writing and included in the complaint file.

7. A notice of issues to be investigated.

8. A record of any activity before the EEOC, Office of Federal Operations.

9. Evidence collected by the investigator.

10. A summary of the investigation.

#### B. Features of the Complaint File

The completed complaint file shall have the following features:

1. Case Index to documents and exhibits.

2. Tabbed sections for documents, exhibits, and explanatory material.

3. A typed summary of the investigation signed and dated by the investigator

and containing a discussion and analysis of the evidence. See section VIII of

this chapter and volume 2, EEOC's Compliance Manual for further guidance.

#### C. Format for the Complaint File

The following is a suggested format for complaint files.

Binder Heavy-duty cover or binder.

Title Page See Attachment B.

Summary of Investigation / Summary analysis of the facts.

Case Index -The index to the file should list the contents of the file by tab

and sequential page number.

Tab A Tab A should contain the formal complaint and documents submitted by the

complainant. (Individual documents under each tab should be consecutively numbered in addition to being identified as part of the tab. Example A-1,

A-2,

A-3, etc.).

Tab B Tab B should contain the EEO counselor's report and all documents generated in the informal process. Included here should be the notice of right

to file a complaint.

Tab C Tab C should contain the agency's notice of issues to be investigated

pursuant to section IV.A.1. of this chapter. Copies of any other documents bearing on delineation of the issues to be investigated should also be included.

Tab D Tab D should contain documentation of attempts at informal resolution.

Tab E Tab E should contain any documentation of appellate activity and any decisions affecting the processing of the complaint.

Tab F Tab F should contain the evidence and documents in a logical order, with

documents further separated by numerical tabs as necessary.

Tab G Tab G should contain any miscellaneous material.

#### D. Availability of Complaint Files

The complainant and his/her representative shall be entitled to one copy each

of the complaint file and investigative summary at the time that the investigation is completed.

#### E. Disposition of Complaint Files

1. Effective October 1, 1980, the former National Archives and Records Service

revised General Records Schedule 1, Item 26, titled Equal Employment Opportunity Records, to reflect the transfer of the appeals function from the

Office of Personnel Management to the Equal Employment Opportunity Commission.

General Records Schedule 1, Item 26 provides:

26. Equal Employment Opportunity Records.

a. Official Discrimination Complaint Files.

Originating Agency's file containing complaints with related correspondence,

reports, exhibits, withdrawal notices, copies of decisions, records of hearings

and meetings, and other records as described in 29 C.F.R. § 1613.222 [now 29

C.F.R. Part 1614, (2)

Authorized Disposition

Destroy 4 years after resolution of case.

2. The agency originating the equal employment opportunity case will retain the

original ("official") file during the appeals process and send only duplicate

copies of documents to EEOC for use in the appeal. The agency sending the duplicates will certify that the file contains everything that is in the original.

3. EEOC will create documents relating to the appeal, but will file such documents apart from the materials sent by the originating agency. After resolution of the appeal, the Commission will destroy all duplicate materials,

but will retain the appeals documentation for four years. The originating agency will retain the original file for four years after resolution of the

case. EEOC will retain the appeals documentation and will answer Freedom of

Information Act requests on the appeals file. The EEOC will maintain the security of documents as required by Federal Statutes and Executive Orders.

4. The originating agency will be responsible for retiring the original case

file to the Federal Records Center, and answering Freedom of

Information Act requests on the original file. Requests for disclosure, which

the EEOC determines are requests for the agency's complaint file, will be forwarded to the agency for a response.

5. Further information concerning the disposition of records under this section

may be obtained by contacting:

Equal Employment Opportunity Commission

Office of Federal Operations

P.O. Box 19848

Washington, D. C. 20036

Telephone: (202) 663-4517

TDD: (202) 663-4593

#### IX. THE INVESTIGATIVE SUMMARY

The investigative summary is a narrative document which succinctly states the

issues and delineates the evidence addressing both sides of each issue in the

case. The summary should state facts (supported in the complaint file) sufficient to sustain a conclusion(s), but should not state the conclusion(s).

[Attachment A-1]

MODEL FOR ANALYSIS

DISPARATE TREATMENT

PRIMA FACIE CASE

1) Membership in protected group

2) Complainant treated differently from similarly situated employees not in



protected group

a) Were compared employees in same chain of command as Complainant?

b) Were compared employees in same work unit as Complainant?

OR

Is there direct evidence that shows discriminatory intent?

REBUTTAL

What did the agency say was the reason for its treatment of Complainant and

compared employees?

PRETEXT

Is there direct or circumstantial evidence that the agency's reason for its

treatment of Complainant is pretextual?

[Attachment A-2]

MODEL FOR ANALYSIS

HIRING/PROMOTION

PRIMA FACIE CASE

1) Was Complainant a member of a protected group?

2) Was there a vacancy?

3) Did Complainant apply?

4) Was Complainant qualified; was Complainant rejected?

5) Was the vacancy filled? If so, was the selectee a member of Complainant's

protected group?

OR

Is there direct evidence that shows discriminatory intent?

REBUTTAL

What did the agency say was the reason for rejecting Complainant?

PRETEXT

Is there direct or circumstantial evidence that the agency's reason for rejecting Complainant is pretextual?

[Attachment A-3]

MODEL FOR ANALYSIS

DISCHARGE/DISCIPLINARY ACTION

PRIMA FACIE CASE

1 Membership in protected class

2) Qualified for the position he or she was performing

3) Satisfied normal requirements of position

4) Discharged or otherwise disciplined

5) Replaced by an employee outside the protected group or singled out for discharge or discipline while similarly situated employees were retained or not

comparably disciplined

OR

Is there direct evidence that shows discriminatory intent?

REBUTTAL

What did the agency say was the reason for disciplining Complainant?

PRETEXT

Is there direct or circumstantial evidence that the agency's reason for discipline or discharge of Complainant is pretextual? E.g., Did the agency treat other individuals with similar performance problems more favorably than

complainant?

[Attachment A-4]

## MODEL FOR ANALYSIS

### RETALIATION

#### PRIMA FACIE CASE

- 1) Complainant previously engaged in protected activity or opposed unlawful discrimination.
- 2) Agency was aware of Complainant's activity.
- 3) Complainant was contemporaneously or subsequently adversely affected by some action of agency.
- 4) Some nexus exists between Complainant's activity and the adverse employment decision (e.g., the adverse employment decision occurred within such a period of time that a retaliatory inference arises).

OR

Is there direct evidence that shows discriminatory intent?

#### REBUTTAL

What did the agency say was the reason for the adverse employment decision?

#### PRETEXT

Is there direct or circumstantial evidence that the agency's reason for the employment decision is pretextual?

[Attachment A-5]

## MODEL FOR ANALYSIS

### HANDICAP-REASONABLE ACCOMMODATION

#### PRIMA FACIE CASE -- Where Complainant Alleges a Failure to Provide a Reasonable

Accommodation:

- 1) Does complainant have a physical or mental impairment?
  - 2) Does this impairment substantially limit complainant's ability to perform a major life activity (e.g., caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working)? Provide evidence on the activities affected, how they are affected, and the degree to which they are affected (can't do the activity at all, can only do the activity with assist devices or equipment, can only do the activity for a limited period of time, etc.).
  - 3) Does the agency know of the complainant's handicap?
  - 4) Is the complainant otherwise qualified? (i.e., Does the complainant meet the education and experience requirements of the job?)
  - 5) What are the essential functions of the complainant's job?
  - 6) Did complainant request accommodation?
  - 7) What action did the agency take to identify possible accommodation or attempt accommodation? What accommodation, if any, did the complainant suggest?
- What actions did the agency take to consider this accommodation?
- 8) If an accommodation has been identified, will this accommodation enable complainant to perform the essential functions of the job?

9) Did the agency provide an accommodation?

[ATTACHMENT A-5 PAGE 2]

10) What reason has the agency given for its refusal?

11) If the agency contends that a particular accommodation would impose an undue hardship on its operations, are these reasons sufficient to establish an

undue hardship defense given:

a) the overall size of the agency's program (the number of employees, number

and type of facilities and size of budget);

b) type of agency operation (composition and structure of work force);

c) nature and cost of accommodation.

[Attachment A-6]

#### MODEL FOR ANALYSIS

##### HANDICAP-DISPARATE TREATMENT

PRIMA FACIE CASE -- Where Complainant Alleges Disparate Treatment

1) Does complainant have a physical or mental impairment?

2) Does this impairment substantially limit complainant's ability to perform a

major life activity (e.g., caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working)?

Provide

evidence on the activities affected, how they are affected, and the degree to

which they are affected (can't do the activity at all, can only do the activity

with assist devices or equipment, can only do the activity for a limited period

of time, etc.).

3) Does the complainant have a record or history of a substantially limiting

impairment (from which the complainant may have recovered in whole or in part)?

OR

Was the complainant regarded as having such an impairment (whether or not the

complainant has an impairment or a substantially limiting impairment)?

4) Does the agency know of the complainant's handicap?

5) Is complainant qualified to perform the essential functions of the job with

or without reasonable accommodation:

a. Is the complainant otherwise qualified (i.e., does the complainant meet the

educational and experience requirements of the job)?

b. What are the essential functions of the complainant's job?

c. Can complainant perform the essential functions of the job with or without accommodation? If an accommodation is necessary, see Model for Analysis -- Handicap -- Reasonable Accommodation, Attachment A-5.

[ATTACHMENT A-6 PAGE 2]

6) Was the complainant treated differently from similarly situated employees

who were not handicapped or who had different handicaps?

a. Were compared employees in the same chain of command?

b. Were compared employees in the same work unit?

OR

Is there direct evidence which shows discriminatory intent?

REBUTTAL

What did the agency say was the reason for treating complainant differently

than other similarly-situated employees who were not handicapped or who had

different handicaps?

PRETEXT

Is there direct or circumstantial evidence that the agency's reason for its

treatment of complainant is pretextual?

[Attachment A-7]

MODEL FOR ANALYSIS

HANDICAP -- REASSIGNMENT

PRIMA FACIE CASE -- Where Complainant Requests Reassignment Pursuant to 29 C.F.R. § 1614.203(g)

1) Has the Complainant successfully completed his/her probationary period with

the agency?

2) Does Complainant have a physical or mental impairment?

3) Does this impairment substantially limit complainant's ability to perform a

major life activity (e.g., caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working)?

Provide

evidence on the activities affected, how they are affected, and the degree to

which they are affected (can't do the activity at all, can only do the activity

with assist devices or equipment, can only do the activity for a limited period

of time, etc.).

4) Is the complainant no longer able to perform the essential functions of the

position because of the handicap?

5) Can the complainant perform the essential functions of another funded vacant

position with reasonable accommodation if necessary?

a. Is this new position located within the same commuting area, serviced by

the same appointing authority, and at the same grade or level as the original

position?

b. In the absence of a position at the same grade or level, is reassignment to

a vacant position at the highest available grade or level below the employee's

current grade or level possible?

[ATTACHMENT A-7 Page 2]

Handicap -- Reassignment

EXCEPTIONS TO THE DUTY TO REASSIGN NON-COMPETITIVELY

Has the agency already posted a notice or announcement seeking applications for

the vacant position before determining that the non-probationary employee is unable to perform the essential functions of his/her current position even with a reasonable accommodation?

Did the handicapped person apply for the advertised position? If so, has the agency considered the handicapped person on an equal basis with those who applied for the position.

The term "individual with handicaps" shall not include an individual who is

currently engaging in the illegal use of drugs. See 1614.203(h).

LIMITATIONS ON THE DUTY TO REASSIGN U.S. POSTAL SERVICE EMPLOYEES.

Is the complainant an employee of the U.S. Postal Service for whom a reassignment would be inconsistent with the term of any applicable collective

bargaining agreement?

NOTE

There is no duty to reassign where an agency proposes the removal of a person

with a handicap for failure to perform the essential duties of the position

when such failure is not because of the handicap.

[Attachment A-8]

MODEL FOR ANALYSIS

RELIGIOUS ACCOMMODATION

PRIMA FACIE CASE

1) Does the complainant sincerely hold a religious belief which conflicts with

employment requirements?

2) Has the complainant informed his/her superior of a conflict?

3) Has the complainant been penalized for failing to comply with employment

requirements?

REBUTTAL

1) Belief or practice not of religious nature [rare: belief is not sincere]

2) Agency could not accommodate without undue hardship

DUTY TO ACCOMMODATE -- RELIGIOUS COMPENSATORY TIME

To allow employees to work additional hours (overtime, compensatory time) to

make up for the time required by their personal religious belief (Pub. L. No.

95-390, 5 U.S.C. § 5550a, "Compensatory Time Off for Religious Observances").

[Attachment B] SAMPLE TITLE PAGE

Title Page

(Agency Letterhead):

(COMPLAINANT):

(Complainant's Address):

(Complainant's City, State, Zip):

:Complainant::

:

and:

:

:AGENCY CASE NO.

(AGENCY HEAD):

(Title):

(Agency Name): OTHER NUMBERS

(Agency Address:

(P.O. Box):

(City, State, Zip):

Agency:

INVESTIGATIVE REPORT

(1) The Commission enforces: 1) section 717 of Title VII of the Civil Rights

Act of 1964, as amended, 42 U.S.C. § 2000e-16; 2) sections 501 and 505 of the

Rehabilitation Act of 1973, as amended, 29 U.S.C. §§ 791 and 794a; 3) section

15 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. §

633a; and 4) the Equal Pay Act, Section 6(d) of the Fair Labor Standards Act of

1938, as amended, 29 U.S.C. § 296(d).

(2) See section II of this chapter for a description of the documents contained

in the complaint file. There is no difference intended with respect to the items that may be destroyed after 4 years.

## CHAPTER 6

### HEARINGS

#### I. INTRODUCTION

In individual complaints of discrimination, an agency must, pursuant to section

1614.108(f), notify the complainant of his/her right to request, within 30 days

of receipt of the investigative file, a hearing on the complaint by an EEOC

administrative judge. Hearings are governed by section 1614.109. In the case of

accepted class complaints, an EEOC administrative judge will, pursuant to section 1614.204(h), conduct a hearing on the complaint in accordance with section 1614.109(a) through (f).

Generally, an administrative judge will conduct a hearing on the merits of a

complaint unless: (1) the parties mutually resolve the complaint and the hearing request is withdrawn; (2) the hearing request is otherwise voluntarily

withdrawn; (3) the complaint is remanded for failure to prosecute; or (4) the

administrative judge determines that some or all material facts are not in genuine dispute and issues an order limiting the scope of the hearing, or if

the administrative judge decides to issue findings and conclusions without a

hearing pursuant to section 1614.109(e) (2) or (3).

The hearing is an adjudicatory proceeding which completes the investigation of

a complaint by ensuring that the parties have a fair and reasonable opportunity

to explain and supplement the record and to examine and cross-examine witnesses. An administrative judge from the EEOC adjudicates claims of discrimination and issues findings and conclusions.

It is the obligation of the parties to obtain and enter into the record any

evidence necessary to such an adjudication. The Commission will be less inclined to remand for further supplementation of the record where parties had

the notice and opportunity to develop the record below.

## II. THE ROLES OF THE AGENCY AND THE ADMINISTRATIVE JUDGE

### A. Agency Responsibility at the Hearing Stage

#### 1. Room and Notice to Witnesses

The agency is responsible for arranging for an appropriate size room in which

to hold the hearing and for ensuring that all approved witnesses who are Federal employees are notified of the date and time of the hearing and the approximate time that their presence will be required.

#### 2. Hearings are closed to the public.

Hearings are a part of the investigative process and access to the hearing room

and the record of the hearing shall be restricted in accordance with the Commission's regulations and policies and the discretion of the administrative judge.

#### 3. Verbatim Hearing Transcripts and Court Reporters

The agency shall arrange and pay for a verbatim transcript of the hearing proceedings pursuant to section 1614.109(f). All documents submitted to, and

accepted by, the administrative judge shall become a part of the record. The

administrative judge shall issue findings and conclusions on the merits of the

complaint, including appropriate relief where discrimination is found. Agencies

should instruct reporters with whom they contract to submit bills to the agency, but to submit the original and all copies (usually two) of the transcript to the Commission's administrative judge, who can provide verification of transcript receipt and the number of pages in the transcript.

Contracts with court reporting firms must require delivery of the transcript to

the administrative judge within 21 calendar days or less after the close of the

hearing. If the administrative judge identifies a problem with timely delivery

of the transcript or any other difficulty, (s)he should contact the agency directly to resolve the matter. The agency shall take any steps necessary to

ensure that the transcript is provided as expeditiously as possible. Absent a specific memorandum of understanding with the EEOC, the agency may not use agency employees to transcribe the proceedings. Although Federal agencies are required to comply with their internal contracting procedures in contracting for reporters, EEOC district offices can, upon request, furnish to Federal agencies the names and addresses of responsible reporters in the geographic area where the hearing is to be held.

As a matter of information, the General Services Administration also maintains a list of court reporters available to agencies in the Federal Supply Schedule.

#### 4. The Site of the Hearing

Attachment A to Chapter 7 (Class Complaints) of the management directive is a

list of the addresses of the EEOC district and field offices and their geographic jurisdictions. Agencies' requests for a hearing must be sent to the

district office having jurisdiction of the agency facility where the complaint

arose. Should the agency's organizational component where the complaint arose

not fall within one of the geographical jurisdictions shown, the agency should

contact the following office for guidance:

Equal Employment Opportunity Commission

Complaints Adjudication Division

Federal Sector Programs

Office of Federal Operations

P.O. Box 19848

Washington, D.C. 20036

Telephone: (202) 663-4517

Upon receipt of a hearing request, the administrative judge assigned to hear

the complaint will determine the site of the hearing. Within his/her discretion, the administrative judge is authorized to conduct the hearing in

the EEOC district office, in an EEOC area or local office, at the agency's organizational component where the complaint arose or at such other location as

he/she may determine appropriate. In determining the hearing site, the administrative judge may consider factors such as the location of the parties,

the location of EEOC district, area and local offices, the number and location

of witnesses, the location of records, travel distances for the administrative

judge, the parties and witnesses, travel costs, the availability of sources of

transportation and other factors as may be appropriate.

If the administrative judge sets a hearing site which is outside the local



commuting area of the agency's organizational component where the complaint arose, the agency must bear all reasonable travel expenses of complainants, their authorized representatives, agency representatives, and all witnesses approved by the administrative judge, except that an agency does not have the authority to pay the travel expenses of complainant's witnesses who are not Federal employees.

Should an agency desire that a hearing be held within the jurisdictional area of another EEOC district office, it must submit a request, in writing, to the administrative judge in the appropriate EEOC district or field office having jurisdiction over the agency's organizational component where the complaint arose. In its request, the agency must set out, in detail, its reasons and justification for the requested change. The administrative judge will rule on the request only after the directors of the concerned EEOC district offices have conferred on the matter.

If the agency's request for a change in location from the jurisdiction of one EEOC district office to another is approved, and if the hearing site, as determined by the administrative judge, is outside of the local commuting area of the agency's organizational component where the complaint arose, the agency must bear all reasonable travel expenses associated with the change. This includes the travel expenses of complainants, their authorized representatives, agency representatives, and all witnesses approved by the administrative judge, except that an agency does not have the authority to pay the travel expenses of complainants' witnesses who are not Federal employees.

The agency's obligation is limited to those costs which are legally payable in advance by the agency. See Decisions of the Comptroller General, Matter of: Expenses of Outside Applicant/Complainant to Travel to Agency EEO Hearing, File: B-202845, 61 Comp. Gen. 654 (1982). See also Matter of: John Booth--Travel Expenses of Witness -- Agency Responsible, File: B-235845, 69 Comp. Gen. 269 (1990).

#### B. The Role of the Administrative Judge

##### 1. Administrative Judge's Review

When a case is referred for a hearing, an administrative judge shall, within 10 days, review the file, determine whether additional documentation is necessary

and make requests of the appropriate party for the production of any additional documentation.

If after reviewing the file, the administrative judge determines that the investigation is inadequate and incomplete due to the agency's failure to complete the investigation within the time limits set forth in section 1614.108(e), and the agency has not cooperated in the discovery process as required by section 1614.109(d)(3), the administrative judge may take the following actions:

- a. Subject the agency to adverse inference findings in favor of the complainant;
- b. Consider the matters to which the requested information or testimony pertains to be favorable to the complainant;
- c. Exclude other evidence offered by the agency;
- d. Permit the complainant to obtain a summary disposition in his/her favor on some or all of the issues without a hearing; or
- e. Take other action deemed appropriate, including, but not limited to, requiring the agency to pay any costs incurred by the complainant in taking depositions or in any other form of discovery.

## 2. Data Requests

If the agency is requested to produce additional documents, it shall furnish a copy of those documents to the complainant at the time they are submitted to the administrative judge. If the complainant is requested to submit additional documents, the administrative judge shall make the documents available to the agency for reproduction.

## 3. Administrative Judge's Authority

The administrative judge shall have the authority to do the following:

- a. Administer oaths.
- b. Regulate the conduct of hearings.
  - c. Limit the number of witnesses so as to exclude irrelevant and repetitious evidence.
- d. Order discovery or the production of documents and witnesses.
  - e. Direct supplemental investigations when discovery would be inadequate in developing the record.
- f. Exclude any person from the hearing who is disruptive.
- g. Issue findings and conclusions without a hearing if there are no material facts in issue.
  - h. Limit the hearing to the issues in dispute.
- i. Impose appropriate sanctions on parties who fail to comply with discovery orders.

The administrative judge has the authority to impose sanctions on a party if

(s)he fails to comply without good cause with rulings on requests for

information, documents, or admissions, where the information is solely in the control of that party. Similarly, if a party fails to provide an adequate explanation for the failure to respond fully and in a timely manner to a request and the information is solely in the control of that party, the administrative judge may impose sanctions. These sanctions include, but are not

limited to, the authority to:

- 1) draw an adverse inference that the requested information would have reflected unfavorably on the party refusing to provide the requested information;
- 2) consider the matters to which the requested information pertains to be established in favor of the opposing party;
- 3) exclude other evidence offered by the party failing to produce the requested information;
- 4) enter a decision fully or partially in favor of the opposing party; and,
- 5) take such other actions as appropriate.

#### 4. Findings and Conclusions Without a Hearing

##### a. On Motion of a Party

A party who believes that some or all material facts are not in genuine dispute may file a statement in support of this contention with the administrative judge at least fifteen (15) days prior to the hearing, or at such earlier time

as required by the administrative judge. The administrative judge shall, in the

acknowledgment order, specify a date for filing such a statement and provide

for extending that time in certain circumstances. A copy of any such statement

shall be served on the opposing party.

The opposing party will have fifteen (15) days from the receipt of the statement in which to file any opposition to the statement.

After considering the request and the opposing submission, if any, the administrative judge may deny the request, order that discovery be permitted on

the facts involved, limit the hearing to the issues remaining in dispute (if

any), issue findings and conclusions without a hearing, or make such other rulings as are appropriate.

##### b. On Administrative Judge's Determination

If the administrative judge determines, in the absence of a request from either

party, that some or all of the facts are not in genuine dispute, he or she may,

after giving notice to the parties and providing them an opportunity to respond

within fifteen (15) days, issue an order limiting the scope of the hearing or

issue findings and conclusions without conducting a hearing.

#### 5. Transmittal of the Findings and Conclusions

At the conclusion of the hearing stage and within 180 days of a request for a

hearing, the administrative judge shall send the following items to the parties by certified mail.

a. The findings and conclusions.

b. Copies of the entire record, including the transcript.

The administrative judge may, when necessary, release the transcript prior to

the issuance of the findings and conclusions, e.g., when the transcript is needed to prepare a post-hearing brief.

The administrative judge may issue findings of fact and conclusions of law from

the bench after the conclusion of the hearing, in lieu of issuing written findings and conclusions.

### III. DISCOVERY

#### A. Introduction

##### 1. General

The purpose of discovery is to enable a party to obtain relevant information

for preparation of the party's case. Both parties are entitled to reasonable

development of evidence on matters relevant to the issues raised in the complaint, but the administrative judge may limit the quantity and timing of

discovery. In cases where the investigative record is complete, the administrative judge may disapprove discovery requests.

A reasonable amount of official time shall be allowed to prepare requests for

discovery and to respond to discovery requests.

##### 2. Avoidance of Delay

The discovery instructions which follow are intended to provide a simple method

of discovery. They will be interpreted and applied so as to avoid delay and to

facilitate adjudication of the case. The

parties are expected to initiate and complete needed discovery with a minimum

of intervention by the Commission's administrative judge. The parties are further expected to use discovery judiciously for its intended purpose only.

#### B. Right to Seek Discovery

##### 1. Notice of Right to Seek Discovery

The administrative judge will notify the parties of the right to obtain discovery.

a. The administrative judge will send an acknowledgment order to the parties

within ten (10) calendar days after the Commission's receipt of the hearing

request. The acknowledgment order will notify the parties of the right to seek

discovery. In order to conduct discovery, a party must file, within ten (10)

calendar days of the receipt of the acknowledgment order, either a stipulation

of the parties permitting discovery or a motion to conduct discovery with the administrative judge.

b. It is the Commission's policy that the parties are entitled, pursuant to section 1614.109(b), to the reasonable development of evidence on matters relevant to the issues raised in the complaint.

## 2. Discovery is Designed to Supplement the Record

It is anticipated that discovery will ordinarily involve supplementing the existing record. There may be situations in which the record does not have to

be supplemented.

## 3. Discovery Time Frames Will Be Strictly Regarded

Discovery must be completed within ninety (90) calendar days from the Commission's receipt of a request for hearing. Parties' requests to the administrative judge to extend discovery beyond this time limit ordinarily will

not be granted.

## C. Methods of Discovery

1. Evidence may be developed using a variety of methods including:

### a. Interrogatories

Absent specific authorization from the administrative judge, a party may propound no more than one (1) set of

interrogatories. A set of interrogatories will not contain more than thirty

(30) questions and the questions will not have subparts.

### b. Depositions

Generally the party requesting depositions will pay for them.

A failure to appear at a properly scheduled deposition may result in the non-appearing party bearing the cost of the missed session. For purposes of

this section, any employee or former employee of the agency currently employed

by the Federal government is a party. Agencies must make such persons available

for depositions and such depositions shall be taken on official time. The agency may be liable for costs incurred if such persons are not made

available

on the clock for depositions or other discovery or if such persons fail to appear.

### c. Stipulations

Stipulations are strongly encouraged.

### d. Requests for Admissions

A request for admissions will contain no more than thirty (30) requests for the

admission of facts.

### e. Requests for the Production of Documents

Requests must be specific, identifying the document or types of documents requested.

2. Where possible, more informal methods of discovery should be employed.

a. The parties may request that a witness be made available for

questioning

without the production of a transcript or tape recording where the purpose is

to discover the availability of other evidence, either documentary or testimonial.

b. The parties may agree to the questioning of witnesses using a tape recording device, provided that any such tape will not be accepted in evidence without authentication. Such authentication can be presumed where the opposing party is provided a copy of the tape at the close of the discovery session and it is identical to the tape proffered in evidence.

#### D. Discovery Procedures

##### 1. Commencing Discovery

###### a. Written agreements

Where the parties have agreed in writing concerning the methods and scope of

discovery, they must, within ten (10) calendar days of receipt of the administrative judge's notice of right to seek discovery, furnish a copy of the agreement to the administrative judge and begin the exchange of discovery requests.

###### b. Requests for authorization to commence

If the parties have not agreed in writing concerning the method and scope of

discovery, a party must, within ten (10) calendar days of receipt of the administrative judge's notice of right to seek discovery, submit to the administrative judge a request for authorization to commence discovery. The request must state the method(s) and scope of discovery requested and its

relevance to the issue(s) in the complaint. Within ten (10) calendar days of

receipt of a request, the administrative judge will issue an authorization to

begin discovery if the request is approved in whole or in part.

###### c. Exchange of requests

Upon receipt of the administrative judge's authorization to begin discovery,

the parties must, within ten (10) calendar days, exchange requests for discovery. The parties must cooperate with each other in honoring requests for

relevant, non-repetitive documentary and testimonial evidence. Discovery disputes will be resolved by the administrative judge.

##### 1) Where to address discovery

Requests for discovery should be addressed to the agency representative, complainant or complainant's representative of record, and not to the administrative judge. Requests for discovery addressed to the administrative

judge will be returned by the administrative judge to the party submitting the

discovery request with instructions to serve the request on the agency representative, the complainant or the complainant's representative of record,

as appropriate. Where a party inappropriately submits a discovery request to

the administrative judge, the required time frame for submitting the request to the appropriate party will not stop running.

## 2) Criteria for requests

The request should be: (1) as specific as possible, (2) reasonably calculated to discover non-repetitive, material evidence and, if not self-evident, the request must indicate the materiality of the documentary or testimonial evidence sought and the manner in which the information sought will elucidate the accepted issues.

## 2. Informal Discovery

Informal discovery includes unrecorded meetings and conference calls designed to exchange information. In many instances discovery should proceed on an informal basis. For example, if a primary purpose of discovery is to determine the scope and content of a material witness' testimony, it may be sufficient that there be a meeting scheduled with the witness and that the discovery be conducted on an informal basis. If that method proves unsatisfactory, a more formal method of discovery may be used.

## 3. Response to Discovery Request

The opposing party/representative must respond to the request for discovery within fifteen (15) calendar days from the date of receipt of the request. A

response means:

a. Compliance with the request;

Voluntary cooperation with discovery requests is encouraged;

b. Written opposition to the request;

Such opposition shall set forth a basis for finding that the request is irrelevant, overburdensome, repetitious, or privileged;

c. Written agreement or stipulation obviating the request;

Stipulations of fact are favored as a means of resolving discovery issues;

d. Request for extension of time;

Request for extension of time to comply or to produce a written agreement shall

not exceed fifteen (15) calendar days.

## 4. Failure to Respond to Request for Discovery

a. Failure to respond to a request for discovery within fifteen (15) calendar

days of receipt of the request, shall form the basis for a motion to compel discovery.

b. A motion to compel must be filed within five (5) calendar days after the

expiration date for responding to a request for discovery.

c. A motion to compel compliance with a request for discovery must be addressed

to the administrative judge and certify that a copy was served on the opposing party.

d. .Any statement in opposition to the motion must be filed within ten (10) calendar days of service of the motion and must certify that a copy was mailed

to the moving party.

#### 5. The Administrative Judges Will Rule Expeditiously on Matters of Discovery

Within ten (10) calendar days following the filing of an opposition, if any, to

the motion to compel discovery, the administrative judge will rule on the request for discovery. In the alternative, the administrative judge may, in the

interest of expediting the hearing, order that the document(s), witness(es) or

other evidence at issue be produced at the hearing.

#### 6. Administrative Judge's Orders to Comply

a. In considering a motion to compel compliance, the administrative judge will

consider whether the following factors apply:

1) the discovery is calculated to produce or lead to the production of material

evidence that is not repetitious of facts or documents already in the complaint

file,

2) the discovery does not concern privileged or restricted information, and

3) the discovery is not overly burdensome.

b. Where a motion to compel discovery is approved, in whole or in part, the

administrative judge shall issue a written order to comply with the request.

The parties shall have fifteen (15) calendar days to comply with a discovery

order.

#### 7. Failure to Respond or Comply With Administrative Judge's Order May Result in an Adverse Inference.

A failure to respond or failure to follow an order to comply with a request for

discovery, may result in an inference that the evidence not produced was contrary to the non-complying party's interest.

#### E Failure to Request Discovery Does Not Imply Waiver of Requests for Documents

and Witnesses at Hearing.

The parties will be provided the opportunity to make requests for documents and

witnesses at the hearing regardless of whether the discovery process is invoked. In the course of setting a matter for hearing the administrative judge

will ask the parties to submit a list of documents and proposed witnesses which



they believe to be necessary to the presentation of their case and which should be produced at the hearing. The request must be supported by a statement demonstrating the materiality and the non-repetitive content of the witnesses' testimony and/or the documents.

#### F. Cost of Discovery

The parties shall initially bear their own costs with regard to discovery, unless the administrative judge, as a result of a discovery order issued pursuant to section 1614.109(d)(3)(v), requires the agency to bear the costs

for the complainant to obtain depositions or any other discovery because the

agency has failed to complete its investigation timely as required by section

1614.108(e) or has failed to investigate the matter adequately pursuant to Chapter 5 of this Directive.

## CHAPTER 7

### COMPLAINTS OF CLASS DISCRIMINATION

#### IN THE FEDERAL GOVERNMENT

##### I. INTRODUCTION

Section 1614.204 provides for processing class complaints of discrimination. A

class complaint is a written complaint of discrimination filed on behalf of a

class by the agent of the class, alleging that the class is so numerous that a

consolidated complaint by the members of the class is impractical, that there

are questions of fact common to the class, that the claims of the agent of the

class are typical of the claims of the class, and that the agent of the class

or, if represented, the representative, will fairly and adequately protect the

interests of the class.

##### II. TIME REQUIREMENTS

Section 1614.204(b) provides that, as with an individual complainant, an employee who seeks to represent a class of employees must seek counseling and

be counseled in accordance with section 1614.105, i.e., the employee must seek

counseling within 45 days of the alleged discriminatory event.(1) The agency

shall extend the 45-day time limit when the individual shows that he or she was

not notified of the time limits and was not aware of them that he or she did

not know and reasonably should not have known that the discriminatory matter or

personnel action occurred, that despite due diligence he or she was prevented by circumstances beyond his or her control from contacting the counselor within the time limits, or for other reasons considered sufficient by the agency or the Commission. See § 1614.105(a)(2). The time period may be waived by the agency and is subject to the theories of estoppel and equitable tolling. See § 1614.604(c). If the complaint is not resolved on the 30th day following initial EEO counseling, the counselor must give the agent written notice that (s)he has 15 days from receipt of the notice to file a formal complaint. § 1614.204(c)(2). The counseling period may be extended up to an additional sixty (60) days if, prior to the expiration of the 30-day period, the aggrieved person agrees with the agency in writing to postpone the final interview. Also, pursuant to section 1614.105(f), where the agency has an established alternative dispute resolution procedure and the aggrieved person agrees to participate in it, the pre-complaint processing period shall be 90 days. Within 30 days of an agency's receipt of a complaint, an agency must designate an agency representative and forward the complaint, along with a copy of the counselor's report and any other relevant information about the complaint, to the Commission. § 1614.204(d)(1). The Commission will assign an administrative judge (or in some limited circumstances involving national security, a complaints examiner from another agency) to recommend that the agency accept or dismiss the complaint. § 1614.204(d).

### III. DISMISSAL -- 29 C.F.R. § 1614.204(d)

#### A. Class Complaint Criteria

A class complaint will be dismissed if it does not meet the following criteria:

11. The complaint does not meet the prerequisites of a class complaint under section 1614.204(a)(2) (i.e., numerosity, commonality, typicality, and adequacy of representation).
12. The allegations lack specificity and detail pursuant to section 1614.204(d)(4).
13. The agent cannot satisfactorily explain why an allegation which appears in the formal complaint was not raised in counseling.(2)
14. The complaint meets any of the criteria for dismissal pursuant to section 1614.107 "Dismissals of complaints."

#### B. Individual Complaints Filed on Bases Identical to Class Complaints

An individual complaint which is filed before or after the class complaint is filed, which comes within the definition of the class allegation(s), will not be dismissed but will be subsumed within the class complaint. If the class complaint is dismissed at the certification stage, the individual complaint may still proceed. If the class proceeds to a hearing, the individual claim may be used by the class representative at the liability stage of the process, or it may be presented at the remedy stage by the complainant. If the class complaint is dismissed at the certification stage, the class members may not proceed unless they have timely filed individual complaints. The agency shall, within 90 days of the issuance of a final decision dismissing a class complaint for failure to meet the criteria of a class complaint, issue the acknowledgment of receipt on an individual complaint as required by section 1614.106(d) and process in accordance with subpart A, each individual complaint that was subsumed into the class complaint.

#### IV. RECOMMENDED DECISION -- 29 C.F.R. § 1614.204(d) (7)

##### A. Transmittal of Recommended Decision

The administrative judge's recommended decision on whether to accept or dismiss the class complaint will be transmitted to the agency and notification of that transmission will be sent to the class agent.

##### B. Recommended Decision Becomes Final Agency Decision in 30 Days

The recommended decision will become the agency decision unless the agency accepts, rejects, or modifies the recommended decision within 30 days of receipt of the recommended decision and complaint file. The agency must notify the agent by certified mail and the administrative judge of its decision to accept or dismiss the complaint. At the same time, the agency must forward to the agent copies of the administrative judge's recommendation and the complaint file.

##### C. Dismissal at the Accept/Dismiss Stage

A decision by the agency to dismiss the class complaint at the certification stage will inform the agent either that the complaint is being filed on that date as an individual complaint or that the complaint is also dismissed as an individual complaint in accordance with section 1614.107. The decision must inform the agent of the right to appeal the final agency decision dismissing

the class complaint to the Commission or to file a civil action, and it must

include EEOC Form 573, Notice of Appeal/Petition.

V. NOTIFICATION -- 29 C.F.R. § 1614.204(e)

A. Timing and Method of the Notice

Within 15 calendar days of accepting a class complaint, the agency shall use

reasonable means, such as hand delivery, mailing to the last known address, or

distribution (such as through inter-office mail) to notify all class members of

the acceptance of the class complaint.

The "reasonable means" used by agencies for notification should be those most

likely to provide an opportunity for class members to know about the complaint.

Conspicuous posting on bulletin boards to which all potential class members

have easy access may constitute adequate notice in some situations.

B. Content of the Notice

The notice must contain:

7. the name of the agency or organizational segment, its location, and the date

of acceptance of the complaint;

8. a description of the issues accepted;

9. an explanation of the binding nature of the final decision or resolution of

the complaint on class members; and,

10. the name, address, and telephone number of the class representative. C.

Individuals May Not Opt Out

The class members may not "opt out" of the defined class; however, they do not

have to participate in the class or file a claim for individual relief.

Those

who wish to participate will have the opportunity to object to any proposed

settlement and to file claims for individual relief if discrimination is found.

D. Settlement Notice

All class members must receive notice of any settlement or decision on the class complaint whether or not they participated in the action. See

section

VIII. B. of this chapter.

VI. REFERRAL FOR PROCESSING

A. Acceptance of Class Complaints by the Agency

Within five days of its acceptance of a class complaint, the agency will return

the complete complaint file to the EEOC office that determined the class certification issue.

B. Site of the Class Hearing

Attachment A to this chapter is a list of the addresses of the EEOC district

and field offices and their geographic jurisdictions. Agencies' requests for a

hearing must be sent to the district office having jurisdiction of the agency facility where the complaint arose. Should the agency's organizational component where the complaint arose not fall within one of the geographical jurisdictions shown, the agency should contact the following office for guidance:

Equal Employment Opportunity Commission  
Complaints Adjudication Division  
Federal Sector Programs  
Office of Federal Operations  
P.O. Box 19848  
Washington, D.C. 20036  
Telephone: (202) 663-4517

Upon receipt of a hearing request, the administrative judge assigned to hear the complaint will, upon expiration of the period allowed for preparation of the class case, set a date for hearing and determine the site of the hearing. Within his/her discretion, the administrative judge is authorized to conduct the hearing in the EEOC district office, in an EEOC area or local office, at the agency's organizational component where the complaint arose or at such other location as he/she may determine appropriate. In determining the hearing site, the administrative judge may consider factors such as the location of the parties, the location of EEOC district, area and local offices, the number and location of witnesses, the location of records, travel distances for the administrative judge, the parties and witnesses, travel costs, the availability of sources of transportation and other factors as may be appropriate. If the administrative judge sets a hearing site which is outside the local commuting area of the agency's organizational component where the complaint arose, the agency must bear all reasonable travel expenses of complainants, their authorized representatives, agency representatives, and all witnesses approved by the administrative judge, except that an agency does not have the authority to pay the travel expenses of complainant's witnesses who are not Federal employees.

Should an agency desire that a hearing be held at a location within the jurisdictional area of another EEOC district office, it must submit a request, in writing, to the EEOC office that determined the class certification issue. In its request, the agency must identify the location of the desired place of hearing and must set out, in detail, its reasons and justification for the

requested change. The administrative judge will rule on the request only after the directors of the concerned EEOC district offices have conferred on the matter.

If the agency's request for a change in location from the jurisdiction of one

EEOC district office to another is approved, and if the hearing site as determined by the administrative judge is outside of the local commuting area

of the agency's organizational component where the complaint arose, the agency

must bear all reasonable travel costs associated with and necessitated by the

change in location for complainants, their authorized representatives, agency

representatives, and all witnesses approved by the administrative judge, except

that an agency does not have the authority to pay the travel expenses of complainants' witnesses who are not Federal employees.

The agency's obligation is limited to those costs which are legally payable in

advance by the agency. See Decision of the Comptroller General, Matter of: Expenses of Outside Applicant/Complainant to Travel to Agency EEO Hearing, File: B-202845, 61 Comp. Gen. 654 (1982); see also Decision of the Comptroller

General, Matter of: John Booth -- Travel Expenses of Witness -- Agency Responsible, File: B-235845, 69 Comp. Gen. 269 (1990).

VII. DEVELOPING THE EVIDENCE -- 29 C.F.R. § 1614.204(f)

A. The Process of Developing the Evidence

The administrative judge will advise both parties that they will have at least

60 days to develop evidence. They can do this in the same manner as in individual cases, i.e., through interrogatories, depositions, requests for admissions, stipulations, or production of documents. The parties may object to

production on the grounds that the information sought is irrelevant, overly

burdensome, repetitious, or privileged. The administrative judge has the authority to impose sanctions on a party if (s)he fails to comply without good

cause with rulings on requests for information, documents, or admissions, where

the information is solely in the control of that party. Similarly, if a party

fails to provide an adequate explanation for the failure to respond fully and

in a timely manner to a request and the information is solely in the control of

that party, the administrative judge may impose sanctions. These sanctions include, but are not limited to, the authority to:

3. draw an adverse inference that the requested information would have reflected unfavorably on the party refusing to provide the requested information;

4. consider the matters to which the requested information pertains to be

established in favor of the opposing party;

5. exclude other evidence offered by the party failing to produce the requested

information, and/or;

6. recommend that a decision be entered in favor of the opposing party.

B. Use of Agency Facilities by Class Agent

The class agent should be permitted reasonable access to and/or use of agency

facilities (e.g., copiers, telephones, word processors, etc.) for

preparation

of the case as long as there is no undue disruption of agency operations.

A

class agent and/or representative may not use agency resources and facilities

in the preparation of the class case without obtaining the prior approval of

the designated agency official. An agency may charge reasonable rates for the

search and reproduction of information and documents.

VIII. RESOLUTION -- 29 C.F.R. § 1614.204(g) (4)

A. Notice of Resolution

If the matter is resolved, notice must be given to all class members in the

same manner as the notification of acceptance of the class was given. The notice must set out the relief, if any, which the agency will grant. The resolution will bind all members of the class.

B. Petition to Vacate Resolution

Within 30 days of the date of the notice of resolution, any class member may

petition the EEO Director to vacate the resolution because it benefits only the

class agent or is otherwise not fair and reasonable. Within 30 days of receipt

of the petition, the EEO Director will forward the petition to the administrative judge, who will make a decision about the fairness and reasonableness of the resolution. If the judge determines that the resolution

was not fair and reasonable, (s)he will recommend that the resolution be vacated and that the original class agent be replaced by the petitioner or by

some other class member who is eligible to be the new class agent.

An agency's decision that a resolution is not fair and reasonable vacates the

agreement between the former class agent and the agency. The agency decision

must inform the former agent or the petitioner, as appropriate, of the right to

appeal the decision to the Commission. The agency's decision must include a

copy of EEOC Form 573, Notice of Appeal/Petition.

IX. HEARING -- 29 C.F.R. § 1614.204(h) and (i)

A. Hearing Procedures

Hearing procedures in class complaints are the same as those applied to

hearings in individual complaints of discrimination, and are set out at section 1614.109.

#### B. Official Time for Agency Employees

Any employee testifying at a hearing is entitled to official time for the time

(s)he spends testifying as well as a reasonable amount of time for travel to

and from the hearing. The class agent and agent's representative, if employees of the agency where the complaint arose and was filed, are entitled

to official time for actual time spent at the hearing and for a reasonable amount of time spent preparing for the hearing.

An agency may permit its employees to use official time in preparing and presenting a class complaint which arose in another agency.

#### C. Travel Expense Incurred for Agency Convenience

If a hearing is scheduled for the convenience of the agency at a geographical

location distant from the class agent and the agent's representative and the

agent and/or representative are Federal employees, the agency must provide a

per diem allowance and any other travel expenses for the agent and agent's representative, to the extent permitted by law.

#### X. AGENCY DECISION -- 29 C.F.R. § 1614.204(j) and (k)

A. Action on Administrative Judge's Report of Findings and Recommendations  
Within sixty (60) days of receipt of the report of findings and recommendations

issued by the administrative judge, the agency must issue a decision to accept,

reject or modify those findings and recommendations. If the agency does not

issue the final decision within sixty (60) days, the administrative judge's

findings and recommendations will become the final decision of the agency.

The agency must transmit its final decision to the agent within five days of

the expiration of the 60-day period.

#### B. Required Features of the Agency Final Decision

4. The agency's final decision on a class complaint must be in writing and shall be transmitted to the agent by certified mail, return receipt requested,

and shall include a copy of the report of findings and recommendations of the

administrative judge. See § 1614.204(j)(2).

5. Where the administrative judge addresses the merits of the complaint, the

agency final decision must also address the merits. It must include a finding

on the issue of discrimination, address the

merits of the class agent's personal allegation, and include the corrective

action, if any, awarded to the class agent.(3)



3. A decision finding discrimination should include the dates of the agent's initial contact with the counselor and the date the agency eliminated the policy or practice on which there has been a finding of discrimination.

4. The final agency decision shall inform the agent of the right to appeal or to file a civil action and of the applicable time limits.

#### C. Binding Nature of Agency Decision

The final agency decision will be binding on all members of the class and on the agency. Class members may not "opt out."

#### D. Notification of Agency Final Decision

The agency shall notify class members and class representative, (and or the attorney for the class) of the decision and relief awarded, if any, through the

same media employed to give notice of the existence of the class complaint. The

notice, where appropriate, shall include information concerning the rights of

class members to seek individual relief and of the procedures to be followed.

Notice shall be given by the agency within 10 days of the transmittal of its

decision to the agent. The notice shall include the period for which the relief

will be available and stating it in terms of precise calendar days, e.g., between 6/30/90 and 9/1/97.

### XI. RELIEF FOR INDIVIDUAL CLASS MEMBERS -- 29 C.F.R.

#### § 1614.204(l)

##### A. Claims for Individual Relief by Class Members Where Discrimination is Found

Within 30 days of notification of the final agency decision, a class member who

believes that (s)he is entitled to individual relief must file a written claim

with the head of the agency, or with the agency's EEO Director.

The claim must be specific, and show the following:

1. The claimant is a class member who was affected by a personnel action or

matter resulting from the discriminatory policy or practice.

2. The discriminatory action occurred during the period specified in the notice. The claimant must show that the discriminatory action occurred during

the time period beginning 45 days prior to the agent's initial contact with the

counselor, and not after the date when the agency eliminated the discriminatory

policy or practice.

##### B. Timing of Agency Decision on Individual Claims for Relief

Within sixty (60) calendar days of receiving an individual claim, the agency

must issue a final decision on that claim. The agency's final decision must

include a notice of the right to file an appeal or a civil action within the applicable time limits.

C. Limits on the Duration of a Finding of Class-Wide Discrimination

The time period for which the agency finds class-wide discrimination may begin

not more than 45 days prior to the agent's initial contact with the EEO counselor and must end not later than the date when the agency eliminates the

policy or practice found to be discriminatory. See §1614.204(1)(3). This 45-day

time period does not limit the two-year time period for which back pay can be

recovered by a class member.

D. Where Class-Wide Discrimination is Not Found But Discrimination is Found for the Agent

The agency shall, within sixty (60) calendar days of issuance of the final decision, acknowledge receipt of an individual complaint as required in section

1614.106(d) and process in accordance with the provisions of subpart A, each

individual complaint that was subsumed into the class complaint.

If it is found that the class agent, or any other member of the class is a victim of discrimination, the relief provisions of section 1614.501 shall apply.

XII. REPRISAL

Federal employees who are agents, claimants, representatives of agents or claimants, witnesses, or agency officials having responsibility for processing

class complaints may file individual discrimination complaints if they believe

they have been subjected to restraint, interference, coercion or reprisal because of their involvement in the presentation and/or processing of a class

complaint. EEO counseling must precede the filing of such a complaint.

[Attachment A]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISTRICT OFFICES AND GEOGRAPHIC JURISDICTIONS

Atlanta District Office Area Code 404

EEOC Commercial No. -331-0604

Citizens Trust Building, Suite 1100 FTS No. - 8-404-331-0604

75 Piedmont Avenue, N.E. FAX No. - 8-404-331-4220

Atlanta, Georgia 30335 TDD No. - 8-404-841-6091

Geographic Jurisdiction: State of Georgia and

Baltimore District Office Area Code 410

EEOC Commercial No. -962-3932

111 Market Place, Suite 4000 FTS No. - 8-410-962-3932

Baltimore, Maryland 21201 FAX No. - 8-410-962-4270

TDD No. - 8-410-962-6065

Geographic Jurisdiction: States of Maryland and Virginia (except for those Virginia cities and counties under the jurisdiction of the Washington Field

Office)

Birmingham District Office Area Code 205  
EEOC Commercial No. -731-0082  
1900 3rd Avenue, North, Suite 101 FTS No. - 8-205-731-0082  
Birmingham, Alabama 35203 FAX No. - 8-205-731-2101  
TDD No. - 8-2-5-731-0095  
Geographic Jurisdiction: States of Alabama and Mississippi  
Charlotte District Office Area Code 704  
EEOC Commercial No. -567-7100  
5500 Central Avenue FTS No. - 8-704-567-7100  
Charlotte, North Carolina 28212 FAX No. - 8-704-567-7192  
TDD No. - 8-704-567-7174  
Geographic Jurisdiction: State of North Carolina and South Carolina  
Chicago District Office Area Code 312  
EEOC Commercial No. -353-2713  
Federal Building, Room 930A FTS No. - 8-312-353-2713  
536 S. Clark Street FAX No. - 8-312-353-7355  
Chicago, Illinois 60605 TDD No. - 8-312-353-2421  
Geographic Jurisdiction: State of Illinois except counties of:  
Alexander, Bond, Calhoun, Clinton, Greene, Jackson, Jersey, Macoupin,  
Madison,  
Monroe, Perry, Pulaski, Randolph, St. Clair, Union, and Washington (which  
are  
under the jurisdiction of St. Louis District Office)  
Cleveland District Office Area Code 216  
EEOC Commercial No. -522-2001  
One Playhouse Square FTS No. - 8-216-522-2001  
1375 Euclid Avenue, Room 600 FAX No. - 8-216-522-7395  
Cleveland, Ohio 44115 TDD No. - 8-216-522-7296  
Geographic Jurisdiction: State of Ohio  
Dallas District Office Area Code 214  
EEOC Commercial No. -767-7015  
8303 Elmbrook Drive, 2nd Floor FTS No. - 8-214-767-7015  
Dallas, Texas 75247 FAX No. - 8-214-767-7959  
TDD No. - 8-214-767-7523  
Geographic Jurisdiction: States of Oklahoma and Texas counties of:  
Anderson, Archer, Baylor, Bell, Bosque, Bowie, Brown, Callahan, Camp, Cass,  
Cherokee, Clay, Coleman, Collin, Comanche, Cooke, Coryell, Dallas, Delta,  
Denton, Eastland, Ellis, Erath, Falls, Fannin, Fisher, Franklin, Freestone,  
Grayson, Gregg, Hamilton, Harrison, Henderson, Hill, Hood, Hopkins,  
Houston,  
Hunt, Jack, Johnson, Jones, Kaufman, Lamar, Lampasas, Leon, Limestone,  
McLennan, Madison, Marion, Milam, Mills, Montague, Morris, Nacogdoches,  
Navarro, Nolan, Palo Pinto, Panola, Parker, Rains, Red River, Robertson,  
Rockwall, Runnels, Rusk, Shackelford, Shelby, Smith, Somervell, Stephens,  
Tarrant, Taylor, Throckmorton, Titus, Upshur, Van Zandt, Wichita,  
Wilbarger,  
Wise, Wood, and Young  
Denver District Office Area Code 303  
EEOC Commercial No. -866-1300  
1845 Sherman Street, 2nd Floor FTS No. - 8-303-866-1300  
Denver, Colorado 80203 FAX No. - 8-303-866-1085  
TDD No. - 8-303-866-1950  
Geographic Jurisdiction: States of Colorado, Montana, Nebraska, North  
Dakota,

South Dakota, and Wyoming  
Detroit District Office Area Code 313  
EEOC Commercial No. -226-7636  
McNamara Federal Building FTS No. - 8-313-226-7636  
477 Michigan Avenue, Room 1540 FAX No. - 8-313-226-2778  
Detroit, Michigan 48226 TDD No. - 8-313-226-7599  
Geographic Jurisdiction: State of Michigan  
Houston District Office Area Code 713  
EEOC Commercial No. -653-3377  
1919 Smith Street, 7th Floor FTS No. - 8-713-653-3377  
Houston, Texas 77002 FAX No. - 8-713-653-3381  
TDD No. - 8-713-653-3367  
Geographic Jurisdiction: State of Texas, counties of:  
Angelina, Austin, Brazoria, Chambers, Colorado, Fort Bend, Galveston,  
Grimes,  
Hardin, Harris, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Newton,  
Orange, Polk, Sabine, San Augustine, San Jacinto, Trinity, Tyler, Walker,  
Waller, and Wharton  
Indianapolis District Office Area Code 317  
EEOC Commercial No. -226-7212  
Federal Building, U.S. Courthouse FTS No. - 8-317-226-7212  
6 East Ohio Street, Room 456 FAX No. - 8-317-226-7953  
Indianapolis, Indiana 46204 TDD No. - 8-317-226-5162  
Geographic Jurisdiction: States of Indiana and Kentucky  
Los Angeles District Office Area Code 213  
EEOC Commercial No. -251-7278  
3660 Wilshire Blvd., 5th Floor FTS No. - 8-213-251-7278  
Los Angeles, California 90010 FAX No. - 8-213-252-7800  
TDD No. - 8-213-251-7384  
Geographic Jurisdiction: State of Nevada and California counties of:  
Imperial, Los Angeles, Orange, Riverside, San Bernadino, Santa Barbara,  
San  
Diego, San Luis Obispo, Ventura  
Memphis District Office Area Code 901  
EEOC Commercial No. -722-2617  
1407 Union Avenue, Suite 502 FTS No. - 8-901-722-2617  
Memphis, Tennessee 38104 FAX No. - 8-901-722-2602  
TDD No. - 8-901-722-2604  
Geographic Jurisdiction: States of Arkansas and Tennessee  
Miami District Office Area Code 305  
EEOC Commercial No. -536-4491  
Metro - Mall Building FTS No. - 8-305-536-4491  
1 Northeast First Street, 6th Floor FAX No. - 8-305-536-4011  
Miami, Florida 33132 TDD No. - 8-305-536-5721  
Geographic Jurisdiction: State of Florida and Panama Canal Zone  
Milwaukee District Office Area Code 414  
EEOC Commercial No. -297-1111  
Henry S. Reuss Federal Plaza FTS No. - 8-414-297-1111  
310 West Wisconsin Avenue, Suite 800 FAX No. - 8-414-297-4133  
Milwaukee, Wisconsin 53203 TDD No. - 8-414-297-1115  
Geographic Jurisdiction: States of Iowa, Minnesota, and Wisconsin  
New Orleans District Office Area Code 504  
EEOC Commercial No. -589-2329  
701 Loyola Avenue, Suite 600 FTS No. - 8-504-589-2329

New Orleans, Louisiana 70113 FAX No. - 8-504-589-6861  
TDD No. - 8-504-589-2958  
Geographic Jurisdiction: State of Louisiana  
New York District Office Area Code 212  
EEOC Commercial No. -264-7161  
90 Church Street, Room 1501 FTS No. - 8-212-264-7161  
New York, New York 10007 FAX No. - 8-212-264-3135  
TDD No. - 8-212-264-7697  
Geographic Jurisdiction: States of Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, the Commonwealth of Puerto Rico,  
and the U.S. Virgin Islands  
Philadelphia District Office Area Code 215  
EEOC Commercial No. -656-7020  
1421 Cherry Street, 10th Floor FTS No. - 8-215-656-7020  
Philadelphia, Pennsylvania 19102 FAX No. - 8-215-656-7113  
TDD No. - 8-215-656-7114  
Geographic Jurisdiction: States of Delaware, New Jersey, Pennsylvania, and West Virginia  
Phoenix District Office Area Code 602  
EEOC Commercial No. -640-5000  
4520 N. Central Avenue, Suite 300 FTS No. - 8-602-640-5000  
Phoenix, Arizona 85012-1848 FAX No. - 8-602-640-2489  
TDD No. - 8-602-640-2692  
Geographic Jurisdiction: States of Arizona, New Mexico, and Utah  
St. Louis District Office Area Code 314  
EEOC Commercial No. -425-6585  
Central West Plaza Building, 5th Floor FTS No. - 8-314-425-6585  
625 North Euclid Street FAX No. - 8-314-425-6105  
St. Louis, Missouri 63108 TDD No. - 8-314-425-6547  
Geographic Jurisdiction: States of Kansas, Missouri, and Illinois counties of:  
Alexander, Bond, Calhoun, Clinton, Greene, Jackson, Jersey, Macoupin, Madison,  
Monroe, Perry, Pulaski, Randolph, St. Clair, Union, Washington  
San Antonio District Office Area Code 512  
EEOC Commercial No. -229-4810  
5410 Fredericksburg Road, Suite 200 FTS No. - 8-512-229-4810  
Mockingbird Plaza, Plaza II FAX No. - 8-512-229-4806  
San Antonio, Texas 78229 TDD No. - 8-512-229-4858  
Geographic Jurisdiction: State of Texas, counties of:  
Andrews, Aransas, Arkansas, Armstrong, Atascosa, Bailey, Bandera, Bastrop, Bee,  
Bexar, Blanco, Borden, Brazos, Brewster, Brisco, Brooks, Burleson, Burnet, Caldwell, Calhoun, Cameron, Carson, Castro, Childress, Cochran, Coke, Collingsworth, Comal, Concho, Corsby, Crockett, Cottle, Crane, Culberson, Dallam, Dawson, Deaf Smith, De Witt, Dickens, Dimmit, Donley, Duval, Ector, Edwards, El Paso, Fayette, Floyd, Forad, Frio, Gaines, Garza, Gillespie, Glasscock, Goliad, Gonzales, Gray, Guadalupe, Hale, Hall, Hansford, Hardeman,  
Hartley, Haskell, Hays, Hemphill, Hidalgo, Hockley, Howard, Hudspeth, Hutchinson, Irion, Jackson, Jeff Davis, Jim Hogg, Jim Wells, Karnes, Kendall,

Kennedy, Kent, Kerr, Kimble, King, Kinney, Kleberg, Knox, Lamb, La Salle, Lavaca, Lee, Lipscomb, Live Oak, Llano, Loving, Lynn, Lubbock, McCulloch, McMullen, Martin, Mason, Maverick, Medina, Menard, Midland, Mitchell, Moore, Motley, Nueces, Ochiltree, Oldham, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Real, Refugio, Roberts, San Particio, San Saba, Schleicher, Scurry, Sherman, Starr, Sterling, Stonewall, Sutton, Swisher, Terrell, Terry, Tom Green, Travis, Upton, Uvalde, Val Verde, Victoria, Ward, Washington, Webb, Wheeler, Willacy, Williamson, Wilson, Winkler, Yoakum, Zapata, and Zavala. San Francisco District Office Area Code 415

EEOC Commercial No. -744-6500

901 Market Street, Suite 500 FTS No. - 8-415-744-6500

San Francisco, California 94103 FAX No. - 8-415-744-7423

TDD No. - 8-415-744-7392

Geographic Jurisdiction: State of Hawaii, Pacific Far East (the U.S. Possessions of American Samoa, Guam, Northern Mariana Islands, Wake Island),

and California counties of:

Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El

Dorado, Glenn, Humboldt, Inyo, Kern, Kings, Lake, Lassen, Madera, Marin, Mendocino, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San

Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo,

and Yuba (Hearings in Far East).

Seattle District Office Area Code 206

EEOC Commercial No. -553-0968

Arcade Plaza Building, 7th Floor FTS No. - 8-206-553-0968

2815 Second Avenue, Suite 500 FAX No. - 8-206-553-1308

Seattle, Washington 98121 TDD No. - 8-206-553-1362

Geographic Jurisdiction: States of Alaska, Idaho, Oregon, and Washington Washington Field Office Area Code 202

EEOC Commercial No. -275-7377

1400 L Street, N.W., Suite 200 FTS No. - 8-202-275-7377

Washington, D.C. 20005 FAX No. - 8-202-275-6834

TDD No. - 8-202-275-7518

Geographic Jurisdiction: The District of Columbia and Virginia counties of: Arlington, Clarke, Fairfax, Fauquier, Frederick, Loudoun, Prince William, Stafford, Warren, and Virginia independent cities of Alexandria, Fairfax City,

Falls Church, Manassas, Manassas Park and Winchester.

(Hearings in Europe)

(1) All time limits are expressed in calendar days, not business days.

(2) If the agent provides a satisfactory explanation for failure to see a counselor concerning an allegation, the administrative judge must refer the

allegation to the agency for further counseling of the agent. Upon completion

of counseling, the allegation shall be consolidated with the accepted portion

of the complaint.

(3) Section 1614.204(j)(5) provides: "The final decision of the agency shall require any relief authorized by law and determined to be necessary or desirable to resolve the issue of discrimination."

## CHAPTER 8

### APPEALS TO THE COMMISSION

#### I. INTRODUCTION

Section 1614.402(a) provides that appeals to the Commission must be filed by an appellant within thirty (30) days<sup>(1)</sup> of receipt of an agency's dismissal or final decision. If the complainant is represented by an attorney, the 30 day time limit shall begin to run from the date of receipt by the attorney, of the notice of dismissal or notice of final decision. The appeal of an agency final

decision or dismissal must be filed with the following:

Director, Office of Federal Operations,  
Equal Employment Opportunity Commission,  
P.O. Box 19848

Washington, D.C. 20036.

hand delivered to:

Director, Office of Federal Operations,  
Equal Employment Opportunity Commission,  
1801 L Street N.W. 5th Floor

Washington, D.C. 20507

or facsimile sent to:

(202) 663-7022

A copy of the appeal must also be filed with the agency's EEO Director (or whomever is designated by the agency in its final decision).

The appellant should use EEOC Form 573, Notice of Appeal/Petition. See form

attached to Chapter 4 of this directive. The agency shall attach a copy of EEOC

Form 573 to all final decisions and dismissals of equal employment complaints.

#### II. PERSONS WHO MAY APPEAL

The Commission's regulations governing appeals to the Commission are located at

subpart D of part 1614. Section 1614.401 sets out who may appeal to the Commission when an issue of employment discrimination is raised either alone or

in connection with a grievance, settlement, or a Merit Systems Protection Board

(MSPB) matter.

##### A.A Complainant May Appeal

15. An agency's final decision or the agency's dismissal of all or a portion of a complaint.

16. An agency's alleged non-compliance with a settlement agreement in accordance with section 1614.504.

B.A Class Agent May Appeal

11. A final agency decision on a class complaint.(2)

12. A final agency decision on a petition to vacate a settlement agreement in the class action.(3)

13. An agency's alleged non-compliance with a settlement agreement in accordance with section 1614.504.

C.A Class Member May Appeal

7. A final agency decision on a claim for individual relief under a class complaint.

8. A final agency decision on a petition to vacate a settlement agreement in a class action.(4)

9. An agency's alleged non-compliance with a settlement agreement in accordance with section 1614.504.

D.A Grievant May Appeal

6. A final decision of the agency.

7. A final decision of the arbitrator.

8. A final decision of the Federal Labor Relations Authority (FLRA) on the grievance.

9. Exception: A grievant may not appeal under subpart D of part 1614, when the

matter initially raised in the negotiated grievance procedure is:

a.still ongoing in that process,

b.in arbitration,

c.before the FLRA,

d.appealable to the Merit Systems Protection Board (MSPB), or

e.if 5 U.S.C. § 7121(d) is inapplicable to the involved agency.

III.FILING THE APPEAL AND AGENCY RESPONSE

A.Briefs and Supporting Documents

The appellant shall have thirty (30) days from the filing of the appeal to submit a brief and any other documents in support of the appeal. The original

must be submitted to the Director, Office of Federal Operations.

A copy of the brief and any other supporting documents must be sent to the agency, within the 30 day limit, and the appellant's submission must include

proof of service on the agency. Appellants must ensure that the agency's copy

of any statement or brief in support of the appeal is submitted to the designated agency representative, and not just to the agency's Civil Rights/EEO

office. A copy of the agency statement or brief in opposition to the appeal

must be sent to the appellant, and the agency's submission must also include

proof of service on the appellant. Failure by either party to include proof of

service with supporting documents or comments, or failure to provide such materials within the established time frame, may result in the materials not



being considered in the appellate review.

Requests for an extension of time to submit supporting documents or comments in rebuttal must be made in writing before the time limit for such submission expires.

#### B.The Agency Response

After receiving the appeal and any brief from the complainant in support of the appeal, the Director, Office of Federal Operations (OFO), will request the complaint file from the agency. The agency must submit to the Director, Office

of Federal Operations, the complaint file and any agency statement or brief in

opposition to the appeal within thirty (30) days of the date on which OFO requests the complaint file. Submission of the agency's complaint file shall

not be delayed for purposes of including additional comments. Failure to provide the complaint file within the prescribed time frame may result in the

Commission drawing an inference adverse to the agency.

#### IV. APPELLATE PROCEDURE

##### A.Appeal Will Be Acknowledged

The appeal will be docketed upon receipt in the Office of Federal Operations

and will be acknowledged in writing.

##### B. Where Record is Complete

Where the record is complete, OFO shall issue a decision in accordance with

section 1614.405.

##### C.Where Record Requires Supplementation

While the Commission retains the right to supplement the record of appeal, it

is intended that this provision will be used only in rare instances to avoid a miscarriage of justice.

3. Where the record requires supplementation, OFO may require additional information from one or both of the parties. OFO may supplement the record by

an exchange of letters, memoranda, or investigation. Each party shall provide

copies of such supplemental information to the other party at the time it is

submitted to OFO.

4. Where the record is so incomplete as to require remand to the agency in order to complete the investigation, the Commission shall designate a time period between thirty (30) and ninety (90) days within which the agency must

complete the investigation. During the period of remand, the appeal will be

held in abeyance and the matter will be monitored by OFO. Upon completion of

the investigation, the agency must provide the complainant with a copy of its

supplemental findings and return the completed record to OFO. The complainant may, within 30 days of receipt of the supplemental record, submit a statement concerning the supplemental record to OFO. Upon receipt by OFO, the supplemental record will be included in the appeal file and processed appropriately.

#### V. RECONSIDERATION

##### A. Reconsideration is Not an Appeal

A request for reconsideration is not a second appeal to the Commission. Such

requests must contain arguments or evidence which establish that:

1. new and material evidence is available that was not readily available when the previous decision was issued; or
2. the previous decision involved an erroneous interpretation of law, regulation or material fact, or misapplication of established policy; or
3. the decision is of such exceptional nature as to have substantial precedential implications.

##### B. Reconsideration Procedures

1. Requests for reconsideration and any supporting statement or brief must be

filed with OFO within thirty (30) days of receipt of a decision of the Commission or within twenty (20) days of receipt of another party's timely request for reconsideration.

2. The requesting party must submit any supporting documents or brief at the time the request is filed. The request must also include proof of service on the opposing party.

3. The opposing party shall have twenty (20) days from the date of service in

which to submit any statement or brief in opposition. Such statement or brief

must be served on the requesting party and proof of service must be included

with the submission to OFO.

4. Failure to provide a proof of service or to submit comments within the prescribed time frame may result in the return of the submission.

5. Requests for an extension of the time to submit opposing comments must be

made in writing before the time for such submissions has expired.

##### C. Reconsideration Decision is Final

The Commission's decision on a request for reconsideration is final, and there

is no further right by either party to request reconsideration, unless the decision remanded the complaint for further processing.

#### VI. REMEDIES

##### A. An Agency Shall Provide Full Relief After Finding Discrimination

When an agency or the Commission finds that an applicant or employee has been

discriminated against, the agency shall provide full relief as explained in

part 1614. See also Chapter 9 of the directive.

#### B.Types of Relief Available

Relief shall include the following elements in appropriate circumstances.

1. A notification to all employees of the agency in the affected facility of their right to be free from unlawful discrimination and assurance that the particular types of discrimination will not recur.
2. A commitment that corrective, curative or preventive action will be taken, or measures adopted, to ensure that violations of the law similar to those found will not recur.
3. An unconditional offer to each identified victim of discrimination of placement in the position the person would have occupied but for the discrimination suffered by that person, or a substantially equivalent position.
4. A payment to each identified victim of discrimination on a make whole basis for any loss of earnings and benefits the person may have suffered as a result of the discrimination.
5. A commitment that the agency shall cease from engaging in the specific unlawful employment practice found in the case.

#### C.Clear and Convincing Standard Needed to Avoid Liability: Duty to Cure Discrimination Remains

1. When an agency or the Commission finds that discrimination existed, but also finds by clear and convincing evidence that the agency would have made the same employment decision even absent the discrimination, the agency shall nevertheless take all steps necessary to eliminate the discriminatory practice and ensure that it does not recur.

2. Back pay, computed in the manner prescribed by 5 C.F.R.

§ 550.805, shall be awarded from the date the individual would have entered on

duty unless clear and convincing evidence indicates that the applicant or employee would not have been selected for the position even absent discrimination. Complainant has the obligation to mitigate damages. See Chapter 9, section III.A.

#### D.Interest on Back Pay

Interest on back pay shall be included in the back pay computation.

#### E.Offer of a Position Must Be in Writing

When the relief ordered includes the offer of a position or a promotion, the

offer shall be made to the complainant in writing, providing the complainant 15

days from receipt of the offer to notify the agency of the acceptance or rejection. Failure to respond within the 15-day time limit shall be construed

as a declination. Any back pay liability shall cease to accrue with either the

actual placement of the complainant into the position in question, or with the

date the offer was declined.

F. Attorney's Fees - 29 C.F.R. § 1614.501(e)

1. Attorney's fees and costs may be provided to a complainant as part of a settlement pursuant to section 1614.603. Section 1614.501(e) sets out in detail

the requirements and limitations on the award of attorney's fees and costs.

2. A finding of discrimination raises a presumption of entitlement to an award

of attorney's fees. § 1614.501(e)(1)(i).

a. Any award of attorney's fees or costs shall be paid by the agency. § 1614.501(e)(1)(ii).

b. No award is allowable for the services of any employee of the Federal government. § 1614.501(e)(1)(iii).

3. Attorney's fees are allowable only for the services of:

a. members of the Bar,

b. law clerks and paralegals, and

c. law students under the supervision of members of the Bar.

§ 1614.501(e)(1)(iii).

4. Attorney's fees may not be payable under certain circumstances.

a. An agency is not required to pay attorney's fees before the filing of a formal complaint and before the complainant has notified the agency that he or

she is represented by an attorney. Written submissions to the agency that are

signed by the representative shall be deemed to constitute notice of representation. § 1614.501(e)(1)(iv).

Exception: Fees are allowable for a reasonable period of time prior to the notification of representation (which may include time prior to the filing of

the written complaint) for any services performed in reaching a determination

to represent the complainant.

b. Attorney's fees are not recovered at the administrative level under the Age

discrimination in Employment Act (ADEA) or the Equal Pay Act (EPA). See Palmer

v. General Services Administration, 787 F.2d 300 (8th Cir. 1986).

5. Attorneys (or complainants, if attorney's fees have been paid by the complainant in advance) shall submit a claim for payment to the agency within

30 calendar days of receipt of a decision in which attorneys fees have been

awarded. § 1614.501(e)(2).

6. The agency shall pay the amount claimed in full, or issue a decision with

appeal rights where the amount claimed is partially paid or rejected in full.

Amounts not in dispute shall be paid even where disputed amounts are in the

appellate process.

§ 1614.501(e)(2)(ii)(A).

G. Computation of Service Time

When an individual accepts an offer of employment as a remedy for discrimination, (s)he shall be deemed to have performed service for the agency

during the period he would have served but for the discrimination for all purposes except for meeting service requirements for completion of a required probationary or trial period.

#### VII. COMPLIANCE

##### A. Relief Ordered in a Final Decision on Appeal

Relief ordered in a final decision on appeal to the Commission is mandatory and binding on the agency unless a party files a timely request for reconsideration or the Commission on its own motion reconsiders the decision. The relief shall

be provided in full not later than sixty (60) days after receipt of the final decision unless otherwise ordered in the decision.

##### B. Relief Pending a Motion for Reconsideration

In the event that the agency files a timely request for reconsideration and the case involves removal, separation or suspension continuing beyond the date of the request for reconsideration, the agency shall comply with the decision only to the extent of the temporary or conditional restoration of the employee to duty status in the position recommended by the Commission, pending the outcome of the agency request for reconsideration.

When no request for reconsideration is filed, or when such a request is denied, the agency shall provide the relief ordered and there is no further right to delay the implementation of the ordered relief. The relief shall be provided in full not later than sixty (60) days after receipt of the final decision unless otherwise ordered in the decision.

##### C. Complainant May File an Appeal Alleging a Breach of a Settlement Agreement

Where a complainant files an appeal alleging a breach of a settlement agreement and OFO determines that the agreement was breached, the complainant may request enforcement of the settlement agreement or may request reinstatement of the initial complaint at the point at which the processing of the complaint was stopped.

##### D. Complainant May Petition the Commission for Enforcement of a Decision Issued

Under the Commission's Appellate Jurisdiction.

A complainant may petition the Commission for enforcement of a decision issued under the Commission's appellate jurisdiction. The petition shall be submitted

to OFO, and shall set forth the reasons which lead the complainant to believe

that the agency is not complying with the decision.

The petitioner shall be notified of any decision made on the petition.

Subsequent to the docketing of a petition, acknowledgement letters will be sent to both parties identifying the new docket number and advising both parties of the right to submit a brief or to comment on the issue in dispute.

The Commission may issue a notice to the head of any Federal agency which has

failed to comply with a decision to show cause why there is non-compliance.

Such notice may request the head of the agency or his/her representative to

appear before the Commission or to respond to the notice in writing with adequate evidence of compliance or with compelling reasons for non-compliance.

#### VIII. CIVIL ACTIONS

Filing a civil action terminates Commission processing of an appeal. See sections 1614.408 and 1614.409.

#### IX. NOTICE REQUIREMENTS

Agencies are required to notify complainants of their rights to appeal to the

Commission and to file a civil action within the specified limitations periods.

Agencies must also notify complainants of their statutory right to request court appointment of counsel for representation in connection with the filing

of civil actions, which arise from Title VII and the Rehabilitation Act. See

Hilliard v. Volcker, 659 F.2d 1125 (D.C. Cir. 1981). Therefore, agencies that

are subject to 29 C.F.R. Part 1614 are required to include the appropriate language in every final decision on complaints which allege discrimination. Sample language is provided in Chapter 10, section V.

(1) All time limits stated in this Management Directive are in calendar days.

The time limits in Part 1614 are subject to waiver, estoppel, and equitable

tolling. 29 C.F.R. § 1614.604(c). For further guidance, see EEOC Compliance

Manual, Volume II, Section 605.

(2) Included is a dismissal of a complaint that does not meet the prerequisites

of a class complaint as enumerated in section 1614.204(a)(2) where the decision

to dismiss informs the class agent that the complaint is being filed as an individual complaint.

(3) See § 1614.204(g)(4). A petition to vacate a settlement agreement may be

filed if the settlement agreement favors only the class agent or is not fair

and reasonable. The agency's decision on the petition is appealable by the agent as well as class members.

(4) Id.

CHAPTER 9  
FULL RELIEF - RESERVED

CHAPTER 10  
ADMINISTRATIVE APPEALS, CIVIL ACTIONS,  
ATTORNEY'S FEES, AND APPOINTMENT OF COUNSEL

I. INTRODUCTION

Aggrieved persons must be made aware of administrative and civil action time

limitations which potentially may bar an aggrieved person's ability to file

appeals and civil actions. The time limits specified throughout this Management

Directive are stated in calendar days.

All parties should be aware that attorney's fees are awardable at the administrative level and beyond under Title VII of the Civil Rights Act of 1964

(42 U.S.C.

§ 2000e-16) and under the Rehabilitation Act of 1973 (29 U.S.C. § 791 et seq),

but that attorney's fees are not awardable at the administrative level under

the Age Discrimination in Employment Act (29 U.S.C. § 633a), or the Equal Pay

Act (29 U.S.C. § 206(d).

Finally, the agency must advise complainants that they can request that a U. S.

district court appoint counsel for them after they file suit in that court.

II. ADMINISTRATIVE APPEALS

A. Time Limits for Appeals to the Commission - Section 1614.402

The following time limits apply for filing an appeal to the Commission:

1. Appeals limits for agency final decisions and dismissals on individual complaints of discrimination at agencies covered by 5 U.S.C.

??§ 7121(d).

oWithin thirty (30) days of receipt of the agency final decision.

2. Appeals limits for agency final decisions or dismissals on individual complaints of discrimination at agencies not covered by 5 U.S.C.

??§ 7121(d)(1) where both a complaint and grievance are filed.

a.Within thirty (30) days of receipt of agency final decision.

b.Section 1614.301 (c) provides that where an aggrieved person whose employing

agency is not covered by 5 U.S.C.

§ 7121(d) files a grievance and an EEO complaint on the same matter, the time

limits contained in section 1614.106 (individual complaint processing) and section 1614.402 (time for appeals to the Commission) may be held in

abeyance

during the processing of the grievance if the grievance raises discrimination issues. (2)

3. Appeals limits for agency final decisions on class complaints of discrimination (§ 1614.402(a)).

o Within thirty (30) days of receipt of the decision.

4. Appeals limits for allegations of non-compliance with a settlement agreement

or a final decision of an agency which has not been appealed to the Commission

or been the subject of a civil action

(§ 1614.504). Notice to the EEO Director of non-compliance is a prerequisite. (3)

a. Within thirty (30) days of the complainant's receipt of an agency's determination on an allegation of non-compliance.

b. Thirty-five (35) days after the complainant serves the agency with an allegation of noncompliance, if the agency has not issued a determination.

5. Appeals limits on final grievance decisions in employment discrimination matters where 5 U.S.C. § 7121(d) applies to the agency.

· Within 30 days of receipt of the final decision of an agency, an arbitrator,

or the Federal Labor Relations Authority when employment discrimination was

raised.

6. Limits on petitions for consideration of final decisions of the MSPB on mixed

case appeals and mixed case complaints (5 C.F.R.

§ 1201.151 et seq. and 5 U.S.C. § 7702). (4)

a. Within 30 days of receipt of the final MSPB decision.

b. Within 30 days after the decision of a MSPB field office becomes final.

B. Petitions to Consider MSPB Decisions

A petition to EEOC to consider a final MSPB decision on a mixed case appeal or

on the appeal of a final decision on a mixed case complaint, under sections

1614.303 and 1614.304, must be in writing and must include:

17. The name and address of the petitioner and of petitioner's representative

(if any);

18. A statement of the reasons why the decision of the MSPB is alleged to be

incorrect, only with regard to the issues of discrimination based on race, color, religion, sex, national origin, age, or handicap;

19. A copy of the decision issued by the MSPB; and

20. The signature of the petitioner or representative, if any.

C. Appeal to MSPB on Mixed Case Complaint

At the time the agency issues its final decision on a mixed case complaint the

agency shall advise the complainant of the right to appeal the matter to the

MSPB (not the EEOC) within twenty (20) days of receipt of the agency's final

decision provided at section 1614.302(d) (3).

III. CIVIL ACTIONS



#### A. Time Limits for Civil Actions

##### 1. Title VII, Age Discrimination in Employment Act, Rehabilitation Act -- 29

C.F.R. § 1614.408

A complainant who has filed an individual complaint, an agent who has filed a class complaint, or a claimant who has filed a claim for individual relief in a class action complaint may file a civil action in an appropriate United States district court:

a. Within 90 days of receipt of an agency's final decision on an individual complaint, or final decision on a class complaint, if no appeal has been filed.

b. After 180 days from the date of filing an individual or class complaint if no appeal has been filed and no agency final decision has been issued.

c. Within 90 days after receipt of the Commission's final decision on appeal.

d. After 180 days from the date of filing an appeal with the Commission if there has been no final decision by the Commission.

##### 2. The Equal Pay Act -- 29 C.F.R. § 1614.409

Regardless of whether the individual complainant pursued any administrative

complaint processing, a complainant may file a civil action in a court of competent jurisdiction within two years or, if the violation is willful, within

three years of the date of the alleged violation of the Equal Pay Act.

Recovery

of back wages is limited to two years prior to the date of filing suit, or to

three years if the

violation is willful; liquidated damages in an amount equal to lost back wages

may also be awarded. The filing of an administrative complaint does not toll

the time for filing a civil action.

#### B. Termination of EEOC Processing

Filing a timely civil action under any of these statutes terminates Commission

processing of an appeal. If a civil action is filed after an appeal has also

been filed, the parties are requested to notify the Commission of this event in

writing.

#### C. Mixed Case Complaints

The Civil Rights Act of 1991 did not extend the time limit for filing a civil

action in mixed case complaints. See 29 C.F.R. § 1614.310 which sets forth the

statutory rights to file a civil action in mixed case complaints.

#### IV. ATTORNEY'S FEES AND COSTS

Title VII of the Civil Rights Act, as amended, 42 U.S.C. § 2000e-16, and the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 791 et seq., provide for an award of attorney's fees and costs if a complaint of unlawful employment discrimination is resolved in favor of the complainant. Attorney's fees are not recoverable at the administrative level under the Age Discrimination in Employment Act (ADEA), 29 U.S.C. § 633a, or the Equal Pay Act (EPA), 29 U.S.C.

§ 206(d). See In the Matter of Albert D. Parker, B-215672, March 18, 1985, Decision of the U.S. Comptroller General.

Section 1614.501(e) sets out the requirements and limitations on the award of attorney's fees and costs.

V. NOTICE OF COMPLAINANT'S RIGHT TO REQUEST COURT APPOINTMENT OF COUNSEL  
Consistent with the court's holding in Hilliard v. Volcker, 659 F.2d 1125 (D.C.

Cir. 1981), it is the Commission's policy to require all federal agencies subject to this directive to fulfill their duty to inform complainants, in writing, of their statutory right to request court appointment of counsel for

representation in connection with the filing of civil actions which arise under

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-16,

and the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 791 et seq.

In Hilliard, the court held that agencies must inform administratively unsuccessful complainants that, in the event they file a civil action, the court has discretionary authority to appoint counsel for them. A litigant who

fails to request counsel should not be penalized because an agency has been

remiss in its duty to inform the complainant of the court's authority.

Therefore, all federal agencies subject to 29 C.F.R. Part 1614 are

required to

include the following language in every final decision on complaints which allege discrimination on the bases of race, color, religion, sex, national origin, and/or handicap:

Within 30 days of your receipt of the agency's final decision, you have the

right to appeal this decision to:

Equal Employment Opportunity Commission

Office of Federal Operations

P.O. Box 19848

Washington, D.C. 20036

You also have the right to file a civil action in an appropriate United States

district court. If you choose to file a civil action, you may do so

- -within 90 days of receipt of this final decision if no appeal has been filed, or

- -within 90 days after receipt of the EEOC's final decision on appeal, or

- -after 180 days from the date of filing an appeal with the EEOC if there has

been no final decision by the Commission.  
You must name the person who is the official agency head or department head as the defendant. Agency or department means the national organization, and not just the local office, facility, or department in which you might work. Do not name just the agency or department. In your case, you must name as the defendant. (The agency must supply the name of the proper person). You must also state the official title of the agency head or department head. Failure to provide the name or official title of the agency head or department head may result in dismissal of your case.  
If you decide to file a civil action, under Title VII or under the Rehabilitation Act, and if you do not have or cannot afford the services of an attorney, you may request that the Court appoint an attorney to represent you and that the Court permit you to file the action without payment of fees, costs, or other security. The grant or denial of the request is within the sole discretion of the Court. Filing a request for an attorney does not extend your time in which to file a civil action. Both the request and the civil action MUST BE FILED WITHIN NINETY (90) CALENDAR DAYS of the date you receive the Commission's decision.  
(1) For example, the United States Postal Service, United States Postal Rate Commission and the Tennessee Valley Authority.  
(2) Abeyance notice is required. See Chapter 2 section V. A. 1. d., page 11 of this Management Directive.  
(3) As a prerequisite to the agency determination, section 1614.504 provides :  
If the complainant believes that the agency has failed to comply with the terms of a settlement agreement or final decision, the complainant shall notify the EEO Director, in writing, of the alleged noncompliance within 30 days of when the complainant knew or should have known of the alleged noncompliance.  
(4) The Commission will only accept petitions for review of final MSPB decisions.

## I. INTRODUCTION

This chapter of the Management Directive contains the Equal Employment Opportunity Commission's (EEOC) guidance and instructions for the preparation and submission of annual reports on Federal pre-complaint counseling, formal complaint processing and disposition of Federal EEO complaints. The provisions of this section apply to all Federal agencies and departments covered by 29 C.F.R. § 1614.103(b) and (c). The EEOC is authorized by 42 U.S.C. § 2000e-16 to collect Federal complaints processing data. The analyses of the data collected enable the EEOC to assist in refining the efficiency and effectiveness of the Federal EEO process. Every effort should be made to ensure accurate recordkeeping and reporting of federal EEO data and that all data submissions are fully responsive and in compliance with information requests.

## II. PROCEDURAL REQUIREMENTS

The EEOC will collect federal pre-complaint and complaint processing data and disposition data annually, as prescribed by Commission regulations at section 1614.602. Federal agencies and departments are required to provide EEO complaints data on a form prescribed by the EEOC. Section 1614.602. See Attachment A to this chapter. The heads of all covered Federal agencies and departments with 100 or more employees are responsible for submitting annual Fiscal Year reports, including counseling data from all organizational components under their jurisdiction, to the EEOC not later than October 31st of each year. Heads of all Federal agencies with less than 100 employees are responsible for maintaining data on pre-complaint counseling and formal complaints and for submitting this information to EEOC if requested. Agencies and departments that are covered and had no EEO complaint activity are required to submit negative reports. All reports under the reporting requirements of 29 C.F.R. Part 1614 will begin with the report for Fiscal Year 1992.

The report, EEOC Form 462, data submissions and inquiries concerning the report

should be directed to:

Equal Employment Opportunity Commission  
Office of Federal Operations  
Federal Sector Programs  
Complaints Adjudication Division  
P.O. Box 19848  
Washington, D.C. 20036  
Telephone: Local (202) 663-4515

(FTS) 8-202-663-4842

TDD: (202) 663-4053

### III. INSTRUCTIONS FOR COMPLETING EEOC FORM 462

EEOC Form 462 is divided into nine parts. Agencies should report the discrimination complaint processing statistics for INDIVIDUAL COMPLAINTS OF

DISCRIMINATION only on the Form 462. Information must be reported for all categories in each part. If there was no activity, a zero should be entered in

the appropriate spaces. The instructions for completing the report are as follow:

#### Part I. SUMMARY OF PRE-COMPLAINT COUNSELING ACTIVITIES

##### 1. TOTAL NUMBER OF INDIVIDUALS COUNSELED THIS REPORTING PERIOD

Report the number of individuals who received pre-complaint counseling for the reporting period. This total should include the number counseled according to

the requirements at 29 C.F.R. 1614.105, and reported separately:

##### a. NUMBER COUNSELED WHERE COUNSELING WAS COMPLETED WITHIN 30 DAYS

Report the number of individuals counseled under section 1614.105 within the 30

day time limit.

##### b. NUMBER COUNSELED WITHIN 60-DAY EXTENSION

Report the number of individuals counseled under the provision for an additional 60-day extension, as provided at 1614.105(2)(e).

##### c. NUMBER COUNSELED THROUGH AGENCY DISPUTE RESOLUTION PROCEDURES (DRP)

Report the number of individuals electing an established dispute resolution

procedure pursuant to section 1614.105(2)(f).

##### d. NUMBER COUNSELED ON REMAND

Report the number of individuals counseled on issues remanded to the agencies

where the EEOC administrative judge at the hearing stage determined that a complainant raised or intended to pursue issue(s) like or related to the complaint, as provided at 1614.109(a).

#### FORMULA FOR THE TOTAL:

Part I. 1.(a)., number counseled within 30 days plus (+), Part I. 1.(b), number

counseled with an additional 60 day extension plus (+), Part I. 1.(c), number

counseled through Agency's Dispute Resolution Procedure (DRP), plus (+) number

counseled on remand equals (=) total number of individuals counseled this reporting period.

#### Part II. SUMMARY OF FORMAL COMPLAINT ACTIVITIES

##### 1. COMPLAINTS ON HAND AT THE END OF THE PRIOR REPORTING PERIOD

Report the number of complaints in the agency complaint inventory at the end of

the previous fiscal year. The complaint inventory includes complaints in any

administrative processing stage prior to dismissal or a final decision.

This

number should include remands from EEOC for completion of investigations and

other reinstatements.

## 2.COMPLAINTS ON HAND AT THE BEGINNING OF THE REPORTING PERIOD

Report the number of complaints filed with the agency in any administrative processing stage which are on hand at the beginning of the fiscal year.

Because

there is no lapse of time between the end of the previous fiscal year and the

beginning of a new fiscal year, numbers for Part II, (1) and (2) should be the same.

Exceptions:

(1) If a complaint that was previously dismissed during the reporting period is

remanded to the agency to complete the investigation, or reinstated during the

reporting period, the number of complaints on hand at the beginning of the reporting period should be adjusted upward accordingly.

An

explanation should be provided in the space for comments on the Form 462.

(2) If any complaints have been consolidated during the reporting period, the

number of complaints on hand at the beginning of the reporting period should be

adjusted downward accordingly and an explanation provided in the space for comments on the Form 462.

## 3.COMPLAINTS FILED THIS REPORTING PERIOD

Report the number of formal complaints filed during the reporting period, in

accordance with section 1614.106.

## 4.REMANDS

Report the number of complaints that were remanded to the agency for further

administrative processing. This number should include: (a) complaints remanded

to the agency for counseling of like or related issues provided at 1614.109(a);

(b) complaints on appeal remanded to the agency for supplemental investigations; and (c) complaints remanded to the agency for other processing

as ordered by the EEOC.

## 5.COMPLAINTS CLOSED THIS REPORTING PERIOD

Report the number of complaints closed by dismissal, withdrawal, settlement,

and final decision on the merits during the reporting period. Dismissals are

covered by section 1614.107(a)-(h).

Note: A complaint should be reported as closed only when all issues are closed

by any pre-appellate closure categories, i.e., dismissal, withdrawal, settlement, and final decision.

## 6.FORMAL COMPLAINTS ON HAND AT THE END OF THIS REPORTING PERIOD.

Report the number of complaints remaining in the EEO complaint inventory at the

end of this reporting period.

FORMULA FOR THE TOTAL:

Part II. 2. Number of complaints on hand beginning of reporting period,  
plus

(+) Part II. 3. Number of complaints filed, plus (+) Part II. 4. Remands,  
minus

(-) Part II. 5. Complaints closed, equal (=), Part II. 6. Complaints open  
at  
the end of this reporting period.

Part III.AGENCY WORK FORCE AND EEO RESOURCES

1.AGENCY PERMANENT WORK FORCE

Report the total number of full-time and part-time career employees on  
board at

the end of the fiscal year.

2.NUMBER OF EEO COUNSELORS

Report the number of agency personnel designated for EEO counseling at the  
end

of the reporting period.

a.FULL-TIME

Report a subtotal for full-time counselors. Employees performing EEO  
counseling

duties full-time means those working 40 hours per week.

b.PART-TIME

Report a subtotal for part-time counselors. Employees performing EEO  
counseling

duties part-time means those working less than 40 hours per week.

c.COLLATERAL DUTY

Report a subtotal for collateral duty EEO counselors. EEO counseling is  
not a

primary job duty.

3.NUMBER OF INVESTIGATORS

Report the number of agency personnel designated for EEO investigations at  
the

end of the reporting period.

a.FULL-TIME

A subtotal must be reported for those that are full-time (work week is 40  
hours).

b.PART-TIME

A subtotal must be reported for part-time (work week is less than 40  
hours).

c. COLLATERAL DUTY

Those that are collateral duty investigators (EEO investigation duty is  
not a

primary job duty).

4.NUMBER OF COUNSELORS/INVESTIGATORS

Report the number of agency personnel designated for  
counselors/investigators

at the end of the reporting period.

a.FULL-TIME

Report a subtotal for full-time counselors/investigators (work week is 40  
hours).

b.PART-TIME

Report a subtotal for those part-time counselors/investigators (work week  
is

less than 40 hours).

c. COLLATERAL DUTY

Report a subtotal for collateral duty counselors/investigators, (EEO counselor/investigator is not a primary job duty).

Part IV. SUMMARY OF BASES AND ISSUES IN COMPLAINTS FILED

Report the number of bases and issues alleged in all formal complaints filed

during the reporting period.

Issues involving Equal Pay Act violations and sexual harassment should be based

on sex (Male and/or Female) and reprisal only. All other bases under these issues are inappropriate.

Terminations involving reduction-in-force action should be reported under the

"other" category under disciplinary action to distinguish this from other terminations.

Note: Where two or more bases and/or issues are included in a single complaint,

be sure to record each basis and/or issue alleged in a complaint in the appropriate column(s). Because complainants often include more than one basis

and/or issue in a complaint, the number of bases and issues will not be equal

to the number of individual complaints filed during the reporting period.

Part V. SUMMARY OF CLOSED COMPLAINTS BY STATUTE

Report the combined number for all statutory bases, i.e., Title VII, Age Discrimination in Employment Act (ADEA), Section 501 of the Rehabilitation Act,

and Equal Pay Act (EPA).

Note: This number will be larger than the total number of closures because a

single complaint may allege a violation of more than one statute.

Provide the number of complaints closed by each statute as indicated in Part

V. (A) 1. Title VII, 2. Age Discrimination in Employment Act (ADEA), 3.

Rehabilitation Act, and 4. Equal Pay Act (EPA) on the Form 462.

Note: Where two or more statutory bases are contained in a single complaint, be

sure to record each statutory basis in the appropriate column. The number of

complaints by statutory bases will be larger than the number of complaints closed during the reporting period.

Part V. 1. Column (B) - Title VII:

Report the number of closed complaints that contained Title VII bases (race,

color, sex, national origin, and religion).

Part V. 2. Column (B) - Age Discrimination in Employment Act (ADEA):

Report the number of closed complaints that contained age discrimination basis

(persons age 40 and older).

Part V. 3. Column (B) - Section 501 of the Rehabilitation Act:

Report the number of closed complaints that contained handicap discrimination

basis.



Part V. 4. Column (B) - Equal Pay Act (EPA):

Report the number of closed complaints that contained an equal pay basis.

Part VI. SUMMARY OF CLOSURES BY AGENCY

A.TOTAL NUMBER OF CLOSURES

Column (A) TOTAL NUMBER OF CLOSURES

Report the combined number of complaints closed in all closure categories:

(1)

Dismissals, (2) Withdrawals, (3) Settlements, and (4) Final Decisions.

The combined and the total number for each type of closure, i.e.,

Dismissals,

Withdrawals, Settlements, Final Agency Decisions (with and without a hearing)

must be reported for all complaints closed during the reporting period.

NOTE: In the case where two or more issues were closed in a single complaint by

more than one type of closure, the agency can record it in the category it determines is most important for the case.

FORMULA FOR THE TOTAL:

Part VI.B.1. Dismissal plus (+) Part VI.B.2. Withdrawals plus (+)Part VI.B.3.

Settlements plus (+) Part VI.B.4. Final Decisions equal (=)Part VI.A. Total

Closures.

Column (B)TOTAL NUMBER OF DAYS

Report the total number of days for processing complaints closed during this

reporting period, from date filed to date closed for each type of closure, i.e., Dismissal, Withdrawal, Settlement, and Final Decision.

Column (C) AVERAGE NUMBER OF DAYS FROM FILING TO CLOSURE

Report the average number of days for processing complaints this reporting period, from date filed to date closed for each type of closure, i.e., Dismissal, Withdrawal, Settlement, and Final Decision.

FORMULA FOR THE TOTAL:

Part VI.(B) divided (÷) by Part VI.(A) equals (=) Part VI.(C), Average Number

of Days From Filing to Closure.

INSTRUCTIONS FOR AVERAGE NUMBER OF DAYS COMPUTATIONS

In order to assist with correctly computing the average number of days for the

total closures and the individual types of closures, please note that Part VI(A), (B) and (C) computations should be done as illustrated below:

(EXAMPLE)

Type

of

Closure (A)

Total Number

of Closures

This Reporting

Period Divided

into

(÷) (B)

Total Number of Days From Filing Equals

(=) (C)

Average

		Number of Days from Filing to Closure
Dismissals		
Withdrawals		
Settlements		
Final Agency Decisions on Merits	20	
	45	
	10	
	35	
		1,000
		20,405
		2,005
		17,635
		50
		453.4
		201
		503.8
Total 110	41,045	356.9

#### B. NUMBER OF CLOSURES BY CATEGORY

1. Definition: Dismissals - Report the number of complaints dismissed under the provisions at 29 C.F.R. § 1614.107. The agency shall dismiss a complaint or part of a complaint:

(a) that fails to state a claim under section 1614.103 or section 1614.106(a) or states the same claim that is pending before or has been decided by the agency or Commission;

(b) that fails to comply with the applicable time limits contained in sections 1614.105, 1614.106 and 1614.204(c), unless the agency extends the time limits in accordance with section 1614.604(c), or that raises a matter that has not been brought to the attention of a counselor and is not like or related to a matter that has been brought to the attention of a counselor;

(c) that is the basis of a pending civil action in a United States district court in which the complainant is a party provided that at least 180 days have passed since the filing of the administrative complaint, or that was the basis of a civil action decided by a United States district court in which the complainant was a party;

(d) where the complainant has raised the matter in a negotiated grievance procedure that permits allegations of discrimination or in an appeal to the Merit Systems Protection Board and section 1614.301 or section 1614.302 indicates that the complainant has elected to pursue the non-EEO process;

(e)that is moot or alleges that a proposal to take a personnel action, or other

preliminary step to taking a personnel action, is discriminatory;

(f)where the complainant cannot be located, after reasonable efforts have been

made to locate the complainant and the complainant has not responded within 15

days to a notice of proposed dismissal sent to his or her last known address;

(g)where the agency has provided the complainant with a written request to provide relevant information or otherwise proceed with the complaint, and the

complainant has failed to respond to the request within 15 days of its receipt

or the complainant's response does not address the agency's request, provided

that the request included a notice of the proposed dismissal. Instead of dismissing for failure to cooperate, the complaint may be adjudicated if sufficient information for that purpose is available; or

(h)if, prior to the issuance of the notice required by section 1614.108(f), the

complainant refuses within 30 days of receipt of an offer of settlement to accept an agency offer of full relief containing a certification from the agency's EEO Director, Chief Legal Officer or a designee reporting directly to

the EEO Director or the Chief Legal Officer that the offer constitutes full

relief, provided that the offer gave notice that failure to accept would result

in dismissal of the complaint. An offer of full relief is that which is appropriate relief in section 1614.501.

2.Withdrawals - Report the number of complaints that were withdrawn.

Withdrawals include only those complaints in which the complainant initiated

the action to terminate the administrative processing after filing a formal

complaint.

Withdrawals with voluntary resolution and corrective action should be reported

in Part VI.B.3 as settlements.

3.Settlements - Report the number of complaints that were resolved through settlement. A settlement is an adjustment, formal or informal, of a complaint

and should be in the form of a written agreement signed by the complainant and

the agency.

4.Final Decisions Issued by the Agency - Report the number of final decisions

issued by the agency with a hearing and without a hearing (i.e., recommended

findings from EEOC Administrative Judge). The final decision is a finding on

the merits of discrimination or no discrimination.

Only the agency decisions reported in VI.B.4. above need to be tabulated.  
Do

not include the decisions to dismiss or the withdrawals and settlements,  
reported in VI.B.1., 2., and 3.

The method for calculating this number is: Add the totals of Part VI.B.4(a)  
Finding Discrimination to Part VI.B.4(b) Finding No Discrimination.

(a) Report a subtotal of all final decisions on the merits issued by the  
agency,  
with and without a hearing, finding discrimination, Part VI.B.4.(a) on the  
Form  
462.

(b) Report a subtotal of all final decisions issued by the agency, with and  
without a hearing, finding no discrimination, Part VI.B. 4.(b) on the Form  
462.

FORMULA FOR THE TOTAL:

Part VI.B.4.(a) (Finding Discrimination) plus (+) Part VI.4.(b) (Finding  
no

Discrimination) equal (=) Part VI.B.4., Final Agency Decisions.

C.TYPES OF FINAL AGENCY DECISIONS

Report the total number for all final agency decisions.

This number should be the same as reported in Part VI.B.4.

1.FINAL AGENCY DECISION WITHOUT A HEARING

(a) Report the total number of final decisions on the merits issued by the  
agency finding discrimination where there has been no recommended findings  
and

conclusions from the EEOC.

(b) Report the total number of final agency decisions on the merits finding  
no

discrimination, where there have been no recommended findings and  
conclusions

from the EEOC.

2.FINAL DECISION WITH A HEARING BY EEOC ADMINISTRATIVE JUDGE - Report the  
number of:

a. Agency actions taken on recommended findings and conclusions from EEOC  
finding discrimination.

Report the number of recommended findings and conclusions from EEOC  
administrative judges' recommended findings of discrimination on which the  
agency acted by indicating how many instances those findings were:

21. accepted as the agency decision,

22. modified by the agency or

23. rejected by the agency

b. Agency action taken on recommended findings and conclusions from EEOC  
finding

no discrimination.

Report the number of recommended findings and conclusions from EEOC  
administrative judges' findings of "No Discrimination" on which the agency  
acted by indicating how many instances those findings were:

14. accepted as the agency decision,

15. modified by the agency or

16. rejected by the agency

Note: If there is an instance where a recommended finding of  
discrimination or

no discrimination is accepted, modified, or rejected in part, the agency  
can

record it in the category it determines is the most important for the case.  
Part VII.SUMMARY OF COMPLAINTS CLOSED WITH CORRECTIVE ACTION UP TO AND INCLUDING FINAL DECISION BY THE AGENCY

1.TOTAL NUMBER OF COMPLAINTS CLOSED WITH CORRECTIVE ACTION THIS REPORTING PERIOD

Report the total number of complaints closed with corrective action. In the instance where a single case contains more than one corrective action, count each corrective action separately in the appropriate designated category. Do not include corrective action taken pursuant to a Commission or Office of Federal Operations appellate order.

2.AMOUNT OF BACK PAY AWARDED THIS REPORTING PERIOD

Report the total dollar amount of back pay granted to complainants during the reporting period.

3.ATTORNEY'S FEES AND COSTS AWARDED

Report the total dollar amount awarded for attorney's fees and costs during the reporting period.

4.TYPES OF CORRECTIVE ACTION

Report the total number of complaints closed with corrective action. The number should be reported for each category of resolutions and corrective action as listed on the Form 462, Part VII. D. and indicate how many such actions included or did not include an award of back pay.  
Note: Several types of resolutions and corrective action may be applicable for

each complaint, and each should be entered in the appropriate column. This total will be more than the total number of complaints closed.

Part VIII.SUMMARY OF OPEN EEO COMPLAINTS INVENTORY

PENDING AT THE END OF THE REPORTING PERIOD

1.TOTAL NUMBER OF OPEN EEO COMPLAINTS PENDING IN INVENTORY AT THE END OF THE REPORTING PERIOD.

Report the total number of open complaints left in the inventory for processing at the end of the reporting period in column 1.(A); the total number of days in processing, i.e. from date filed to end of the reporting fiscal year (September 30th) in column 1.(B); the average number of days from filing to end of fiscal

year (September 30th) in column 1.(C); pending 1-180 days in column 1.(D); 181-365 days in column 1.(E); pending 366-720 days in column 1.(F); and over 720 days in column 1.(G).

FORMULA FOR PART VIII 1. COLUMN (C): Part VIII 1.(B) divided (÷) Part VIII 1.(A)=Part VIII 1.(C)

2.TOTAL NUMBER OF OPEN COMPLAINTS PENDING BY CATEGORY.

a.Written Acknowledgement of Receipt (Notification of Acceptance for Processing

or Dismissal)

Report the total number of open complaints pending written acknowledgement of

receipt (with notification of acceptance for processing or dismissal) in inventory in Column 2a.(A); the total number of days in processing; i.e., from

date filed to end of fiscal year (September 30th) in column (B); the average

number of days from date filed to end of fiscal year (September 30th) in Column

(C); pending 1-180 days in Column (D); pending 181-365 days in Column (E); 366-720 days in Column (F) and over 720 days in Column (G).

b.INVESTIGATION

Report the total number of open complaints pending in Column (A); the total

number of days in processing; i.e., from date filed to end of fiscal year (September 30th) in Column (B); and the average number of days from date filed

to end of fiscal year (September 30th) in Column (C); pending 1-180 days in

Column (D); pending 181-365 days in Column (E); 366-720 days in Column (F) and

pending over 720 days in Column (G).

c.HEARINGS

Report the total number of open complaints pending hearings in Column (A); the

total number of days in processing; i.e., from date filed to end of fiscal year

(September 30th) in Column (B); the average number of days from date filed to

end of fiscal year (September 30th) in Column (C); pending 1-180 days in Column

(D); pending 181-365 days in Column (E); pending 366-720 days in Column (F);

and over 720 days in Column (G).

d.FINAL DECISION BY THE AGENCY

Report the total number of open complaints pending Final Decision by the agency

in column (A); the total number of days in processing; i.e., from date filed to

end of fiscal year (September 30th) in column (B); the average number of days

from date filed to end of fiscal year (September 30th) in column (C); pending

1-180 days in column (D); pending 181-365 days in column (E); pending 366-720

days in column (F); and pending over 720 days in column (G).

Part IX.SUMMARY OF ACTIVITY FOR COMPLETED INVESTIGATIONS

1.NUMBER OF INVESTIGATIONS COMPLETED THIS REPORTING PERIOD.

Report the total number of all investigations completed by agency personnel and

investigations contracted out.

a.NUMBER OF INVESTIGATIONS COMPLETED BY AGENCY PERSONNEL

Report the number of investigations completed by agency personnel separately in column (A); the total number of days to complete investigations for complaints from date assigned for investigation to date investigation was completed, in column (B); and the average number of days to complete the investigations.

b. NUMBER OF INVESTIGATIONS COMPLETED CONTRACTED OUT.  
Report the number of investigations contracted out separately in column (A); the total number of days it took to complete the investigation(s) in column (B); and the average number of days from assignment to date investigation was completed.

FORMULA FOR THE TOTAL:

Part IX.1.a plus (+) Part IX.1.b equal (=) Part IX.1.

2. NUMBER OF INVESTIGATIONS COMPLETED AND NOTICES ISSUED WITHIN 180 DAYS.

Report the total number of investigations completed and notices issued within 180 days as required at 1614.108(e) during the reporting period in column 2(A);

total number of days for completion, i.e., date filed or within time period

contained in an EEOC Order on an appeal to date of notice, in column 2(B); and

average number of days for completion.

NOTE: The average days should be derived by dividing the total number, column

(A) into the total number of days, column (B).

FORMULA:  $\text{Part IX 2.(B)} \div \text{Part IX 2.(A)} = \text{Part IX 2.(C)}$ .

3. NUMBER OF INVESTIGATIONS COMPLETED AND NOTICES ISSUED AFTER ADDITIONAL EXTENSION OF UP TO 90 DAYS.

Report the total number of investigations completed and notices issued up to an

additional 90-day extension, i.e., up to a total of 270 days, as provided at

1614.108(e), during the reporting period, in column 3(A); total number of days

for completing the investigations, counting from the date filed or from the

date or time period contained in an EEOC Order on an appeal, to the date of

notice in column 3(B); and average number of days for completion.

NOTE: The average number of days should be derived by dividing the total number

of investigations, column 3(A) into the total number of days, column 3(B).

FORMULA:  $\text{Part IX 3.(B)} \div \text{Part IX 3.(A)} = \text{Part IX 3.(C)}$ .

4. NUMBER OF INVESTIGATIONS COMPLETED AND NOTICE ISSUED IN EXCESS OF 270 DAYS.

Report the total number of investigations completed and notices issued in excess of 270 days during the reporting period in column 4(A); total number of

days for completing the investigations, i.e., from date filed or within time period of an EEOC Order on an appeal to date of notice in column 4(B); and the average number of days for completion.

NOTE: The average number of days should be derived by dividing column 4.(A);

Total number into column 4.(B); Total number of Days.

FORMULA: Part IX 4.(B) ÷ Part IX 4.(A)=Part IX 4.(C).

5.TOTAL DOLLAR AMOUNT SPENT FOR ALL INVESTIGATIONS.

Report the total amount spent on all investigations (i.e., investigations completed by agency personnel and investigations contracted out during this

reporting period.

a.Amount spent on investigations completed by agency personnel.

Report the amount spent on investigations completed by agency personnel.

The

dollar amount reported should include salaries.

b. Amount spent on contracted investigations

COMMENTS:

Space is provided at the end of the EEOC Form 462 for any explanations and/or

comments concerning the reported data in any Part (I-VI) of the form.

NAME AND TITLE OF PREPARER:

The preparer's name, title and telephone number should be provided so EEOC can

contact the individual and office within the agency who is most familiar with

the data included on the Form 462, if necessary. The EEOC Form 462 should also

be dated and signed by the preparer.

Section 580 EEO Process

581 Witnesses and Representatives in the Federal EEO Process



International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

Material within this Manual of Operations and Administration may no longer be current. To ensure having the most current policy or procedure, please contact the Agency office responsible for the subject matter, e.g., information about performance appraisal, staffing, or compensation should be directed to the Office of Human Resources. For assistance in determining which office to contact, please contact Cathy Brown or Renee Tyrance-Gauff of the Analysis and Administration Division on (202) 203-4664 or feel free to email this staff at cabrown@bbg.gov or crgauff@bbg.gov.

MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART V-A PERSONNEL (DOMESTIC), 500 EMPLOYEE BENEFITS, CONDUCT AND RESPONSIBILITIES  
Section 590

COMPLIANCE WITH THE ETHICS IN GOVERNMENT ACT

591 Purpose

592 Background

593 Definitions

594 Procedures

594.1 Financial Disclosure Statement

594.2 Filing Requirements

594.3 Effective Dates and Deadline for Submission of the Financial Disclosure Statements

594.4 Contents of Completed Reports

595 Responsibilities

595.1 Office of the General Counsel

595.2 Heads of Offices, and Services

595.3 Overseas Employees

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595.5 Presidential Appointment of the Principal Officers

595.6 New Employees

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596 Penalty for Failure to File or Falsifying Reports

597 Rights of the Employee

598 Public Inspection of the Financial Disclosure Statements

Section 590

## COMPLIANCE WITH THE ETHICS IN GOVERNMENT ACT OF 1978

591 PURPOSE - This section provides regulations and procedures for the filing, control of, and public access to financial disclosure reports which certain prospective or present employees are required by law to prepare and to submit for review.

592 BACKGROUND - The Ethics in Government Act of 1978 requires certain employees to prepare a comprehensive report on their financial situation to be reviewed for possible conflicts of interest by the General Counsel, who is the designated official, and in specified cases by officials of the Office of Government Ethics. By law, these reports must be available for public inspection and copies must be provided on request. The Act also imposes significant new restrictions on post-employment contacts between former employees of Broadcasting.

### 593 DEFINITIONS

a. "Designated Agency official" means the official designated by the Director of Broadcasting to administer the provisions of the Act within Broadcasting. (see paragraph 595.1).

b. "Covered employee" means an employee, including a special Government employee, whose position is classified at GS -16 or higher, and a member of the Senior Foreign Service or a domestic specialist of Class 2 or above (FSRU-2 or FSRU-1). It also includes individuals appointed to positions by the President by and with the advice and consent of the Senate; employees in positions which are of a confidential or policy-making character, unless their positions have been excluded by regulations issued by the Director, Office of Government Ethics; and certain others described in the Office of Personnel Management Regulations governing Executive Personnel Financial Disclosure Requirements.

c. "Special Government employee" means an officer or employee who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis.

d. "Government-wide regulations" means regulations heretofore or hereafter issued by the Office of Personnel Management (OPM), and specifically the regulations published in the Federal Register on October 21, 1980 .

e. "The Act" means the Ethics in Government Act of 1978 (P.L. 95-521; 92 Stat. 1824-1885; approved on October 26, 1978), as amended.

### 594 PROCEDURES

594.1 Financial Disclosure Statement - There is at present one Financial Disclosure Statement Form (Standard Form 278 Revised). (It may be used:

a. By employees filing annual statements and termination of employment statements under the Act; and

b. By newly appointed or elected officials and, at the time of nomination, by those persons nominated by the President to positions requiring the advice and consent of the Senate, who must fill statements under the Act (see paragraph 593b).

594.2 Filing Requirements - A covered employee must prepare a financial disclosure report on the appropriate standard form issued by the Office of Personnel Management and file it as follows:

a. An individual who assumes a position covered by the Act must file a completed Standard Form 278 within 30 days of assuming the position (e.g., a GS-15 promoted to GS -16) or a new SES employee unless the individual:

(1) has left another covered position within 30 days prior to assuming the new position; or

(2) has already filed a report in connection with a nomination or as a candidate for the position.

b. Except for Career Ministers, an individual nominated for a position as a Foreign Service Information Officer must file a completed Standard Form 278 within 30 days of the date the nomination is forwarded to the Senate (e.g., Class 1 FSIO nominated by the President to Senior Foreign Service).

c. An individual who occupies a covered position and performs the duties of that position for more than 60 days during any calendar year must file a completed Standard Form 278 on or before May 15 of each succeeding calendar year. The reports filed on or before May 15 are to include information for the preceding calendar year.

d. An individual whose employment in a covered position terminates must file a completed Standard Form 278 unless the individual has accepted employment in another covered position. The report required by this paragraph covers the preceding calendar year, unless the May 15 report covering that year has been filed, plus the period of the current year up to the individual's termination from employment.

594.3 Effective Dates and Deadline for Submission of the Financial Disclosure Statements

All Statements must be submitted to the General Counsel no later than May 15 of each year. Except as otherwise specifically provided in Paragraphs 595.6, 595.7, and 595.8, and except for officers assigned overseas who must file by June 15.

594.4 Contents of Completed Reports

a. Each covered employee should carefully read the Information Sheet on the Standard Form to assure it is the Form appropriate to the circumstances of the employee and to understand the information which is

required to be included. Employees with questions are referred in the first instance to the Government-wide regulations or to the instructions to Standard Form 278 . Any questions still unanswered should be referred to the General Counsel.

b. Each covered employee is instructed to include the employee's grade or class in the block entitled "Position for which filing" on page 1 of Standard Form 278.

c. Under Schedule C of the Financial Disclosure Statement, an officer need not identify or disclose gifts that were offered and accepted as part of a publicly recognized representational function (e.g., diplomatic dinner or reception). These are more properly covered by the Foreign Gifts Act (5 USC 7342) and are excluded from coverage under these regulations.

#### 595 RESPONSIBILITIES

595.1 Office of the General Counsel - The General Counsel serves as the designated official to administer the provisions of the Act.

#### 595.2 Heads of Offices, and Services

On March 1 of each year, the Director of International Broadcasting is requested to designate a subordinate officer who will:

(1) identify the covered employees, i.e., every employee who must file a Financial Disclosure Statement (Standard Form 278) by reason of the employee's personal class in the Foreign Service or of the position which the employee occupies in the Civil Service;

(2) distribute the Financial Disclosure Statements to these employees.

(3) request each covered employee to fill out the Financial Disclosure Statement;

(4) obtain a current job description for each covered employee and identify the employee to whom the description relates;

(5) request missing information from an employee who has filed an incomplete Statement; and

(6) forward the job descriptions and the completed Statements to the General Counsel no later than May 15 (June 15 in the case of officers assigned overseas) with certification that all employees have complied. IT IS MOST IMPORTANT THAT JOB DESCRIPTIONS ACCOMPANY THE COMPLETED STATEMENTS. It is the responsibility of the designated subordinate officer to ensure that the job descriptions are forwarded to the General Counsel.

As an aid in identifying covered employees, the Office of Personnel, will provide a list of employees whose incumbency in a civil service position or whose personal foreign service rank subjects them to the reporting obligations.

In case of doubt whether an employee is obligated to submit a Statement, the officer required to obtain the Statement from the employee should consult the Designated Agency Ethics Official (DAEO).

The name and location of each officer who fails or refuses to submit a Financial Disclosure Statement shall be provided to the DAEO, with a narrative statement of the efforts made by the Office, or Service to obtain the officer's compliance with the obligation.

593.3 Overseas Employees - The appropriate offices will be responsible for obtaining job descriptions for and Financial Disclosure Statements from employees based abroad as well as from domestically assigned employees, excluding those listed under Paragraphs 595.4 and 595.5 below.

595.4 Detailed Employees - All covered detailed employees will file completed Financial Disclosure Statements with the Designated Agency Ethics Official of the agency to which they are detailed.

595.5 Presidential Appointment of the Principal Officers of Broadcasting - The DAEO shall obtain the completed Financial Disclosure Statement (Standard Form 278) of proposed presidential appointees for the positions of Director from the Executive Office of the President and, within three (3) days of receipt, submit a letter of review to the Director of the Office of Government Ethics.

595.6 New Employees - the Office of Personnel will obtain the required job descriptions for, and Financial Disclosure Statements from, all covered new employees, and from any proposed presidential appointees. The Statement must be submitted to the DAEO within thirty (30) days after the date of the employee's appointment.

595.7 Separated Employees -The Office of Personnel will obtain the last applicable job descriptions and Financial Disclosure Statements for employees who, immediately before separation from Broadcasting were employed in a covered position.

The completed Statement and job description pertaining to a covered employee who has been separated will be forwarded within thirty (30) days after separation to the DAEO. Periodically, the Director, Office of Personnel, will provide the DAEO with a list of employees who have been separated. The DAEO will check the list against the Statements of separated employees on file and notify the Director, Office of Personnel, of any former employees who have not filed Statements. The Director, Office of Personnel, will notify any such former employees of the requirement to file the Statements and of applicable penalties.

#### 596 PENALTY FOR FAILURE TO FILE OR FALSIFYING REPORTS

The Attorney General may bring a civil action in any United States District Court with jurisdiction against any individual who knowingly and willfully falsifies or who knowingly or willfully fails to file or to report any information required by the Act. The court in which such

action is brought may assess against such individual a civil penalty not to exceed \$5,000.

#### 597 RIGHTS OF THE EMPLOYEE

a. Steps to Determine the Existence of the Obligation to Report - When the DAEO has been informed by an Office, or Service that an employee failed or refuses to submit a complete Statement, the DAEO shall communicate to the employee the reasons for which the obligation has been applied to the employee, and the obligation incumbent on the DAEO:

(1) to refer to the Attorney General the name of any individual who, the DAEO has reason to believe, has knowingly and willfully falsified or knowingly or willfully failed to file or to report any information required to be reported; or

(2) to recommend that disciplinary action be taken against the employee.

The DAEO shall notify the employee in writing that the decision to refer the employee's name to the Attorney General as well as to take any appropriate disciplinary action in accordance with applicable law or regulation is under consideration and that the employee is required within ten (10) working days of receipt of the written notice to submit the completed Statement or to furnish any evidence or arguments before further action is taken.

After receipt of the employee's reply or where no reply has been submitted, the DAEO shall review the entire available record, decide whether to accept the employee's argument, or to recommend to the General Counsel that the employee's name be referred to the Attorney General or that disciplinary action be taken (or both) and notify the employee in writing of the decision and the reasons for it.

Appeal - An employee may appeal a decision of the General Counsel:

(1) that the employee must submit a complete Financial Disclosure Statement:

(2) that specific information is required to be submitted;

(3) that the required information has not been submitted;

(4) that a conflict of interest exists; or

(5) proposing to refer the employee's name to the Attorney General.

The appeal directed to the General Counsel shall be in writing, and shall be sent within ten (10) working days after an employee receives written notice of the decision to be appealed. This appeal shall not preclude any other appeal provided by law or regulation of the Office of Personnel Management or of the Office of Government Ethics.

The General Counsel shall decide the appeal on the written record and notify the employee in writing of the decision and of the reasons for it.

## 598 PUBLIC INSPECTION OF THE FINANCIAL DISCLOSURE STATEMENTS

On written request, the Office of Administration will make available to the Public the filed job descriptions and completed Financial Disclosure Statements. If a job description is not attached to a Statement which has been requested for inspection, an Assistant General Counsel will obtain the job description for an overseas position from the appropriate Office, and for a domestic position from the appropriate head of the Office, or Service (see paragraph 595.2). A record shall be kept of each person who inspects or requests a copy of a particular Statement and of the date on which inspection took place or the document was furnished. The Director Office of Administration, will post prominently at the place where Statements are inspected by the public, and will attach to the Statements furnished, a notice describing the penalties for misuse of the Financial Disclosure Statements or of their contents. The Director Office of Administration, will dispose of Financial Disclosure Statements on file in accordance with Sections 734.603 (b) & (c) of the OPM Government-wide Regulations.

The General Counsel shall be responsible for review of Statements filed by Presidential nominees to the positions of Director and of the Statements which are subject of appeals by employees.

All referrals to the Attorney General or to the Director of the Office of Government Ethics shall be by the General Counsel.

International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

Material within this Manual of Operations and Administration may no longer be current. To ensure having the most current policy or procedure, please contact the Agency office responsible for the subject matter, e.g., information about performance appraisal, staffing, or compensation should be directed to the Office of Human Resources. For assistance in determining which office to contact, please contact Cathy Brown or Renee Tyrance-Gauff of the Analysis and Administration Division on (202) 203-4664 or feel free to email this staff at cabrown@bbg.gov or crgauff@bbg.gov.

MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART V-A PERSONNEL (DOMESTIC), 600 HOURS OF DUTY AND LEAVE  
Section 600

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MOA V-A Section 600

WORK SCHEDULES

601 WORKWEEK

601.1 Authority - Part 610 of the 5 Code of Federal Regulations and 5 U.S.C. 6101 grant broad authority to each federal department and agency to schedule the work of its employees.

601.2 Definitions - See 5 CFR 610.

a. Alternative Work Schedules - Flexible and compressed work schedules which allow employees to deviate from the Basic Workweek and Basic Workday, but must account for 40 hours a week, or 80 hours a pay period, for a full-time employee.

b. Administrative Workweek - The administrative workweek of Broadcasting is the calendar week -- Sunday through Saturday -- and each day is the 24-hour period from midnight to midnight, the Office of Personnel (B/P) approves a different "administrative workweek" or "day" to facilitate work scheduling for employees whose daily duty tours begin before and end after midnight.

c. Basic Workweek - The regular basic workweek consists of five consecutive work days appropriate to the needs of each work unit.

d. Basic Workday -Broadcasting's officially established basic workday for full-time employees consists of eight consecutive hours with 45 minutes for lunch.

e. Regularly Scheduled Administrative Workweek - For full-time employees, the regularly scheduled administrative workweek will consist of not fewer than 40 hours of work.

f. Suffer or Permit - A term applicable to employees entitled to overtime compensation under the Fair Labor Standards Act and means compensable overtime work performed for the benefit of Broadcasting, whether requested or not, provided the employee's supervisor knows of or has reason to believe that work is being performed and has the opportunity to prevent the work from being performed.

601.3 Scheduling an Administrative Workweek - All full-time employees of Broadcasting who are not working on an approved Maxiflex, Flextime, or Compressed Work schedule as defined in Section 603, shall be scheduled in accordance with the provisions of the basic workweek and basic work day unless specific authorization states otherwise (Section 601.6).

601.4 Meal Period - Normally, each tour of duty must include a meal period, normally 45 minutes, during which the employee will be excused from duty. On a case-by-case basis, a supervisor may grant a 30-minute lunch hour to employees with special needs, as long as the requirements of the office and equity among employees in the office have been considered. Examples of special needs include, but are not limited to, car pool or transportation, or child care or elder care needs. The lunch period will be scheduled as near the middle of the workday as possible. Ordinarily the meal period will not be scheduled during the first or last 2 1/2 hours of the work day.

601.5 Clearances by General Services Administration (GSA) - The Regional Administrator, Region III, GSA, must approve any changes in work-hours involving 50 or more employees. B/P obtains any clearance necessary before the change can be implemented.

#### 601.6 Irregular Workweek

a. An irregular workweek is one which does not fall within the definitions for basic workweek and basic workday. The requirements for an irregular workweek contained in 5 CFR 610.121 may be waived only when Broadcasting would be seriously handicapped in carrying out its functions or that costs would be substantially increased. Examples of an irregular workweek include a non-overtime schedule other than Monday through Friday, shift work or a schedule which has a starting time which varies from day to day.

b. The head of the employing Office must request approval from the Director, B/P or his or her designee, to establish an irregular basic workweek for an individual employee or a group of employees. The written request must describe the circumstances that justify the proposal, and include additional justification if requesting the waiver of requirements in 5 CFR 610.121 as noted in "a" above. The irregular basic workweek may be either on a continuing basis or may be authorized to cover special requirements that occur from time to time or emergency work situations.

d. Employee Travel During Non-Duty Hours - 5 U.S.C. 6101(b)(2) provides that travel shall, to the maximum extent practicable, be scheduled within

an employee's scheduled workweek. When an employee is required to travel outside his or her scheduled duty hours under circumstances that do not entitle him or her to overtime pay or compensatory time off, the official who orders the travel must record the reasons for ordering the travel during non-duty hours and must furnish the employee a copy upon request. (See MOA V-A 242.4c for circumstances in which hours of travel are treated as hours of work in determining entitlement to overtime compensation).

e. Special Work Schedules for Educational Purposes - B/P may approve an individual request by an Office for an irregular workweek to permit an employee to take one or more courses in a college, university, or other educational institution that will equip him or her for more effective work in Broadcasting. An employee assigned to a special work schedule for educational purposes is generally ineligible for night pay differential or Sunday pay.

#### 601.7 Scheduling Hours of Work for Part Time Employees (See 5 CFR Part 340)

a. Work schedules of part-time employees will be from 16 to 32 hours a week under a specified schedule which must be indicated on the SF-50. Any permanent change including decreasing or increasing the part-time hours can be done only by the issuance of an SF-50.

b. The work schedule for each part-time employee will be determined by the employing office in advance of appointment, and submitted on the SF-52. These work schedules may be changed to meet operating requirements, but they must be fixed in advance of the date on which they become effective and cover more than two pay periods. The employee will be provided a written schedule in advance of the effective date. All work schedules must meet the following requirements unless written approval for an exception has been obtained in advance from B/P (see (7) below):

(1) The total number of hours scheduled to be worked each day will be in full hours or in multiples of one-half hour;

(2) The workweek must consist of specified hours of duty during no more than five consecutive days, with at least two consecutive days off;

(3) No more than 8 hours of work may be scheduled in any one workday;

(4) The daily work schedule of a part-time employee who works 5 or more hours a day must include a non-paid meal period during which the employee will be excused from duty. In accordance with Broadcasting practice, this meal period should be 45 minutes in duration. However, if a 45 minute meal period is impracticable, heads of Offices may prescribe meal periods of different duration, provided that the minimum length of a meal period will be 30 minutes;

(5) The schedule of the basic workweek must not be altered to permit or prevent the inclusion of holidays; and

(6) All work schedules must meet the requirements of (1) above. Any work schedule not meeting the criteria of (2) through (6) must be requested and justified in writing and approved in advance by Personnel.

c. Part-time employees earn leave only if work is scheduled during each week of each biweekly pay period.

d. A part-time employee will not be scheduled for full-time work (with the exception noted below) without approval by Budget. An employing office that wishes to schedule a part-time employee for full-time work either permanently or for a limited period will request Personnel to convert the employee from a part-time to a full-time appointment. A part-time employee who is required to perform irregular or occasional hours of work in addition to his or her established part-time schedule may do so for up to two consecutive pay periods and an SF-50 is not necessary. The additional hours, and the supervisor's authorization, must be shown on the time and attendance report.

#### 601.8 Hours of Work for Intermittent (WAE) Employees

a. Intermittent (WAE) employees work irregularly or occasionally. They do not have a prearranged schedule of days and hours of work but are called to work as their services are needed. They are paid only for work actually performed. Daily work assignments of intermittent employees will be in full hours or multiples of one-half hour. They are excluded from annual and sick leave benefits.

b. Intermittent employees normally will work not more than 30 hours per week.

c. In emergency situations, an intermittent employee may be required to work more than 30 hours a week, but he or she will not be ordered to work more than 30 hours a week for more than four consecutive calendar weeks without prior approval of B/P. If warranted by unusual circumstance, B/P may extend the four-week restriction. B/P will notify the employing office in writing of such extensions and of their expiration dates. Work in excess of 30 hours a week may not be ordered beyond the expiration date of an extension without prior approval from B/P.

d. An intermittent employee may not be scheduled for regular part-time or full-time work without B/P approval. An employing office that wishes to schedule an intermittent employee for regular part-time or full-time work will request B/P to convert the employee to a part-time or full-time appointment. B/P will review the request and take appropriate action in consultation with the employing office.

601.9 Hours of Work for Experts and Consultants - Instructions for scheduling hours of work for experts and consultants are contained in MOA V-A 800.

#### 602 OVERTIME WORK

602.1 General Overtime Policy - Work in excess of 40 hours during the administrative workweek will be authorized only as an emergency measure to avoid backlogging of regular work or to meet unforeseen developments or circumstances. It is the policy of Broadcasting that those officials authorized to order or approve official overtime will make every effort to

avoid or diminish need for overtime work by careful scheduling, by distributing and controlling work assignments, reviewing requests for approval of overtime to be worked, and devising other means of meeting workload requirements, e.g., through improved management and streamlined procedures. Whenever possible, overtime will be distributed among employees in an equitable manner.

602.2 Regularly Scheduled Overtime is hours of duty in excess of 40 hours during an employee's administrative workweek or in excess of 8 hours during an employee's workday that are officially ordered and scheduled (or should have been scheduled) by management prior to the beginning of the administrative workweek and designated by calendar days and number of hours per day as part of the regularly scheduled administrative workweek. Compensatory time off may not be substituted for overtime pay for regularly scheduled overtime.

602.3 Irregular or Occasional Overtime is hours of duty in excess of 40 hours in an administrative workweek or in excess of 8 in a workday that is officially ordered in advance by management, but cannot be scheduled in advance of the administrative workweek.

602.4 Shift Rotation - A 40-hour administrative workweek that includes overtime because an employee must work more than 8 hours in one or more workdays because of shift rotation may be approved by the head of the Office.

#### 602.5 Authority to Order or Approve Overtime

(a) First level supervisors, second level supervisors, and higher officials are authorized, within the limitation of available allotted funds, to order or approve overtime work to be performed by employees who are GS-12s (or equivalent FP officers) or below, or by wage system employees. Overtime will not be ordered or approved for employees who are at or above GS-13 (or equivalent Foreign Service) level except in very unusual circumstances. If such unusual circumstances occur, the order or approval of overtime must be in writing and signed by the head of the employing office.

(b) Overtime must be ordered in advance or approved in writing immediately after it has been performed in order to be creditable for pay or compensatory time purposes.

602.6 Recording and Reporting Overtime Work - Procedures and instructions for authorizing, recording, and reporting overtime work for time and attendance and payroll purposes are contained in MOA VII-500, Time and Attendance Handbook.

#### 602.7 Compensatory Time Off

(a) MOA V-A 242 provides that GM, GS, GG, and FP employees, whose salary exceeds the top GS-10 pay rate, earn one hour of compensatory time off, rather than overtime pay, for every hour of irregular or occasional overtime work authorized under 5 USC. Compensatory time off may not be granted for regularly scheduled overtime. MOA V-A 242 further provides

that GM, GS, GG, and FP employees not subject to the Fair Labor Standards Act who are paid at lesser rates should be encouraged to elect compensatory time off in lieu of overtime pay. Wage system employees must be paid for overtime worked unless they request in writing, compensatory time off in lieu of overtime pay.

(b) Non-wage system employees covered by FLSA must be paid for overtime which is approved or suffered and permitted without regard to grade level. Under the provisions of 5 CFR 551.531, officials authorized to approve overtime shall, upon written request from a non-wage system employee covered by FLSA, approve compensatory time off in lieu of paid overtime. Such employees may not be required to be compensated for overtime work with an equivalent amount of compensatory time off.

(c) Scheduling and Approving Compensatory Time Off

(1) Supervisors who order or approve overtime work by a GM, GS, GG, or FP employee not covered by FLSA whose salary exceeds the top GS-10 rate should, at the time of ordering or approving irregular or occasional overtime, schedule the compensatory time off. If it is not possible to develop such a schedule, the supervisor will schedule the compensatory time off as soon as possible after the overtime is worked, taking into account the plans and wishes of the employee.

(2) An employee will be required to use earned compensatory time off before taking annual leave. However, this requirement will not be applied during the last three months of the leave year if it would result in the employee's having to forfeit annual leave, nor will it be applied to scheduled vacation periods.

(3) An employee whose salary is below the GS-14 step 1 base pay may be paid for unused compensatory time at the end of the eighth pay period after the compensatory time was earned if the Director or Office Head, or designee, certifies to B/F on the Time and Attendance Report, that the time off could not be taken during the allowed period.

(4) If employees have elected, or have been required to take compensatory time in lieu of overtime pay, they will forfeit the time off if they refuse to take it when offered, or otherwise make it impossible to grant them such time off. In such instance, the supervisor is required to record the amount of compensatory time so forfeited on the Time and Attendance Report. Employees whose salary is at the minimum GS-14 rate (or Foreign Service equivalent) and above forfeit compensatory time off if it is not taken by the end of the eighth full pay period after the compensatory time was earned.

(d) Limitation on Granting Compensatory Time Off - Compensatory time off may not be earned for overtime for which the employee could not receive overtime pay because of the maximum aggregate salary limitation (maximum rate of GS-15 - MOA V-A 251). This limitation does not apply to FLSA overtime.

(e) Units of Compensatory Time Off - Compensatory time off is excused absence in lieu of overtime pay and should not be confused with annual leave. Compensatory time may be used in fifteen-minute increments.

(f) Recording and Reporting Compensatory Time - MOA VII-500, Time and Attendance, contains instructions for recording and reporting compensatory time.

(g) Compensatory Time Off Not Taken Before Involuntary Separation - If employees are involuntarily separated before they are permitted to take compensatory time off to their credit, they will be paid for the overtime.

(h) Reassignments - Compensatory time off will be granted before the effective date of an employee's reassignment from one Office to another. In exceptional circumstances, subject to agreement by the losing and gaining office, credit for compensatory time off may be transferred by the use of a Individual Compensatory Time Record.

(i) Transfer to Another Federal Agency - An employee who leaves Broadcasting to transfer to (or accept appointment without break in service by) another Federal department or Agency will forfeit unused compensatory time off to his or her credit unless the Director or Office Head certifies that such compensatory time off could not be granted before the employee's separation, and the employee may be compensated for it.

#### 603 ALTERNATIVE AND COMPRESSED WORK SCHEDULES

Maxiflex, Flextime, and Compressed Work Schedules are three systems of work schedules approved for use in Broadcasting. Within a work unit, and with the supervisor's approval, employees who are not required to work a previously approved schedule, may request a Maxiflex, Flextime, or Compressed Work schedule. Prior to implementing any schedule individual units must ensure that internal Office procedures and approvals have been followed. All three schedules may be used within a single work unit.

##### 603.1 - Alternative Work Schedules

5 U.S.C. 6120 authorizes the Director to establish flexible work schedules for Broadcasting employees. The Director has delegated this authority to the Office of Personnel.

###### a. Flextime

(1) Participation in and Termination of Flextime - Broadcasting offices in the U.S. may participate in the Flextime program by notifying Personnel through the office supervisor.

If it is determined by a supervisor that participation in this program is disruptive to the work unit, hinders its productivity, or incurs additional cost in the performance of its work, after consultation with the unit employees, and a good faith effort to work out any problems, the supervisor may terminate or modify participation in Flextime.

(2) FlexibleTime - Under Flextime, employees may depart 8 hours and 45 minutes after arrival (or appropriate number of hours in a part-time employee's daily schedule). All employees in offices using flexible schedules must sign in and sign out daily on a centrally located time sheet. For time-keeping instructions, see MOA VII 523.

(3) Night Pay Differential - Employees who elect to vary departure time beyond 6:00 p.m. are not eligible for night pay differential.

b. Maxiflex Work Schedule Program - Maxiflex is a system of flexible hours, core time, and the option of earning credit time. Through accumulation of credit time, employees may take up to a day off (without charge to leave) every other week. The following outlines the policy and procedures for the Maxiflex Work Schedule Program.

(1) Coverage - All full-time and part-time Civil Service and Foreign Service employees in the United States who work in units which have adopted the Maxiflex Work Schedule are covered by this section.

Members of the Senior Executive Service and Senior Foreign Service are precluded by regulation from earning credit time, and thus, may not work a Maxiflex schedule.

The Office of Personnel should be notified if Broadcasting units begin or terminate participation in the program.

## (2) Definitions

(a) Flexible Hours - those hours during which employees may choose their arrival and depart 8 hours and 45 minutes after arrival, during the normal administrative workweek (usually Monday through Friday).

### (b) Core Time

Hours during which an employee must be present for work: eight consecutive work hours. (including a 45 minute lunch break), unless on approved absence (annual leave, sick leave, credit time, LWOP, etc.).

### (c) Credit Time

Work time in excess of 80 hours per pay period or 8 hours per day which an employee elects to work so as to vary the length of a workday or a workweek. Employees may work up to 10 regular hours per day (plus a 45-minute lunch break), may accumulate 10 hours of credit time per pay period, and may carry over 24 hours of credit time from pay period to pay period. Credit time may be accumulated and used in fifteen-minute increments.

(d) Work Unit - An organizational unit located in one place with a specific mission and homogenous procedure or technology, headed by a supervisor or manager authorized to certify time and attendance reports and approve leave. A work unit may consist of as few as two individuals.

(e) Work Schedule - The employee's approximate starting and quitting times, requested days off, either on annual leave, compensatory time off or earned credit time, and the days during which the employee will work 9 or 10 hours or fewer than 8 hours. All hours must be worked during the



normal administrative workweek (usually Monday through Friday). There are no flexible core days -- that is, days on which all employees are expected to work; supervisors will determine when each employee may be spared from the work unit on a day off.

The work schedule is submitted monthly if necessary and approved, disapproved and/or amended by the supervisor. Full-time employees are required to account for 80 hours per pay period; part-time employees are required to account for the number of predetermined bi-weekly hours that constitute their workweek.

### (3) Participation in Maxiflex

Participation will be determined on a unit by unit basis. Individual participation within the work unit will be voluntary even if the entire unit has been approved for Maxiflex, and should be in writing. A unit decision to participate in or terminate Maxiflex may be changed at a later time. Supervisors should notify Personnel and the Administrative Officer of the Office of the unit's participation, or termination of participation, and the number of employees participating or terminating.

Individual work schedules will be worked out at the beginning of each month between the employee and supervisor. (After an initial approval, monthly schedules may not be desirable.) Employee's arrival and departure times should be as flexible as possible within the Broadcasting-wide flexible hours. However, in those units where the work situation so dictates, after discussion with employees, the supervisor may require the employees to adhere to the approved monthly schedule, including arrival and departure times. The schedule may be amended during the month as the needs of the office and/or the employee change.

All employees in participating units must sign in and sign out daily on a centrally located time sheet, and in addition, employees on Maxiflex must sign a Maxiflex Bi-weekly Time Record identifying the number of regular, overtime or compensatory hours worked and the number of hours of annual, sick, credit or compensatory time taken each day. The bi-weekly time record will be certified by the employee and approved by the supervisor at the end of the pay period and used and retained by the unit timekeepers in completing the bi-weekly time cards. See Time and Attendance Handbook MOA VII, Section 500, for time-keeping instructions.

### (4) Premium Pay Under Maxiflex

#### (a) Overtime

Employees participating in Maxiflex are not eligible for overtime coverage under the provisions of the Fair Labor Standards Act (FLSA) for those hours in excess of 8 in a day or 40 in a week which the employee elects to work so as to vary the length of a workday or a workweek. If the overtime is officially ordered in advance, the employee is eligible for overtime under the provisions of the FLSA or Title 5, as applicable.

A supervisor may order an employee to work hours that are in excess of the number of hours which that employee had intended to work that day, but which are not in excess of 8 in that day or 40 in that week. For example, an employee submits the following schedule to the supervisor and has it

approved: 9 hours on Monday, 9 hours on Tuesday, 7 hours on Wednesday, 8 hours on Thursday, and 7 hours on Friday. On Wednesday, the supervisor decides that the employee is needed for one additional hour and orders the employee to work the additional time. Although this is work officially ordered in advance, it is not in excess of 8 hours in a day, and therefore, is not necessarily to be paid as overtime. In such a case the supervisor may allow the employee to: 1) work one hour less on a subsequent workday; 2) work out the balance of his or her schedule as planned, and receive one hour of credit time; or 3) work out the balance of his or her schedule as planned, and receive overtime pay for one hour, which would be the 41st hour of his or her week.

(b) Compensatory Time - Employees participating in Maxiflex may earn up to, but no more than 10 hours of compensatory time off in addition to any credit time earned. If an employee enters the program with more than 10 hours to his or her credit, that employee may earn no further compensatory time until the balance is less than 10 hours. The limit does not apply to compensatory time off for religious observances discussed in paragraph 604.

Voluntary compensatory time, in lieu of overtime pay, is extended to prevailing rate employees. Prevailing rate employees working a Maxiflex schedule are subject to the policy on the earning and subsequent payment of compensatory time found in paragraph 602 of this section and MOA V-A 240.

(c) Credit Time - Credit time is distinguished from overtime and compensatory time in that it is not officially ordered in advance by management, but is time worked at the employee's option. Employees may earn up to 2 hours of credit time per day, in fifteen-minute increments; earn a maximum of 10 hours of credit time each pay period; and up to 24 unused hours of credit time may be carried over from pay period to pay period. Any credit time in excess of 24 hours not used during the pay period will be forfeited without compensation. An employee has the right to use earned credit time either on an ad hoc basis or as part of a pre-established regular schedule, subject to advance approval of his or her supervisor.

An employee shall not be paid overtime, Sunday, or holiday pay for credit time. However, an employee who transfers or terminates from Broadcasting shall be paid for accumulated credit time at the employee's then current hourly rate, up to a total of 24 hours of accumulated credit time. An employee who transfers from a Maxiflex work unit to a non-Maxiflex work unit should arrange to use all accumulated credit time before the transfer date.

(d) Other Premium Pay - Night pay is paid only when work between 6 p.m. and 6 a.m. is scheduled by a supervisor or element. Employees who elect to vary their departure schedule beyond 6 p.m. are not entitled to night pay. Agency core time, the hours employees are required to be present, does not extend into the night-work hours. Holiday and Sunday pay are limited to 8 hours. Any General Schedule, Federal Wage System, or Foreign Service employee whose basic workweek includes Sunday, will not receive premium pay of 25 percent if work is not performed on Sunday because of paid leave,

excused absence with pay, compensatory time off, credit time, holidays, or time off taken as a result of an award.

(5) Leave, Excused Absence, and Temporary Duty under Maxiflex - Paid absence on an official holiday is limited to 8 hours for full-time employees; and for part-time employees, to that portion of the holiday which is within the employee's regular work schedule, up to 8 hours.

On a given day, an employee covered by a Maxiflex schedule may use up to 8 hours of sick or annual leave. An employee may use 8 hours of sick or annual leave to gain not more than 8 hours of credit time on any given day if the leave results in excess hours in the employee's daily, weekly, or biweekly schedule.

To make up for a credit time debit to complete the basic work requirement of 40 hours, the employee may do one of the following: charge annual leave on another day, or sick leave if he/she is still sick on another workday; or apply credit time or compensatory time off to his or her basic work requirement, if such credit time or compensatory time is available.

Broadcasting policy on excused absence (administrative leave) is outlined in MOA V-A 692.

Regardless of the work schedule that an employee elects to perform, an entitlement to sick, annual, military, funeral leave, and in some cases creditable service for retirement purposes has as a frame of reference the 8-hour day. The statutory provisions which allow maxiflex work schedules are not intended either to increase or decrease any employee's existing entitlement to leave or creditable service.

An employee covered by Maxiflex, who is assigned to a temporary duty station, may be required to follow a different schedule used at the temporary work site.

(6) Consultation with Employee Representative - In all matters relating to this program, the Agency will abide by its obligation to consult/negotiate with the employee representative.

If there is agreement between the supervisor and employees on the use of Maxiflex within the unit, Maxiflex may be implemented or declined without meeting with the employee representative. Otherwise, at the request of either the supervisor or the employees, the employee representative will attend a meeting of the unit employees with their supervisor to discuss Maxiflex. If it is determined by a supervisor that participation in this program is disruptive to the work unit, hinders its productivity, or incurs additional cost in the performance of its work, after consultation with the unit employees and the union, and a good faith effort to work out any problems, the supervisor may terminate or modify participation in Maxiflex. If a supervisor determines that Maxiflex is not feasible, but employees are interested in Maxiflex, the unit employees, the supervisor, and the employee representative may make recommendations and request a final decision from the Director, or Office Head or designee on participation in Maxiflex in the unit. The Director or Office Head's decision is final.

603.2 5/4-9 and 4-10 Compressed Work Schedules (CWS) - The authority for compressed work schedules can be found in 5 U.S.C. 6133(a) and 5 CFR 610.

a. Participating Employees - Civil Service, Foreign Service in the U.S., Senior Executive and Senior Foreign Service, and Federal Wage System employees, temporary or permanent, full-time or part-time.

b. Tour of Duty - Management officials must establish a tour of duty for each unit within a Branch, and provide a written copy of it to each unit employee. Hours of duty and days off must be fixed; flexible hours are not permitted. The day off in a 5/4-9 schedule may be rotated, but the rotation must be an established pattern. Neither managers nor employees may change the day-off on an ad hoc basis.

The biweekly tour of duty for employees working a 4-10 CWS is 10 hours and 45 minutes long (which includes a 45-minute meal period) for four days a week, each week.

The biweekly tour of duty for employees on a 5/4-9 CWS must include 8 nine-hour and forty-five minute days, one eight-hour and forty-five minute day, and one day off per pay period. With a fixed schedule, the day-off may be established on any day of the workweek.

If possible, CWS schedules should not include hours between 6 p.m. and 6 a.m. because the Agency is obliged to pay night pay.

c. Participation in CWS - Participation will be determined on a unit by unit basis with supervisory approval. Individual participation within the unit will be voluntary. A unit decision to participate in or terminate CWS may be changed at a later time. If the supervisor determines that it is disruptive to the unit, hinders productivity, or incurs additional expenses, the CWS schedule may be terminated within the unit. Offices starting or terminating CWS must notify the Office of Personnel. Broadcasting offices must obtain Office of Personnel concurrence prior to implementation.

d. Leave - Leave will be charged in accordance with the employee's schedule. For example, if an employee who is scheduled to work nine hours is absent for the whole day, he or she is charged nine hours of annual or sick leave, leave without pay, or another kind of leave; or, if an employee works four hours, he or she is charged five hours of leave.

e. Credit Time - Not permitted under a compressed work schedule.

f. Overtime Work - Hours that an employee is ordered to work in excess of the compressed work scheduled.

g. Compensatory Time Off - Under the General Schedule, may be accrued in lieu of pay for irregular or occasional overtime worked in excess of the compressed work schedule.

h. Holiday Pay - A full-time employee on a compressed work schedule must receive holiday pay for non-overtime work performed on the holiday or the

"in lieu of holiday," not to exceed the number of hours normally scheduled for that day.

A part-time employee on a compressed work schedule is entitled to holiday pay only for non-overtime work performed during his or her compressed work schedule which falls on a holiday.

i. Sunday Pay - A full-time employee who performs non-overtime work during a period of duty, a part of which is performed on Sunday, is entitled to Sunday pay for his or her entire period of duty on that day.

A part-time employee is not entitled to Sunday pay.

j. Holidays - An employee on a CWS schedule is entitled to regular pay for a day designated as a holiday (or an in lieu of holiday) for the number of hours he or she normally would have been scheduled to work that day (i.e., 8, 9, or 10 hours).

If a holiday falls on a day included in a part-time employee's tour of duty, the employee is entitled to pay for the number of hours he or she normally would have been scheduled to work that day.

k. Holidays falling on non-workdays

If a holiday falls on any non-workday except Sunday, the "in lieu of" day is the preceding day. For example, if an employee's CWS is Tuesday through Friday and Monday is a holiday, the employee's "in lieu of" holiday is the preceding Friday. If the holiday falls on Sunday, the "in lieu of" day is the next workday.

l. Time and Attendance Records - If more than one schedule is used within a unit, employees on compressed work schedules must sign in and sign out daily on the centrally located time sheet. Time-keeping instructions can be found in MOA VII 604.

#### 604 ADJUSTMENT OF WORK SCHEDULES FOR RELIGIOUS OBSERVANCE

604.1 Authority - 5 U.S.C. 5550a authorizes Broadcasting to grant compensatory time off for religious observance purposes.

604.2 Procedures - Any employee whose personal religious beliefs require the abstention from work during certain periods may work overtime for time lost for meeting those religious requirements. Employees shall be granted compensatory time off in lieu of overtime pay from their scheduled workday for such religious reasons. Supervisory approval must be obtained prior to working overtime for the time absent due to religious observances. Employees may work the overtime before or after the granting of compensatory time off. Advance grants of compensatory time off must be worked within a reasonable amount of time. Such overtime work shall be credited for compensatory time off on an hour for hour basis or fraction thereof.

605 FEDERAL LEGAL HOLIDAYS - (See pars. 605.2 and 605.3 below for pay for holiday not worked and MOA V-A 245 for premium pay for holiday worked.)

## 605.1 Identification of Holidays

a. The following days and dates have been designated as Federal legal holidays by law or Executive Order:

- (1) New Year's Day, January 1.
- (2) Martin Luther King, Jr.'s Birthday, third Monday in January
- (3) Washington's Birthday, third Monday in February.
- (4) Memorial Day, last 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.
- (11) Inauguration Day (Washington, D.C. area only) January 20.

b. The regulations in 605.2 and 605.3 apply to these holidays and to any other days or dates designated as Federal legal holidays by law or Executive Order, subject to the following exception:

- (1) 605.2 and 605.3e do not apply to Inauguration Day.
- (2) When January 20 of any fourth year after 1965 falls on Sunday, the next succeeding day selected for the public observance of the inauguration of the President is a legal public holiday for pay and leave purposes.

## 605.2 Observance of Federal Legal Holidays

a. General Rule - A Federal legal holiday occurring during an employee's scheduled basic workweek is observed as a non-workday.

b. Rule for Holiday Occurring on a Non-workday

(1) Monday Through Friday Workweek - When a holiday falls on Sunday or Saturday, a full-time employee eligible for holiday benefits whose workdays are Monday through Friday is excused from work on the Monday immediately following if the holiday falls on Sunday, and on the immediately preceding Friday if the holiday falls on Saturday.

(2) Basic Workweeks Other Than Monday Through Friday - When a holiday falls on the first non-workday in the calendar week (the day regularly scheduled instead of Saturday), a full-time employee eligible for holiday

benefits is excused on the workday immediately before the non-workday. See Title 5 USC 6103(b) (2).

When a holiday falls on the second non-workday in the calendar week (the day regularly scheduled instead of Sunday), a full-time employee eligible for holiday benefits is excused on the immediately following workday. See Executive Order 11582.

c. Uncommon Daily Tours - Section 5 of Executive Order 11582 provides that when an employee whose daily tour begins on one calendar day and ends on the following day, and either day is a holiday, he or she should be excused from the entire daily duty tour that commences on any such calendar day, or paid holiday premium pay for the entire shift if required to work that shift.

Example: Workweek: 10:00 p.m. to 6:45 a.m., Monday through Friday.

Holiday: Occurs on calendar Friday

Day Off: Begins at 10:00 p.m. Friday and continues through 6:45 a.m. on Saturday.

d. Two 8-hour Duty Tours Beginning on the Same Calendar Day - An employee will be excused from the first tour, or paid holiday premium pay if required to work that shift.

Example: Workweek: Midnight to 8:45 a.m. - Monday through Thursday and 10:00 p.m. Thursday to 6:45 a.m. Friday.

Holiday: Occurs on calendar Thursday

Day Off: Midnight to 8:45 a.m. tour on Thursday.

605.3 Pay for Holidays Not Worked - All employees of the Agency who have a regular tour of duty, except wage system employees serving under appointments limited to 90 days or less (unless the employee has served continuously for more than 90 days without a break in service through a succession of appointments or extensions of appointment), are eligible for pay for holidays not worked subject to the conditions stated in paragraphs a through g below.

a. Full-Time Employees - Full-time employees are eligible for their regular pay for a holiday that falls on or is observed on a day on which they are scheduled to work. If they are scheduled to work on Sunday or Saturday, and the holiday falls on one of their days off, paragraph 605.2b(2) applies. For example, a holiday falls on Sunday and is observed on Monday. Full-time employees who are scheduled to work on Tuesday through Saturday will get Tuesday off with their regular pay. If the holiday falls on Monday, they will get the preceding Saturday off with their regular pay.

b. Part-Time Employees - Part-time employees with prearranged work schedules are eligible for pay for that part of their work schedule that falls on a holiday. If the office in which they work is closed on one of

their work days because the holiday is observed on that day, they may be excused without charge to leave and get their regular pay. If neither the calendar holiday nor the day on which the office is closed fall within a part-time employee's work schedule, he or she gets no holiday benefits. The designation of days in lieu of Sunday and Saturday, provided for in paragraph 605.2 do not apply to part-time employees. For example: A holiday falls on Sunday and is observed on Monday. A part-time employee who is scheduled to work Tuesday through Saturday is not entitled to any excused absence. (If he or she works on Sunday or Monday, his or her pay is not affected by one day's being a holiday and the other's being generally observed as a holiday.)

c. Intermittent Employees - An intermittent employee does not have a regular scheduled tour of duty and, therefore, is not eligible for pay for a holiday not worked.

d. General Rule - Entitlement to pay for a holiday not worked is based on the general rule that employees are entitled to such pay, provided they are prevented from working solely because of the occurrence of a holiday.

e. Official Travel - Eligible employees who are in official travel status on a holiday (or day in which a holiday is observed) are entitled to their regular pay. (If they are required to perform actual work on a holiday or day on which a holiday is observed while in travel status, they are entitled to holiday premium pay for not to exceed eight hours of such work.)

f. Pay Status - In general, an employee who is in pay status during the last hour of the workday immediately preceding the holiday or the first hour of the workday immediately following the holiday is entitled to pay for the holiday not worked. However, the General Accounting Office has ruled that an employee may not be paid for a holiday not worked if the holiday is included within a period of leave without pay that was approved in advance, whether or not the employee returns to duty before the expiration of the approved period of leave without pay (13 CG 206). Further, a suspended employee whose period of suspension includes a holiday is not entitled to pay for the holiday. In both of the preceding sentences, the first or last day of a period of leave without pay or suspension is treated as being within the period of non-pay status.

g. New Employees - It is Broadcasting policy that if Monday is a holiday, a new employee's appointment will be effective on the day after the holiday, when the oath of office will be administered.

605.4 Ordering Holiday Work - Directors of Divisions and higher officers, and officers immediately responsible to them (when so designated in writing by them) are authorized to order employees to work during a holiday on which the employee ordinarily would be excused from duty when the nature of the work to be performed does not permit excusing the employee.

606 "ON-CALL" SCHEDULES - STANDBY OFFICERS



606.1 Standby Officers are on alert status outside of regular work hours. They are not required to be in their offices during the period that they are on call, but should not be absent for more than one hour from a telephone number at which they may be reached and, if necessary, they should be able to reach their offices within two hours after notification.

If the scheduled assignment of a Standby Officer is to be changed, or if the officer on-call expects to be available at a telephone number other than his or her home telephone number, he or she will notify the Broadcast Operations Center. Newsroom employees will notify the Newsroom Duty Editor.

Duty at an employee's residence when no work is required is not "hours of work" within the meaning of 5 USC 5542, and is not compensable.

606.2 Standby Officer - Standby Officers are on alert status during weekends and holidays, available on short notice for consultation on problems involving policy decisions. Either the head of each Office or an officer of sufficient rank to make policy commitments without reference to its head, will be designated. One week prior to the first of each month, the heads of Offices will notify the Secretariat in writing which officers are designated as Standby Officers to be on call for their Offices during the month. The Secretariat will ensure that office heads receive a copy of the complete schedule. The Secretariat will notify the News Division and the Broadcast Operations Center. A Standby Officer's failure to answer a telephone call from the Operations Center or the Newsroom is recorded in the Operations log.

b. Standby Officers should be familiar with the official itineraries of the heads of their Offices so that they may be contacted at any time. The Secretariat must be kept informed in advance of any changes in the published roster.

#### 607 TELECOMMUTING

607.1 Definition - Telecommuting is a program which gives employees the opportunity to work part of their work schedule at an alternate work site, either at home or at a telecenter. In this circular, the term "alternate work site" will refer to working at home. Broadcasting cannot consider renting telecenter space at this time due to budget limitations.

607.2 Authority - Presidential Memorandum of July 11, 1994 and June 21, 1996.

607.3 Coverage - All employees, Civil Service and Foreign Service, full-time and part-time, in the U.S. and overseas, may be considered for participation in telecommuting.

The work requirements of some organizations or overseas environments may not be compatible with telecommuting practices. Further, overseas employees are subject to approval by the Affiliates Office chief, relay station chief, or correspondent bureau chief. Approving officials overseas and in the U.S. must determine the extent to which the telecommuting policy can be implemented consistent with Broadcasting needs and available resources.

607.4 Background - In 1990, the President's Council on Management Improvement established the Federal Flexible Workplace Pilot Project (Flexiplace), which was co-directed by the Office of Personnel Management and the General Services Administration. In President Clinton's 1993 Climate Change Action Plan, he called for the Department of Transportation to develop a telecommuting program aimed at decreasing greenhouse emissions through reduced vehicle trips, energy consumption, and auto emissions. On July 21, 1994 and June 21, 1996, President Clinton issued Presidential Memorandums directing Executive Departments and Agencies to support the expansion of flexible family-friendly work arrangements, including the increase of telecommuters throughout the Federal Government.

607.5 How Telecommuting Works - An employee may volunteer to work at an alternate work site. If the supervisor agrees that the work of the position is such that at least part of it may be accomplished outside the office, the employee and supervisor establish a written agreement, signed by both, which provides guidelines and requirements for telecommuting. The employee works one or two days at the alternate work site each week and spends the remainder of the workweek in the office.

a. The Telecommuter - There is no entitlement, or right, to telecommuting, nor can an employee be forced to telecommute. The employee who telecommutes must be a self-starter, dependable and highly motivated, and must be in a position which is adaptable to telecommuting. An employee who is on leave restriction or has less than a Fully Successful performance appraisal rating of record should not be considered for telecommuting.

b. Supervising Telecommuting - All telecommuting situations must be approved by the appropriate supervisor. Upon an employee's request to telecommute, a supervisor must evaluate the duties of the position and decide if all or some of them may be achieved outside the office setting and the impact on other employees. Telecommuting should be used in a way which will not place an additional burden on employees who are staffing the office. Technological support and resources may also be a consideration.

The supervisor is responsible for certifying time and attendance records including periods of telecommuting. A degree of trust is required, and the supervisor may choose to manage by results (i.e., based on projects successfully completed). However, a supervisor may also manage by asking the employee to keep a journal of tasks completed and telephone calls made, or to check in via E-Mail or telephone, or through some other method.

A 90-day test period is recommended. The supervisor and the telecommuter should keep detailed records on successful and timely completion of work done at home, impact on the office, and any other factors relevant to the experience. At the end of the 90 days, the supervisor should assess the test period, and decide on continuation of telecommuting.

Telecommuting may be terminated at any time if there is a change in duties or workplace conditions; or the performance of the telecommuter or the office has been adversely affected. The supervisor must give the employee reasonable advance notice, two weeks if possible.

Telecommuting may also be terminated if the telecommuter does not abide by the telecommuting agreement and Broadcasting policy. Advance notice of the end of the telecommuting may be given, but is not required under these circumstances.

c. The Telecommuting Agreement - Prior to establishing a formal agreement, an employee interested in telecommuting should prepare a proposal for the supervisor outlining an individual telecommuting plan tailored to the employee's job, his/her needs, and the needs of the office. It should include: duties of the position which can be performed at home; materials and equipment which would be required to perform those duties; equipment which will be provided by the employee; hours and days which the employee would prefer to work; how to minimize any impact on coworkers; and any other information that would be useful to the supervisor in making a decision.

A written agreement must be established and signed by the supervisor and the telecommuter before a telecommuting situation begins. Such an agreement is additional protection if the telecommuter experiences an accident or injury at the alternate work site. The agreement will cover a variety of issues such as: the exact duty station (e.g., home address); the identification of the types of assignments to be done at the alternate work site; taking leave on a telecommuting day; responsibility for equipment and security; and liability and injury on the job.

d. Work Performed At The Alternate Work Site - There is no single definition for work which can be performed outside the office. Although many jobs can be adapted to a telecommuting situation, there are some which cannot be accomplished outside the office. Ultimately, this is the decision of the supervisor.

To telecommute, the position must include work which is portable and able to be performed effectively outside the office; job tasks should be measurable or primarily project oriented; the work done at the alternate work site must not be classified.

e. Work Schedules - The supervisor and telecommuter must decide on the frequency of regular telecommuting days, which days of the week, and if the work hours will be fixed or flexible (Maxiflex, Flextime, or compressed work schedule). Most telecommuters will work at an alternate work site for a maximum of one or two days each week on a regular basis. As much as possible, work-hours should parallel those worked in the office so that the telecommuter may be available by phone to coworkers and customers. In general, overtime work should be reserved for days an employee is in the office. The telecommuting agreement must stipulate these factors. If there are permanent changes, the telecommuter should be given adequate notice, usually 30 days, and the agreement must be amended accordingly.

Intermittent telecommuting also may be utilized to complete special projects that require uninterrupted periods of concentration. For example, an employee may be permitted to work at home for an entire workweek to write a script or complete performance appraisals. In all situations, the

supervisor's advance approval of any telecommuting schedule must be obtained.

It may be necessary for a supervisor to require the presence of an employee in the office on a day normally scheduled for telecommuting. Normally an employee is notified of such a change in advance, but sometimes advance notice is not always feasible when the circumstances are beyond the supervisor's control. Employees must be flexible in these situations.

f. Leave And Administrative Dismissal - Regulations and procedures for requesting annual and sick leave or leave without pay are found in MOA V-A 600 and apply to days worked in the office as well as telecommuting days.

The ability to work (and the nature of any impediments) whether at the alternate work site or at the official duty station, determines when an employee may be excused from duty. During emergencies such as inclement weather or transportation disruptions which affect the employee's ability to commute to the official duty station, a supervisor may permit employees to temporarily telecommute or allow a participating telecommuter to telecommute on an unscheduled day. The employee must be able to perform work tasks at the alternate work site and provide a work product or evidence of tasks completed. There may not be sufficient work to fill an eight-hour day workday. If not, the employee should request an appropriate type and amount of leave for part of the day.

607.6 Worker's Compensation - Telecommuting employees are covered by the Federal Tort Claims Act of the Federal Employees Compensation Act (FECA) and can qualify for continuation of pay or workers' compensation for on-the-job injury or occupational illness. Completing injury report forms, notification of the supervisor, and other requirements adhered to in the traditional office setting must also be followed at an alternate work site.

607.7 Telecommunications And Equipment - Employees who telecommute at home will be responsible for providing the necessary equipment to do so. This may include computers, software, printers, fax machines, additional telephone lines, modems, diskettes, and related supplies. The employee is also responsible for repair and maintenance of personal equipment.

a. Equipment on Loan - Office Heads may determine that excess equipment such as computers and printers within their offices can be lent to employees for use at home. All such equipment must be properly charged out in accordance with procedures found in MOA IV, Part 710 and 720, and ownership and control of hardware, software, and data remain with the U.S. Government. The equipment must be used only by the employee and only for official business. The employee will be responsible for transporting to, and installing the equipment at home (training may be provided at the office) and returning the equipment to the office for needed repairs. If government-owned equipment is damaged through negligence or by a non-employee, the employee is liable for the cost of the repairs or replacement of the equipment.

b. Telephone Calls - Long distance business telephone calls made from the home may be reimbursed with the supervisor's approval when the employee

provides a copy of the telephone bill and identifies the business party called. At the supervisor's request, additional justification may be required. If an employee's residence is outside the local calling area of the office, he/she will be responsible for the expense of any long-distance calls to the office when telecommuting.

607.8 Security - Classified material may not be taken to alternate work sites, nor may it be accessed through the computer. A telecommuter must properly safeguard material and data which are subject to the Privacy Act or are otherwise considered sensitive. Such material may only be used at home with the supervisor's approval.

The designated alternate work site must have adequate physical or environmental security measures in place (e.g., door locks, passwords, etc.) to protect equipment from being accessed by unauthorized individuals. In addition, telecommuters must take appropriate actions to safeguard against computer viruses. Anti-virus software should be installed on the computer and software should be scanned for viruses.

Dial-up telecommunications access to U.S. Government computers presents special security concerns. A combination of physical controls, unique user identifiers, passwords, terminal identifiers, access control software, and strict adherence to security procedures is required to protect the information from unauthorized access.

607.9 Family Responsibilities - Telecommuting is not a substitute for child care or elder care. An employee must make other arrangements for a dependent in the home who requires care. However, it may decrease child care costs by reducing commuting time or reducing the need for before or after-school care. To the extent that they are controllable, other family responsibilities should not interfere with an employee working at home.

607.10 Telecommuting Committee/Coordinator -Offices may establish a telecommuting committee or coordinator to provide guidance on telecommuting issues, assist in the development of work-at-home plans, provide training, ensure that appropriate safeguards on office materials and data have been implemented, and assess telecommuting within the element and prepare findings for the Office head and/or Broadcasting management.

## EXHIBIT 607 - TELECOMMUTING HANDBOOK

### PURPOSE

This Telecommuting Handbook provides information and guidelines on telecommuting for managers and employees.

### SCOPE

This handbook applies to all domestic and overseas offices of Broadcasting and is intended to serve as a flexible guide to enable elements to develop effective telecommuting arrangements. Organizational needs may vary. Offices may need to adjust their telecommuting programs, within the parameters outlined in Broadcasting policy and this guidance, to suit their specific requirements. Correspondent Bureau Chiefs, Affiliate Office Chiefs or Transmitting Station Managers will determine if telecommuting can be accommodated at their overseas sites.

### DEFINITIONS

Telecommuting is a program which gives employees the opportunity to work part of their tour of duty at an alternate work site. It is also known as flexiplace, flexiwork, telework, and work-at-home.

An alternate work site is a specific room or area in an employee's residence or telecommuting center (telecenter) which is used to perform work assignments.

Portable work includes those tasks that can be completed, in whole or in part, outside of an employee's official duty station within an 8-hour work day.

### BACKGROUND

In March 1990, then President George Bush introduced his Statement of National Transportation Policy by saying:

"Sometimes the best transportation policy means not moving people, but moving their work...a trend known as telecommuting. Millions have already found their productivity increases when they work nearer the people they're actually working for -- their families at home...think of it as commuting to work at the speed of light."

Telecommuting in the Federal Government started as a pilot program in 1990. The President's Council on Management Improvement (PCMI), in cooperation with the Office of Personnel Management and the General Services Administration, established The Federal Flexible Workplace Pilot Project (Flexiplace). The nationwide program was established to improve the Federal Government's ability to recruit and retain capable employees, to improve employee quality of life, and to reduce Federal operating costs.

Flexiplace was designed to test the feasibility and use of specific alternate workplace arrangements. These arrangements included allowing

Federal employees to work at their homes or at satellite work centers. The terms telecommuting and work-at-home refer to paid employment away from the traditional workplace. Telecommuting implies the use of communications technology (computers, modems, fax machines, telephones, voice mail, etc.) to connect the employee to the official duty station (Demers, 1994). Programs such as work-at-home may include the use of technology but may have guidelines that differ somewhat from those used for telecenter arrangements.

Further Federal impetus to telecommuting came in President Clinton's 1993 Climate Change Action Plan. The plan underscored America's commitment to protecting the global environment by taking immediate actions to reduce greenhouse gas emissions to 1990 levels by the year 2000. Action #21 in the plan called for the Department of Transportation (DOT) to develop a telecommuting program aimed at decreasing greenhouse gas emissions through reduced vehicle trips, energy consumption, and auto emissions.

On March 1, 1994, Transportation Secretary Pena issued a directive to top-level DOT management to identify potential candidates for telecommuting programs in Los Angeles and Washington, D.C. On April 1, 1994, DOT issued a formal department policy on telecommuting.

On July 11, 1994, President Clinton, in support of a recommendation of the National Performance Review, issued a memorandum in which he directed the heads of Executive Departments and Agencies to "establish a program to encourage and support the expansion of flexible family-friendly work arrangements, including: job sharing; career part-time employment; alternate work schedules; telecommuting and satellite work locations...." On June 21, 1996, President Clinton reaffirmed his strong commitment to support family members in the Federal workplace by directing executive agencies to expand their family-friendly programs, to the extent feasible, to provide opportunities to telecommute.

## BENEFITS

Telecommuting is designed to benefit employees, management, and society.

### Management Benefits

- o Improves employee productivity, effectiveness, and morale.
- o Improves communications between supervisors and employees.
- o Retains skilled employees.
- o Decreases absenteeism.

### Employee Benefits

- o Allows the employee to become more productive and creative by providing a more relaxed working environment with fewer interruptions.
- o Reduces stressful commuting time.
- o Increases flexibility to coordinate work schedules with personal and family priorities.
- o Improves employee's organizational skills.
- o Gives the employee more control over his/her life.

- o Reduces costs for transportation, parking, and food.
- o Boosts morale and increases job satisfaction.
- o Improves communications with his/her supervisor.
- o Increases motivation.

#### Societal Benefits

- o Reduces commuting trips and traffic congestion.
- o Reduces air pollution and conserves transportation fuels (energy conservation).
- o Lessens the wear and tear on cars and roads.
- o Improves employment opportunities for the disabled and mobility restricted.
- o Reduces problems associated with "latch-key" children.

#### PARTICIPATION IN A TELECOMMUTING PLAN

Before volunteering to be considered for telecommuting, employees must evaluate their jobs and their life-style requirements to determine if both are well-suited for telecommuting. The work tasks within a job, not a job title, determine suitability for telecommuting. Also critical are the employee's work history and personal characteristics. A history of reliable and responsible discharge of work duties, an ability to establish priorities and manage time, and a proven track record of personal motivation are measures of successful telecommuters.

Once the employee has volunteered and received approval to telecommute, sufficient time should be allowed to iron out any wrinkles or to overcome any obstacles to success. Participating supervisors and employees are encouraged to remain in the program for at least 90 days to provide a fair test of the telecommuting arrangement.

Telecommuting is an employee privilege, not an employee right. After an employee has identified work tasks which may be suitable for telecommuting, the supervisor has to determine if the position is suitable for off-site work. The supervisor also must evaluate the content of the work to be performed off-site and the past performance of the employee. Because this telecommuting arrangement is a supervisory work option, the employee does not have an automatic right to continue participation in the event of a change of supervisor.

If the employee is selected to participate in the program, the supervisor and employee will sign a Work Agreement to ensure that both parties fully understand program policies and procedures. The supervisor and the employee must establish appropriate arrangements for the employee to follow when working off-site. The overall interests of the office must take precedence. A supervisor may require an employee to be on-site on a regular off-site day if the needs of the office require this. In addition, one person's off-site work should not adversely affect the performance of other employees. Telecommuting should not put a burden on staff remaining in the office. Not only should an equitable distribution of workload be maintained, but methods should be instituted to ensure that office employees do not have to handle the telecommuter's work. Employees must



complete a Telecommuting Program Safety Checklist and Employee Self-Certification.

The supervisor has the right to end participation of an employee in the program if the employee's performance declines or if the program fails to benefit organizational needs. Whenever possible, the supervisor should provide at least two weeks advance notice of cancellation of an employee's participation in the program. The supervisor also should include the reasons for cancellation.

## RESPONSIBILITIES

### Supervisors Will:

- o Evaluate employee requests to participate in the program. Consider the employees' responsibilities, work tasks, and potential for successful participation in the program.
- o Develop performance work plans as needed for work performed away from the official duty station.
- o Complete and sign the telecommuting agreement.
- o Assign appropriate work to be performed at the alternate duty station.
- o Determine how the quantity and quality of work will be measured and evaluated.
- o Periodically evaluate the telecommuting program.
- o Request approval to use excess computers or other government-owned equipment for telecommuting.

### Employees approved for participation in the program will:

- o Complete and sign the telecommuting agreement.
- o Observe agreed-upon hours of work in accordance with established Broadcasting policies.
- o Observe policies for requesting leave.
- o Provide all necessary equipment to work at home unless Government equipment can be provided.
- o Protect loaned U.S. Government equipment and use it for official purposes only.
- o Assist in evaluating telecommuting programs.

### Telecommuting Program Coordinator

Each Office may establish a mechanism to assist participation in the telecommuting program. This could be a Telecommuting Committee, a Telecommuting Program Coordinator, or a combination of the two. This

committee or program coordinator also could be responsible for evaluating the impact of the program on the efficiency and effectiveness of work operations in the respective element.

Telecommuting Program Coordinator duties may include but are not limited to:

- o Providing orientation materials and briefings on telecommuting policies and procedures.
- o Ensuring that all participating supervisors and employees are aware of their responsibilities to measure and report performance and time and attendance accurately.
- o Providing information on the proper safeguarding of information, papers, diskettes, etc.
- o Coordinating inventory records and providing assistance on the maintenance and use of borrowed U.S. Government property and equipment.
- o Providing evaluation materials to the participating individuals and supervisors and co-workers of the telecommuters.
- o Assessing the telecommuting program.

#### CRITERIA FOR PARTICIPATION

Several criteria play in the selection of those allowed to participate in the telecommuting program: the nature of the work performed and the characteristics of the employee and supervisor.

##### Identifying a Position Suitable for Telecommuting

Careful examination of tasks to be performed at whether the goals of the office can be achieved without causing hardship for staff remaining in the office.

Supervisors and employees must discuss their expectations of how work will be performed and evaluated. In addition, employees must recognize that Broadcasting standards of conduct apply at the alternate work site.

Telecommuting positions will have at least some of the following characteristics: work activities can be performed effectively outside the office; job tasks are easily quantifiable or primarily project oriented; an essential component of responsibility consists of reading/analytical tasks -- e.g., evaluating proposals and reviews, making funding decisions, and conducting research; contact with other employees and service clientele is predictable; most work handled is not classified; the technology needed to perform the job is currently available; cyclical work does not present a problem; security of data, including sensitive, non-classified, privacy act concerns, etc. can be adequately ensured.

After deciding that a certain job contains sufficient portable work tasks, supervisors need to explore other considerations:

o Contact Requirements - Is a significant percentage of the job devoted to "face-to-face" contact with other employees, the public, or internal Broadcasting staff? Can contact be readjusted to allow for telephone or computer communications or can such contact be conducted only when the employee is at the conventional office?

o Reference Materials Requirements - To what extent does the job require access to photocopiers, fax machines, or other specialized equipment? Can access needs be grouped and scheduled for days when the employee is in the conventional office?

o Travel Requirements - Does the job involve field work? Can trips begin or end at the alternate work site rather than the main office? Can paperwork be done at the alternate work site?

o Information Security Requirements - Does the employee rely primarily on sensitive or classified documents to perform work tasks?

#### Identifying A Successful Telecommuter

An employee who succeeds as a telecommuter is a self-starter, can function independently; has demonstrated dependability and discipline; is highly motivated; can deal with isolation for one or two days a week; has the ability to establish priorities and manage his/her own time; has a history of reliable and responsible discharge of work duties; has a full understanding of the operations of the organization; has the trust of his/her supervisor; has overall performance evaluations equivalent to fully successful or higher; can satisfy adequate alternate work site requirements; and can assure security of U.S. Government information and property at the alternate work site.

#### Supervising a Telecommuter

The supervisor of a telecommuter should be progressive and supportive of the telecommuting concept and should be willing to attempt to work through any problems or obstacles that may occur. He/She should be comfortable with evaluating work performance in a manner compatible with telecommuting, i.e., measuring performance by results and without direct observation; and must be an effective communicator and be able to define tasks and expectations clearly.

#### TELECOMMUTING WORK AGREEMENTS

Each participant must sign a Telecommuting Work Agreement. This document constitutes an agreement between the employee and the supervisor on the terms and conditions of participating in the telecommuting program.

#### WORK SCHEDULES

Telecommuting work schedules should parallel those followed at the official duty station. The Telecommuting Work Agreement will specify the employee's work schedule and tour of duty. Generally, up to two days per week will be scheduled outside of the office. This will ensure that the employee is available in the office during the week for face-to-face meetings, access to facilities, etc. Furthermore, successful programs have shown employees need to spend at least part of the week in the office to

minimize isolation and communication problems, to facilitate integration of the employee with those in the office, and to ease the supervisor's adjustment.

Intermittent use of telecommuting also is permissible. For example, to complete a special project, an employee may require a block of uninterrupted time. Agency supervisors have the authority to allow an employee to telecommute for a reasonable length of time to complete the project. The supervisor must evaluate the best means for the organization to meet its needs. Allowing an employee to telecommute beyond two days per week may provide that means.

A regular schedule makes it easier to stay in touch with colleagues and to be available to clients. Supervisors must approve telecommuting schedules in advance so that employee's time and attendance can be properly certified and to preclude any liability for premium or overtime pay. Absences from the alternative work site (e.g., to attend meetings) must be coordinated with the supervisor at the earliest time practicable.

Periodic adjustments are permitted, as needed, to achieve a schedule suiting employee and organizational requirements. Developing fixed times during the day for supervisor/employee telephone conversations may be helpful to ensure optimum communication.

Care must be taken not to approve any schedule that is inconsistent with provisions of an applicable negotiated labor agreement.

To reduce employee isolation, supervisors should ensure that telecommuters feel part of the team by keeping them aware of activities in the office while they are off-site; holding staff meetings on days when everyone is present at the official duty station; considering them equally with other employees in selection for special projects, etc. Employees should not be disadvantaged regarding performance appraisals, awards, or any other employee/employer matter because they are telecommuting.

## DUTIES

Changes to position descriptions will not normally be required. Supervisors should carefully specify the employee's official duties in their work requirements and priorities on the Performance Appraisal Report form. The supervisor and employee must reach an agreement on which of those duties can be performed off-site.

Critical elements and performance standards must have clearly defined performance requirements that are measurable and results oriented. The standards must provide a reasonable basis for measuring performance. Explicit and objective norms for work output should be based on experience with those required and sustained at the official duty station. Work output should be monitored through scheduled and required progress reports. The supervisor and employee should establish objective measures of quantity and quality.

An increase in an employee's effort or productivity may not occur if an employee is already performing at a highly successful or outstanding

performance level. Standards of performance must be fair and consistent with those expected of employees at the official duty station.

#### TIME AND ATTENDANCE

Hours of Duty: Employees may work standard schedules or follow alternate work schedules depending upon the agreement between the employee and the supervisor. The supervisor and employee select the telecommuting day(s). The supervisor will evaluate each circumstance on a case-by-case basis. Completely unstructured arrangements are not permitted.

Overseas staff follow established hours. Regular and flextime tours of duty in the U.S. are permitted as follows:

Regular - five 8 consecutive-hour days, Monday through Friday and a 45 minute non-paid lunch period.

Flextime - five 8-hour days, Monday through Friday, with core hours of 9:30 a.m. - 4:00 p.m., flexible arrival (7:15 a.m. - 9:30 a.m.) and departure (4:00 p.m. - 6:15 p.m.) times, and a non-paid lunch period of 45 minutes each day.

Maxiflex - includes flexible arrival (7:15 a.m. - 9:15 a.m.) and departure (5:00 p.m. - 6:45 p.m.) hours, core hours of 9:30 a.m. - 5:00 p.m., the option of earning credit time to take a day off as often as every other week, and a non-paid lunch period of 45 minutes each day.

Compressed Work Schedules - includes two types of fixed schedules. The 5/4-9 schedule which is eight nine-hour days, one eight-hour day, and one day off; and the 4-10 schedule of four ten-hour days each week.

Leave and Overtime: The policies for requesting annual leave, sick leave, or leave without pay are the same for working on or off-site. The employee is responsible for requesting leave in advance from the supervisor and for keeping the timekeeper informed of leave usage.

A supervisor may approve overtime or credit time if needed in extraordinary circumstances. The existing rules governing overtime in Title 5 USC and the Fair Labor Standards Act apply to telecommuting arrangements. Because the supervisor is responsible for regulating and controlling the use of overtime, the supervisor must approve all overtime in advance and be satisfied that more than eight hours in a day were worked.

With prior supervisory approval, the employee will be compensated for overtime work in accordance with applicable law, regulations, and policies. The employee understands that the supervisor will not certify un-approved overtime work.

Certification and Control of Time and Attendance: A high level of trust between the supervisor and employee is essential. Federal policy and procedures governing certification of time and attendance require agencies with employees working at remote sites to provide reasonable assurance that they are working when scheduled. Reasonable assurance may include

occasional telephone calls between the offices and the telecommuter; evaluation of work output for the time spent; a log of work completed; or telephone calls or e-mail transmissions from the telecommuter to the timekeeper of starting and ending times of each telecommuting day. Supervisors must report time and attendance to ensure that employees are paid only for work performed and that absences from scheduled tours of duty are accounted for correctly.

**Administrative Leave, Dismissals, Emergency Closings:** Although a variety of circumstances may affect individual situations, the principles governing administrative leave, dismissals, and emergency closings remain unchanged.

The ability to work (and the nature of any impediments), whether at the alternate work site or at the official duty station, are factors considered when determining when an employee may be excused from duty. For example, if the employee is working at the alternate work site, and the main office closes, the telecommuter should continue working at the alternate work site. However, if the employee's electricity fails while working at the alternate work site, the supervisor may grant administrative leave or direct the employee to report to work, depending on which action is more appropriate given the circumstances, i.e., number of hours remaining in the employee's work day and the distance the employee commutes.

When an employee knows in advance of a situation that would preclude working at the alternate work site, the employee should either report to the official duty station or request leave.

**Emergency Situations:** Local emergency situations such as transportation disruptions, natural disasters, or inclement weather may adversely affect an employee's ability to commute to the official duty station. In such an event, a supervisor has the authority to grant temporary telecommuting arrangements for affected employees or to allow a participating telecommuting employee to telecommute on an unscheduled telecommuting day. The employees must be able to perform work tasks at the alternate work site station. In these circumstances, the supervisor may allow an employee to telecommute for a portion of the work day and to take appropriate leave for any remaining time.

## WORKERS' COMPENSATION

Telecommuting employees are covered by the Federal Tort Claims Act of the Federal Employees Compensation Act (FECA) and can qualify for continuation of pay or workers' compensation for on-the-job injury or occupational illness. Employees, in all situations, bear responsibility for informing their immediate supervisors of injuries at the earliest time possible. They also must provide details to the Department of Labor when filing a claim. The supervisor's signature on the request for compensation attests only to what the supervisor can reasonably know, whether the event occurred at a conventional work site or at an alternative work site during official duty. Even under normal circumstances, supervisors are often not present when an employee sustains an injury.

Supervisors must ensure that claims of this type are brought to the attention of the personnel office:

Domestic employees should contact the Compensation and Benefits Division (B/PA/PB), Room 1543, Cohen Building, Telephone: (202) 619-3117.

The supervisor also must require the employee to designate one area in the employee's residence as the official work station and to specify the location in the Telecommuting Work Agreement.

#### EMPLOYEE COMPENSATION

Duty Station: For pay purposes, the "official duty station" is the employee's Federal office in Washington, D.C., field office, or assigned overseas post.

Locality Pay or Special Salary Rates: The employee's official duty station serves as the basis for determining any special salary rates or locality pay.

Premium Pay: MOA V-A 240 and 600 apply to overtime, night differential, Sunday and holiday pay for Civil Service employees (and foreign service employees) whether work is accomplished at the conventional or alternate work site. Official work schedules determine entitlement to premium pay.

#### FACILITIES

Work Space: An employee participating in the telecommuting program should have a designated work space or work station at the alternate work site for performance of telecommuting duties. Requirements will vary and depend on the nature of the work and the equipment needed to perform the work. At a minimum, an employee should be able to communicate easily by telephone with the supervisor during the telecommuting day.

Employees are responsible for ensuring that their alternate work sites are clean, free of obstructions and hazardous materials, and meet relevant building codes. Therefore, each participating employee must sign a Telecommuting Program Safety Checklist and Employee Self-Certification.

Utility Expenses: Broadcasting will not pay for a telecommuter's utility costs at his/her personal residence. Potential savings to the employee resulting from reduced commuting, meals, etc. may offset any incidental increase in utility expenses. Exceptions apply only where the personal expense directly benefits the U.S. Government, e.g., business-related long distance calls on the employee's personal phone.

#### TELECOMMUNICATIONS AND EQUIPMENT

Management will review each participant's application to assess equipment requirements and costs. Some telecommuters may be able to perform assignments with minimal technological support while others may have assignments requiring extensive telecommunication capability. Participation in the telecommuting program may be contingent on equipment

costs if considerable equipment is needed to accomplish portable work tasks and is not available with existing Broadcasting equipment.

The policy on proper use of the internet is applicable to telecommuters.

**Telephones:** Employees must provide basic telephone service, modem, fax machines, and any other telephone equipment necessary for telecommuting. GSA regulation 41 CFR, 101-7i allows for reimbursement of long distance telephone expenses incurred as a result of official duties on SF-1164 (Claim for Reimbursement for Expenditures for Official Business), if approved by the employee's supervisor and accompanied by a copy of the telephone bill. If an employee's residence is outside the local calling area of the office, he/she will be responsible for the expense of any long-distance calls to the office when telecommuting.

**Employee Personal Property:** Employees who telecommute will be responsible for providing the necessary equipment at home to do so. This may include computers, software, printers, fax machines, additional telephone lines, modems, diskettes, and related supplies. The employee is also responsible for repair and maintenance of personal equipment.

**Government-Owned Equipment:** Office Heads may determine that excess equipment such as computers and printers exists within their offices and can be loaned to employees for use at home. All such equipment must be properly charged out in accordance with procedures found in MOA IV, Part 710 and 720, and ownership and control of hardware, software, and data remain with the U.S. Government. The equipment must be used for official business only and may not be used by family members or others.

The employee will be responsible for transporting to and installing the loaned equipment at home (training may be provided at the office), and for returning the equipment to the office for needed repairs. The employee must notify his/her supervisor immediately following a malfunction of U.S. Government-owned equipment. If repairs are extensive, the employee may be asked to report to the official duty station until equipment is usable.

If government-loaned equipment is unsecured and consequently damaged by non-employees (for example, by dependents of the employee), employees will be held liable for the repair or replacement of the equipment, software, etc., to the same extent they are presently held liable when loaned equipment is damaged because of their negligence. (See Manual of Operations and Administration, Part IV, Section 712.5.)

**Reference Materials:** Employees are responsible for identifying the tools they will need while working at their alternate work sites. If an office has a limited number of reference books, publications or other tools normally used in the job, the telecommuter must provide his/her own copies.

**Computer Security:** Although classified documents and information may not be kept or used at alternate work sites, telecommuters still need to pay close attention to security procedures and precautions at their alternate work sites to protect sensitive information.



Supervisors must be confident that the designated work space or work station of the employee has adequate physical or environmental security measures in place to protect the equipment from damage or from being accessed by unauthorized individuals. This can be accomplished by having the employee specifically identify the proposed work area and certify in writing the security measures that will be used. Telecommuters should use good judgment in safeguarding equipment and information at their alternate work sites. This includes covering sensitive information when approached by visitors.

Dial-up telecommunication access to computers throughout the U.S. Government presents special security concerns. In Broadcasting facilities, precautions have been taken to avoid unwanted access. However, home computers are susceptible, so telecommuters must use physical controls, unique user identifiers, passwords, terminal identifiers, access control software, and strict adherence to security procedures to protect the information from unauthorized access. Computer support personnel can provide further details.

Employees need to be aware that telephones, particularly cordless and cellular telephones, represent a security vulnerability because conversations can be easily intercepted. Normal home telephones cannot be used to discuss classified information. A standard "corded" telephone must be used for sensitive conversations.

To safeguard against computer viruses, computer support personnel should be consulted regarding applicable software and its licensing. Periodically, anti-virus software must be updated, so telecommuters must see that this is done on home computers.

Telecommuters must follow the Broadcasting property management procedures for their accountable property including computers, whether owned or borrowed, to ensure an immediately retrievable inventory and physical location identification of equipment and software.

#### OTHER CONSIDERATIONS

Privacy Act, Sensitive, or Classified Data: Proper use and handling of sensitive data and records subject to the Privacy Act are decided by supervisors who permit employees to telecommute. Off-site access to sensitive data may be permitted only if ADP/Security officials certify the adequacy of the security for such access. Classified data may not be removed from an employee's official duty station.

Records subject to the Privacy Act must be maintained and protected in accordance with government-wide regulations. Sensitive non-classified data may not be disclosed to anyone except to those who are authorized access to such information to perform their duties. Offices allowing employees access to records subject to the Privacy Act from a remote work site must maintain appropriate administrative, technical, and physical safeguards to ensure the confidentiality, integrity, and availability of the records.

Dependent Care Costs: Studies show that working at home and child care are not compatible. Young children create too many distractions for the parent

working at home. Telecommuting is not intended to serve as a substitute for child care, but it may decrease child care costs because the telecommuter's commuting time is reduced or the need for before and after school day care is reduced or eliminated.

The employee is responsible for ensuring that a proper work environment is maintained. For example, dependent care arrangements must be made so as to not interfere with the work, personal disruptions such as non-business telephone calls and visitors must be kept to a minimum, and employees and their families must understand that the home office is a space set aside for the employee to work. Family or other responsibilities must not interfere (to the extent they are controllable) with work time at the alternate work site.

**Tax Benefits:** Generally, an employee who uses a portion of his or her home as an alternate work site does not qualify for any Federal tax deductions. However, employees should consult their tax advisors or the Internal Revenue Service for information on tax laws and interpretations that address their specific circumstances.

**Pitfalls to Avoid:** Many of the common pitfalls and traps that new telecommuting employees and their supervisors may encounter have already been identified. Fortunately, ways to avoid these situations also have been developed. The following are examples of some of the common troublesome situations and ways to create a "win/win" telecommuting environment.

#### CREATING A WIN/WIN TELECOMMUTING ENVIRONMENT

##### SITUATION    ALTERNATIVES

Managers are concerned about the employee's ability to retrieve files from a remote work site.

- o Notify the supervisor a day or two ahead of the telecommuting day of the work to be accomplished at the alternate work site and if any office or shared files are needed.
- o Work closely with administrative professionals to ensure that files are well organized, indexed, and easily retrievable. Needed items could then be sent by facsimile or E-Mail to the telecommuter.
- o Increase the use of the Local Area Network (LAN) to support and streamline file access.
- o Transfer hard copy items to diskettes.

Managers plan important meetings during scheduled telecommuting days.

- o Set up a conference call.
- o Plan one day per week when all employees will be present at the official duty station.

Managers and employees do not have a clear understanding of work expectations.

- o Define work expectations, deadlines, and reporting procedures jointly and in advance to avoid misunderstanding.
- o Establish performance goals and objectives together.

- o Review completed tasks on a weekly or bi-weekly basis, either in person or in an E-Mail report.

Co-workers don't know when the employee will be in the office. There is a general sense that the employee is "never around."

- o Post a schedule when employees are telecommuting and when they are out, e.g., on approved leave, in training, or at meetings.

Co-workers are not able to contact the employee (and are sometimes actively discouraged). Staff are unclear on how or when to contact the employee, and some staff are reluctant to call employees "at home" on their telecommuting days.

- o Provide staff with the telephone number of each telecommuter.
- o Encourage staff to call employees on their telecommuting days.
- o Supervisors should set an example by calling employees on their telecommuting work days and by insisting that others continue to transact business with employees at their alternate work sites.
- o Refrain from use of term "working at home."

Employees are reluctant to leave the phone on their telecommuting days, even to use the restroom or take a break, because someone who called might think they are not working.

- o Use answering machines to take messages during absences and follow up
- o with callers immediately upon return to the alternate work site.
- o Let administrative staff know of any extended absences, including lunch-break.

Employees run into technical problems with their computers, and no one is available to assist them.

- o Establish procedures for call-in troubleshooting with the organization's computer staff.

Telecommuting is joked about as "goofing off." Telecommuting days are referred to by co-workers as days off.

- o Explain or distribute information on the benefits of telecommuting to other staff members.
- o Use faxes or E-Mail on the computer to share or edit written material with colleagues.
- o Make visible the work products that the telecommuting employee produces while working off-site.
- o Discuss telecommuting during staff meetings.

Employee feels a sense of isolation and loss of interaction with co-workers.

- o Encourage active communication through E-Mail, voice mail, and telephone contact between telecommuters and office staff.

Employees are distracted or have difficulty establishing a disciplined work routine at their alternate work site.

- o Keep the office separate from the living area by placing it in a separate room as far removed from the living area as possible.
- o Keep a definite schedule of work time and personal time and stick to it.

The organization incurs additional expenses associated with the provision of equipment and services such as telephone charges for computer connections and long-distance calls.

- o Weigh additional costs against current and projected organizational needs.
- o Factor in potential recruitment savings, savings in training funds, and other "bottom line" savings to the organization.

EMPLOYEE APPLICATION FOR PARTICIPATION IN BROADCASTING'S TELECOMMUTING PROGRAM

EMPLOYEE NAME:

OFFICE:

TITLE, GRADE, AND SERIES:

Describe portable work that could be performed at an alternate work site:

What equipment and supplies do you need to perform the above duties:

1.

2.

3.

Address the type and amount of costs you may incur:

Do you expect to be reimbursed for costs you may incur?

Explain how your telecommuting will benefit your organization. Indicate why the organization should support your request to telecommute.

Provide examples of your performance that demonstrate the following characteristics: Independence, Initiative, and Reliability.

Most recent performance appraisal rating:

Number of requested telecommuting days per pay period:  
(Up to two days per week is allowed; a supervisor may grant exceptions.)

TELECOMMUTING PROGRAM SAFETY CHECKLIST AND EMPLOYEE SELF-CERTIFICATION

EMPLOYEE NAME:

OFFICE:

OFFICE TELEPHONE:

The following checklist is designed to assess the overall safety of the alternate work site. Each participant should read and complete the self-certification safety checklist. Upon completion, the participating employee should sign and date the checklist. This safety checklist is designed to ensure that the employee has a safe and secure working environment and that liability to the Federal Government is minimized.

ADDRESS OF ALTERNATE WORK SITE:

ALTERNATE WORK SITE TELEPHONE:

DESCRIPTION OF ALTERNATE WORK AREA:

NO.	QUESTION	YES	NO
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WORK SITE ENVIRONMENT

1. Are temperature, noise, ventilation, and lighting levels adequate for maintaining your normal level of job performance?
2. Are all stairs with four or more steps equipped with handrails?
3. Does the electrical system conform to appropriate local building codes?
4. Are aisles, doorways, and corners free of obstructions to permit visibility and movement?
5. Are file cabinets and storage closets arranged so drawers and doors do not open into walkways?

6. Do chairs have any loose casters (wheels)?
7. Are the legs of the chairs sturdy?
8. Are the phone lines, electrical cords, and extension wires secured under a desk or alongside a baseboard?
9. Is the office space neat, clear, and free of excessive amounts of combustibles?
10. Are floor surfaces (including carpets) clear, dry, level, and free of worn or frayed seams?
11. Does the work site have a smoke detector and readily accessible fire extinguisher?
12. Can the exterior entrances to the residence containing the alternate work site be locked and are keys controlled?

#### COMPUTER WORKSTATION

1. Is there enough light for reading?
2. Is your chair adjustable?
3. Is your back adequately supported by a backrest?
4. Is your computer monitor eye level?
5. When keying, are your forearms close to parallel with the floor?
6. Are your wrists fairly straight when keying?

EMPLOYEE SIGNATURE

DATE

## TELECOMMUTING WORK AGREEMENT

This document constitutes an agreement between the \_\_\_\_\_ and (Name of employee) on the terms and conditions of participating in the Telecommuting Program.

### EMPLOYEE PARTICIPATION

1. The employee volunteers to participate in the program and agrees to follow all applicable policies and procedures.
2. The employee recognizes that the telecommuting arrangement is not an employee benefit but an additional means for Broadcasting to accomplish work objectives.
3. The employee agrees to a one-year term of participation beginning (month/day/year) and ending (month/day/year), with a 90 day probationary period.

Participation in the program may extend beyond the initial first year if agreeable to the employee and supervisor. In such a case, the employee and supervisor must review and update the terms of the agreement as necessary.

### OFFICIAL DUTIES

4. The supervisor and employee must clearly identify tasks to be performed at the alternate work site and include only those duties carried out at the official duty station. No personal business, dependent care, or home repairs may be conducted at the alternate work site during work hours. Broadcasting standards of conduct apply to each employee at the alternate work site.

### DUTY STATION

5. All pay, salary, benefits, leave, and travel entitlement are based on the employee's official duty station in (city, county) and will not change as a result of this telecommuting arrangement. The employee will continue in pay status while working at the alternate work site.

Alternate work site address:

Alternate work site telephone:

### WORK SCHEDULE AND TOUR OF DUTY

6. The employee will work at the alternate work site on (day(s) of the week) from to (duty hours).

The employee agrees to work an 8-hour and 45-minute day unless the supervisor and employee specify otherwise. (Tour of duty includes a non-



paid 45-minute meal period during which the employee will be excused from duty.)

7. The supervisor may grant additional telecommuting days in instances of inclement weather or other emergency situations if the employee can specify portable tasks to accomplish at the alternate work site.

8. If the employee's physical presence is required at the official duty station on a scheduled telecommuting day, the employee agrees to return to the official duty station when requested. The time remaining in the employee's work day, the distance the employee would have to commute to return to the official duty station, and rush hour constraints will be considered by the supervisor before making the request.

9. The employee may select a different telecommuting day during the work week if the supervisor approves.

#### LEAVE AND OVERTIME

10. The employee agrees to follow established procedures for requesting and obtaining approval for leave.

11. A supervisor may approve overtime or credit time if needed. The supervisor must approve all overtime in advance. The employee will be compensated for overtime work in accordance with applicable law, regulations, and policies. The employee understands that the supervisor will not accept the results of un-approved overtime work.

#### TIME AND ATTENDANCE

12. The employee must be available at his/her alternate work site during established work hours. The employee agrees to apprise appropriate administrative personnel of any extended absence from the alternate work site, including lunch breaks, during the scheduled work day.

13. The employee's supervisor and timekeeper will maintain copies of the employee's telecommuting schedule.

The employee's timekeeper will record the employee's starting and ending times for each telecommuting day based on (telephone calls) (e-mail transmissions) (describe other method).

The supervisor will certify biweekly the hours worked by the employee at the official duty station and at the alternate work site based on (describe pre-established method) .

#### EQUIPMENT AND SUPPLIES

14. The employee will use personal equipment to complete official duty tasks at the alternate work site. The employee agrees to install, service, and maintain any personal equipment used.

Borrowing of U.S. Government equipment by employees is subject to Office approval, availability of equipment, and completion of all requisite

property pass documentation. The employee agrees to use borrowed U.S. Government equipment for official purposes only. The following equipment has been issued to Ms./Mr. .

15. With appropriate supervisory approval, Broadcasting will provide or reimburse employees for all necessary office supplies, business-based long-distance telephone calls, and other expenses incurred while conducting business for the U.S. Government as provided by statute and implementing regulations. The supervisor has the authority to limit costs incurred.

The U.S. Government is not responsible for any operating costs that are associated with the employee's use of the alternate work site at a personal residence (e.g., home maintenance, insurance, utilities, etc.).

#### SECURITY

16. The employee agrees to protect all borrowed U.S. Government equipment from possible theft and environmental damage in compliance with applicable regulations.

17. The employee agrees to safeguard all equipment and information used to perform official duties.

18. The employee agrees to neither use nor store classified documents (hard copy or electronic) at the alternate work site.

19. The employee agrees to protect Federal records from unauthorized disclosure or damage and to comply with the requirements of the Privacy Act of 1974, 5 USC 552a.

#### LIABILITY AND INJURY COMPENSATION

20. The U.S. Government is not liable for damages to an employee's personal or real property while the employee is working at the approved alternate work site except as provided by the Federal Tort Claims Act or the Military Personnel and Civilian Employees Claims Act.

21. The employee is covered under the Federal Employee's Compensation Act if injured while performing duties at the official duty station or alternate work site. The employee agrees to notify the supervisor immediately of any accident or injury that occurs at the alternate work site. The supervisor must investigate all injury reports immediately following notification.

#### WORK AREA AND WORK SITE INSPECTION

22. The employee agrees to designate one area in the home as the official alternate work site. By completing the Safety Checklist and Employee Self-Certification, the employee certifies that the alternate work site area is adequate for performance of official duties and meets applicable building and safety codes. This includes but is not limited to: ensuring that the electrical system is adequate for use of U.S. Government equipment;

ensuring a smoke detector is present and working; and safeguarding U.S. Government equipment and records.

#### WORK ASSIGNMENTS AND EMPLOYEE PERFORMANCE

23. The employee must have a fully successful or higher performance rating to participate or continue in the telecommuting program.

24. The employee will meet with the supervisor to receive assignments and to review completed work as necessary or appropriate. All assigned work will be completed in accordance with guidelines and standards in the employee's performance plan and according to procedures agreed to by the supervisor and employee. The supervisor may require regular progress reports from the employee to assist in judging performance. A decline in performance may be grounds for canceling employee participation in the program.

25. The employee agrees to limit performance of duties to the official duty station or to the approved alternate work site. Failure to comply with this provision may result in loss of pay, removal from the telecommuting program, or other disciplinary action.

#### CANCELLATION

26. After notice to the supervisor, the employee may resume working his/her regular schedule at the official duty station. After notice to the employee, the supervisor may instruct the employee to resume working his/her regular schedule at the official duty station.

#### OTHER

27. Broadcasting maintains the right to take appropriate disciplinary or adverse action against an employee who fails to comply with the provisions of this agreement.

Signature indicates that the parties understand and agree to follow the terms and conditions stated in this Telecommuting Work Agreement.

EMPLOYEE SIGNATURE AND DATE

OFFICE SYMBOL

SUPERVISOR SIGNATURE AND DATE

OFFICE SYMBOL

**Title:** V-A BAM 607 Telework Program

**Policy Tracking #:** OHR-13-02

**Effective Dates:** March 22nd, 2015 through March 21st, 2016

**Originating Office:** Office of Human Resources, x7502

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**(a) PURPOSE:** To establish the Broadcasting Board of Governors' Telework policy and to provide guidelines and procedures for implementing the program, this telework policy enables an Agency employee to perform the duties, responsibilities, and other authorized activities of his or her official position from an alternative worksite, rather than at his or her official duty station. Telework is an arrangement established first and foremost to facilitate the accomplishment of work. The purposes of the Agency's telework program include:

- (1) Recruiting and retaining the best possible workforce by demonstrating a forward-thinking, innovative workplace that promotes work/life balance;
- (2) Helping employees manage work and personal responsibilities, including long commutes and other work/life issues that, if not addressed, could have a negative impact on employee morale, effectiveness, or retention;
- (3) Reducing traffic congestion, fuel costs, vehicular emissions, and infrastructure impact in urban areas, thereby improving the environment;
- (4) Ensuring Agency, Department, and Division business continuity of operations planning (B-COOP) in the event of local or national emergencies, and/or pandemics;
- (5) Ensuring during a pandemic, the agency could implement flexible work site (telework) policies and flexible work hours (staggered shifts), if appropriate;
- (6) Ensure the Agency equipment, technology, and technical support telework have been tested periodically;
- (7) Ensuring the Agency IT infrastructure is in place to allow large numbers of employees to telework simultaneously; and
- (8) At least annually, identify emergency employees (including B-COOP employees) and notify them in writing, including the requirement that emergency employees report for work or remain at work (or work at home or report to an alternative work site) when government operations are disrupted.

**(b) AUTHORITY & SCOPE:**

(1) Authority.

- (i) [The Telework Enhancement Act of 2010, Public Law 111-292](#); and

- (ii) [Public Law 106-346 § 359](#);
- (iii) [The Federal Employee's Compensation Act, 5 U.S.C. 8101 et seq.](#);
- (iv) [Federal regulation 5 C.F.R. part 550, subpart D, Payments During Evacuation](#);
- (v) [Federal regulation 41 C.F.R. §§ 102–74.585 to 102–74.600 on Telework](#);
- (vi) [Federal regulation 41 C.F.R. §§ 102–74.230 to 102–74.260 on the Occupant Emergency Program](#);
- (vii) [Federal Continuity Directive \(FCD\) 1, \*National Continuity Program and Requirements\*, U.S. Department of Homeland Security, February 2008; and “Continuity Facilities,” Annex G, FCD 1](#);
- (viii) [Federal Continuity Directive 1 and Annex J, “Human Capital,” in FEMA’s FCD 1 \(Washington, D.C.: February 2008\)](#);
- (ix) [OPM Handbook on Pay and Leave Benefits for Federal Employees Affected by Severe Weather Conditions or Other Emergency Situations \(Washington, D.C.: June 2008\)](#);
- (x) [OPM Memorandum, titled \*Human Resources Flexibilities Available to Assist Federal Employees During Emergencies\* \(Washington, D.C.: May 5, 2009\)](#);
- (xi) [OPM Guidance memos \*Inclement Weather Response in the Washington, DC Area for February 5, 2010\*](#);
- (xii) [OPM Planning for Pandemic Influenza \(Washington, D.C.: May 2009\) and Pandemic Influenza 2009: Additional Guidance \(Washington, D.C.: July 2009\)](#);
- (xiii) [OPM Policy Memo, \*Washington, DC Area Dismissal and Closure Procedures\* \(Washington, D.C.: December 2010\)](#);
- (xiv) [OPM Guide to Telework in the Federal Government \(Washington, D.C.: April 2011\)](#);
- (xv) [Federal Management Regulation \(FMR\) Bulletin 2006-B3, “Guidelines for Alternative Workplace Arrangements,” 71 Fed. Reg. 13845 \(Mar. 17, 2006\)](#); and
- (xvi) [FMR Bulletin 2007-B1, “Information Technology and Telecommunications Guidelines for Federal Telework and Other Alternative Workplace Arrangement Programs,” 72 Fed. Reg. 9532 \(Mar. 2, 2007\)](#).

(2) Scope. The Telework program applies to all Federal employees (both supervisory and non-supervisory, both domestic and overseas) of the Broadcasting Board of Governors

(BBG), and all offices of the Federal Government supervised by the BBG – Voice of America (VOA), the Office of Cuba Broadcasting (OCB), and the International Broadcasting Bureau (IBB) (collectively, “the Agency”). This Agency-wide telework program permits Agency elements to establish and use effective telework agreements.

**(c) POLICY:**

(1) Promoting Telework. It is Agency policy to actively promote and encourage Telework as a workplace flexibility arrangement and to allow eligible employees to perform the duties, responsibilities, and other authorized activities of his or her official position from an alternative worksite, rather than at his or her official duty station.

(2) Telework is ***not an employee right***. Federal law requires the establishment of telework programs but ***does not give individual employees a legal right to telework***.

(3) Employee participation in the Agency’s Telework Program is voluntary. The Agency may not compel an employee to telework except in emergency situations or when consistent with a government-wide directive.

(4) Ineligibility for Telework. Eligibility and ineligibility for telework are determined based on [The Telework Enhancement Act of 2010](#), which allows agencies to establish additional eligibility criteria.

(i) Under [The Telework Enhancement Act of 2010](#) two categories of employees are not eligible for telework under any circumstances:

(A) An employee who has been disciplined for being absent without permission for more than five days in any calendar year; or

(B) An employee who has been disciplined for violations of subpart G of the Standards of Ethical Conduct of Employees of the Executive Branch for reviewing, downloading, or exchanging pornography, including child pornography, on a Federal computer or while performing Federal Government duties;

(ii) The Agency Head, the Director of VOA, or the Director of OCB may make a written determination that a category of positions (e.g. all supervisory international broadcasters, or all contracting officers) within their organizations are ineligible for telework when the duties of the affected positions require employees to be physically present at the official duty station. Such a determination may make an employee ineligible for regular or recurring telework, but still eligible for telework on a situational basis when there are portions of the employee’s work (e.g. reading and analyzing documents, thinking and writing, computer-oriented tasks and preparing reports or other types of correspondence) or special circumstances that are compatible with Telework arrangements.

(5) Participation in Telework. In order to participate in Telework, an employee must not be ineligible as described above. Agency supervisors may determine that an employee, on an individual basis, may not participate in the Telework program or may only participate in situational telework, even though the employee is eligible, based on individual and

organizational work needs. Participation shall *ensure that telework does not diminish employee performance or Agency operations*. Supervisors shall determine whether an employee may participate in Telework based on the following criteria and guidelines:

(i) Duties of the Position – In addition to being eligible, in order to participate, the employee must perform duties that are suitable for telework. Agency supervisors should deny participation altogether if an employee’s duties require regular and actual presence at the assigned duty station (e.g. providing daily tours, live broadcasts, editing shows), require face-to-face personal contacts that cannot be effectively or efficiently handled remotely or at an alternative worksite (e.g. hands on contact with equipment or hosting a show), or when an employee does not spend enough time on duties suitable for telework to fill any day in the employee’s work schedule, including alternative work schedules.

(ii) Network Capability- An employee’s capability to access the Department’s network does not meet network security requirements.

(iii) Employee Performance – An employee whose performance has been determined by Management to be at the “Does Not Meet Expectations Level” or at less than a Fully Successful performance level (Multi-Tier Rating System) may not participate in the Agency’s telework program;

(iv) An employee’s need to access/use classified or sensitive information; and

(v) The employee is in his/her probationary period and has not been in the organization long enough to know his/her duties and/or organizational relationships sufficiently well enough to perform independently or successfully unless in the office.

(6) Length of Telework. Regular or Recurring telework is limited to a maximum of eight (8) days per pay period. Additional days may be added due to emergency situations such as weather emergencies or COOP situations. Working unscheduled telework due to emergency situations may, depending on existing work needs, require a reduction in an employee’s regularly scheduled telework days. Supervisors may further limit the number of days per pay period that an individual employee may telework based on work requirements or operational needs, (e.g., availability of equipment and network capability necessary to telework, in-office staff coverage needs, supervisory responsibilities, the amount of the employee’s job responsibilities that are suitable for telework, or other considerations listed in paragraph (c)(5)). When making decisions about the number of allowable telework days for individual employees, supervisors should also give due consideration to the following guidelines:

(i) Supervisors must schedule a sufficient number of employees to be present in the office for the office to function effectively and efficiently.

(ii) For employees who perform both duties that are suitable for telework and duties that are not suitable for telework, supervisors must limit the number of allowable telework days to the number of workdays an employee can reasonably fill with duties that are suitable for telework.

(7) Relation to Existing Human Resources Policies.

(i) Parity for Teleworking and Non-Teleworking Employees. Teleworkers shall receive the same treatment and opportunities as non-teleworkers (e.g., work assignments, awards and recognition, development opportunities, promotions, etc.)

(ii) Hours of Duty. All existing regulations and policies relating to hours of duty apply to telework employees unless otherwise addressed and required by law, regulation or the NLMA.

(iii) Work Schedules. Normally, telework work schedules should parallel those worked at employees' official duty station. Adjustments are permitted, as needed or requested, if consistent with work needs. Employees may work authorized standard schedules or follow authorized alternate work schedules depending upon the agreement between the employee and the supervisor. Core hours will be established for each work shift. Employees on a Maxiflex and Flextime schedule shall confirm with their supervisors the core hours for their shift. Each employee is expected to adhere to the core hours for his/her shift. *Ad hoc* telework schedules or schedules that violate Agency and/or Government-wide work-schedule policies are prohibited.

(iv) Leave. The policies for requesting annual leave, sick leave, other paid time off, or leave without pay are the same for working at the official duty station or offsite. The teleworking employee must follow established procedures for requesting and obtaining approval for leave and must ensure the timekeeper is informed of leave usage.

(v) Duty Station. Teleworking does not affect the designation of an employee's official duty station.

(vi) Pay. The employee's official duty station serves as the basis for determining locality pay. Federal regulations governing night differential, Sunday Premium pay, and Holiday pay apply regardless of whether work is performed at the official duty station or an alternate worksite.

(vii) Certification and Control of Time and Attendance. A high level of trust and communication between the supervisor and employee is essential to an effective telework program. Therefore, a teleworker is required to telephone or email his/her supervisor at the starting and ending times of each telework day, and must be available by phone, email, and/or video conference during telework hours.

(viii) Overtime, Compensatory Time, and Credit Hours. Supervisors may approve overtime or compensatory time on a telework day, if needed to complete critical work. The employee will be compensated for authorized overtime work in accordance with applicable law, regulations, and policies. The existing provisions in Title 5 U.S.C. and in the Fair Labor Standards Act governing overtime apply to telework. Supervisors must approve all credit hours (if credit hours are part of the regular schedule, this approval may be contained in the Telework Agreement.), overtime, and/or compensatory time **in advance and in writing**. An employee on telework who works credit hours, overtime, or compensatory time without advance supervisory approval may be removed from the



telework program. Supervisors may provide advance, conditional written approval for an employee on telework to work overtime.

(ix) Effect of Travel, Leave, Holidays, and Early Release on Telework. If the employee is on travel or leave on a scheduled telework day, or the scheduled telework day is a holiday, the employee may not automatically substitute an alternative telework day without advance supervisory approval. If the Federal Government is released early due to a holiday or “good will” gesture, eligible telework employees will receive the same benefit as similarly situated employees at his or her official duty station. Early release/Late arrival of federal employees for weather does not typically apply to teleworkers. Early Release applies only to non-emergency employees unless otherwise permitted by the Agency Head. Employees should read and follow OPM and Agency announcements for specific guidance.

(x) Dependent Care. The telework program is not intended to serve as a substitute for childcare, day care, elder care, or any other type of dependent care. Employees who have small children or adults requiring care or supervision must arrange to be free from dependent care during a telework workday. Employees unable to be free from dependent care during scheduled telework may request leave; supervisors will give due consideration to such a leave request, work needs permitting.

(xi) Reasonable Accommodations for Persons with Disabilities. Nothing in this policy affects existing policies or procedures for requesting reasonable accommodations under The Rehabilitation Act of 1973. For more information, or to make a request for reasonable accommodations, please contact the Office of Civil Rights.

(xii) Safety. Occupational Safety Health Administration (OSHA) rules govern Federal employee workplace safety. Employees must acknowledge receipt of and awareness of the Employee Safety Checklist form setting the standards for compliance with OSHA guidelines. The supervisor may deny a request to telework or may rescind a Telework Agreement based on safety problems at the alternate worksite.

(xiii) Transit Subsidy. Employees approved for telework who would otherwise be eligible to receive PTAP subsidies will be allowed to participate in the PTAP program. Employees receiving a transit subsidy benefit must adjust their monthly benefit to subtract commuting costs for regular and recurring telework days. Employees will be allowed to adjust their transit subsidy benefit, consistent with law and regulation, when they experience a change in their regular telework schedules.

#### (8) Relation to Virtual Private Network (VPN) Access and Business Continuity of Operations (B-COOP) Events:

(i) Background. A Government-wide initiative, mandated by the President was created to ensure the ability of the Federal departments and agencies to fulfill their essential roles and functions in response to a wide spectrum of threats. Each department is required to develop and maintain a Business Continuity of Operations Plan (B-COOP) to ensure that mission essential functions are operational within 12 hours of any emergency activation,

with or without warning. Further information can be found in Federal Continuity Directive 1, located at <http://www.fema.gov/pdf/about/org/ncp/fcd1.pdf>. Some threats might include:

- (A) Fire in the building;
- (B) Natural disasters;
- (C) Threat or occurrence of a terrorist attack; or
- (D) Any event that makes it impossible for employees to work in their official duty station.

(ii) Relationship to Telework. During any period of time that the Agency is operating under a B-COOP, the B-COOP shall supersede this policy. Telework can be an essential part of a B-COOP. A fully implemented telework program should be a key component of an effective B-COOP Plan. Telework provides a cost effective reliable B-COOP capability that is routinely exercised since it is integrated into existing IT infrastructures and normal employee activities. To make telework a viable option during emergencies, work must be organized to facilitate electronic communication and eliminate paper-based processes whenever possible, e.g., automating reports and procedures as much as possible.

(iii) While this policy is applicable to almost all employees within the Agency, there are variances for those employees that serve as Continuity Personnel. Continuity Personnel are senior and core employees, who provide the leadership advice, recommendations, and functional support necessary to continue essential operations. This includes pre-designated BBG principals and staff, as well as Subject Matter Experts (SME) who have been designated to support B-COOP functions in the event the Headquarters building and/or other occupied space(s) is threatened or incapacitated.

(9) Policies related to Telework and Equipment.

(i) Telecommunications and Equipment. Participation in the Telework Program is contingent on the amount, type, and availability of telecommunications and equipment needed to accomplish portable work.

(ii) Employee Personal Property and Utility Expenses. Employees who telework are responsible for providing the necessary equipment to work at an alternate worksite. This may include computers, software, printers, fax machines, telephone lines, and related supplies. The employee is responsible for repair and maintenance of personal equipment. The Agency will ordinarily not pay for utility costs at a teleworker's personal residence. However, the Agency may reimburse teleworkers for long distance telephone expenses incurred as a **necessary result** of official duties (i.e. other forms of communication, such as voice-over-internet protocol (VOIP) or e-mail are not available). To obtain reimbursement, employees submit a SF-1164, Claim for Reimbursement for Expenditures for Official Business, accompanied by a copy of the telephone bill and

proof that the long distance telephone expenses were a necessary result of the official duties, to his/her supervisor for approval.

(iii) Government-Owned Equipment. Supervisors, in consultation with their management team, may determine that Government-owned equipment, such as laptop computers and printers, may be loaned to employees for use at alternate worksites. A supervisor must approve loaning Government-owned equipment to a teleworker before the Agency incurs any expenses related to such equipment (e.g. purchase, installation, etc.). All such equipment must be properly signed out in accordance with Agency procedures, including sign-in/sign-out procedures in [III BAM 700 Agency Mobile Device Policy](#). Ownership and control of hardware, software, and data remain with the U.S. Government. The equipment must be used for official business only and may not be used by family members or others. All policies on the acceptable use of Agency-owned Information Technology, Agency-owned equipment, and the Internet apply to teleworkers, including [Standards of Ethical Conduct for Employees of the Executive Branch: Basic Obligations of Public Service. 5 C.F.R. 2635.101 \(b\)\(9\)](#); and Standards of Ethical Conduct for Employees of the Executive Branch: Use of Government Property. 5 C.F.R. 2635.704.

(iv) If Government-owned property or equipment on loan to an employee is damaged or lost due to the employee's negligence, e.g., carelessness or failure to reasonably secure the property or equipment, the employee will be held liable for the repair or replacement of the equipment to the same extent he or she currently is held liable when loaned equipment is damaged or lost.

(v) Reference Materials. Employees are responsible for identifying the tools they need to work at alternate worksites. If an office has a limited number of reference books, publications, or other tools normally used on the job, the teleworker must provide his or her own copy or work from the official duty station.

(10) Use of Sensitive Material and Privacy Information.

(i) Teleworkers are expected to follow security procedures and precautions at their alternate worksites and to protect sensitive information.

(ii) Offsite access to sensitive data may be permitted only if Agency IT/Security officials certify the adequacy of the security for such access consistent with the Agency's policy on Safeguarding Personally Identifiable Information. Classified data *may not* be removed from an employee's official duty station or remotely accessed.

(iii) Records subject to the Privacy Act must be maintained and protected in accordance with Government-wide regulations and Agency policy. Sensitive non-classified data may not be disclosed to anyone except those who are authorized access to such information to perform their duties. Supervisors who allow employees access to records subject to the Privacy Act from a remote worksite are responsible for ensuring that appropriate administrative, technical, and physical safeguards are present to ensure the confidentiality and integrity of the records.

**(d) PROCEDURES AND PRIMARY RESPONSIBILITIES:**

(1) Notification of Eligibility. Within 60 days of the effective date of the policy, the Office of Human Resources (OHR) shall inform all Agency employees of their eligibility to telework. Employees shall be notified of their eligibility to participate in telework within 30 calendar days of starting a new job.

(2) Agency Supervisor Responsibilities:

(i) Supervisors review each Telework Application to determine if employees are telework eligible and may participate in telework based on the criteria and guidelines in paragraphs (c)(4) and (c)(5) above.

(ii) The Supervisor normally will determine whether to approve or disapprove employees' requests to telework within 10 business days of receipt of a complete application, unless extenuating circumstances preclude processing within this time period. An example of an extenuating circumstance is when a supervisor is on leave or travel. The Supervisor provides a written explanation to the employee, and the Telework Coordinator, if the request to telework is denied.

(iii) The Supervisor determines and establishes required response times (e.g. phone call and e-mail responses) for supervisor/employee communications to ensure optimum communication.

(iv) The Supervisor monitors telework to ensure that employees are paid only for the time worked and that absences from scheduled tours of duty are accounted for correctly.

(v) The Supervisor enforces the terms of the Telework Agreement and takes appropriate corrective action to ensure conformance with the requirements of the Telework Program.

(vi) If an emergency or other situation affects the alternate worksite for a major portion of the workday, employees are required to notify their immediate supervisors (or designee) of the existing emergency situation unless the employees know that the immediate supervisors (or designees) are already aware of the emergency situation. Supervisors may require an employee to report to the official worksite or the employee must request and receive approval for annual leave, other paid time off (e.g., credit hours), or leave without pay. Supervisors will establish procedures for notifying employees if they are required to report to the official worksite.

(vii) The Supervisor will use an approved Agency notification method that can provide accountability of personnel who are on leave, teleworking, or off-site during emergencies.

(viii) In canceling all or part of a scheduled telework day, supervisors will normally provide, work needs or performance requirements permitting, the employee with a one-week notice. When Management determines that an emergency situation exists, supervisors will provide the employee notice as soon as reasonably practicable after the need for the employee to report to the official duty station becomes known. If a need for

an employee to report to the official duty station arises close to or after the beginning of a scheduled workday, supervisors should balance the critical work requirements against such factors as the time remaining in the employee's workday and the time and distance required to travel from the employee's telework site to the employee's duty station before making the request.

(ix) If an employee is instructed to report to his/her official duty station during a telework already in progress, the supervisor will allow reasonable time to report to the duty station. Time spent reporting to the official duty station, when employees are called in when otherwise scheduled to telework, will be counted as duty time only as required by law and regulation.

(x) Supervisors must coordinate with the Telework Managing Officer to ensure that trained staff is integrated as part of the organization's Occupant Emergency Plan (OEP) and business continuity of operations policy/planning/response activities.

(xi) Supervisors may review telework agreements for employees they supervise whenever the affected work circumstances or significant duties change or if provisions of the Telework Agreement are changed.

(xii) Must take Telework training.

### (3) Employee Responsibilities:

(i) The employee completes and submits a telework application package to his or her immediate supervisor that includes:

(A) The Telework Application;

(B) Acknowledgement of Receipt and Awareness of the Employee Safety Checklist;

(C) A Telework Agreement; and

(D) A copy of the employee's certificate of successful completion of online telework training.

(ii) Employees who telework are expected to comply with Federal ethics rules. Federal ethics rules are located at <http://inside.bbg.gov/offices/ethics/default.aspx>.

(iii) Performance standards for teleworking employees must be the same as performance standards for non-teleworking employees with the same job requirements. Employees are to ensure that telework does not diminish personal work performance or the accomplishment of the Agency's mission, and does not have any negative impact on the work of other members of the work group (e.g., co-workers, supervisors). Teleworking employees are also expected to adhere to all other expectations of professional conduct that would apply at the official duty station, such as respectful and cooperative behavior toward colleagues and supervisors and working the full assigned schedule.

(iv) The employee must demonstrate the ability to work independently and ensure the quality and quantity of work does not suffer while teleworking.

(v) The employee ensures that he or she is free from responsibility for dependent care for children, elders, or others during telework work hours.

(vi) The employee adheres to the terms and conditions of the Telework Agreement, including time and attendance reporting requirements.

(vii) The employee reports to the official duty station whenever the Supervisor informs the employee that his/her physical presence is required, even on a scheduled telework day. If an employee cannot report to the official duty station when requested, he/she must request annual leave, other paid time off (e.g., credit hours), or leave without pay. Procedures and appropriate arrangements for teleworking emergency employees who cannot report to their official duty station due to weather or other emergencies are governed by controlling provisions in law, regulation and NLMA.

(viii) Whenever an employee knows in advance of a situation that will preclude working at the alternate worksite, or when an emergency or other compelling circumstances prevent the employee from teleworking, the employee must either report to the official duty station or request and obtain approval for leave.

(ix) The employee is responsible for transporting any loaned, Government-owned equipment to the alternate worksite, installing such equipment (training may be provided), and returning the equipment to the Agency if repairs are needed or as requested by the employee's supervisor. The employee must notify his or her supervisor immediately following a malfunction of U.S. Government-owned equipment. If repairs are needed, the employee may be directed to report to the official duty station until equipment is usable or other equipment becomes available.

(4) Telework Managing Officer Responsibilities:

(i) The Telework Managing Officer (TMO), who is the Director of the Office of Workforce Support and Development, is responsible for policy development and implementation related to the Agency's telework program.

(ii) The TMO reports data on telework participation to Agency management, OPM, and other official entities that require and are entitled to the information.

(iii) The TMO is the primary point of contact with OPM on telework matters.

(5) Telework Coordinator Responsibilities:

(i) The Telework Coordinator (TC), who is the Office Manager in the OHR Administration and Benefits Division, administers the Telework Program in accordance with applicable laws and Agency guidelines. The TC answers to the TMO on Telework issues.

(ii) The TC, in coordination with the TMO and the Labor and Employee Relations Division, provides information and policy guidance to employees and supervisors on the Telework Program.

(iii) The TC provides Agency officials with technical assistance to help resolve telework issues.

(iv) The TC reviews telework application packages for completeness and certifies that Agreements do not include any non-qualifying provisions and sends an email message approving or disapproving the application to the employee and supervisor, normally within five business days of receipt.

(v) The TC coordinates with the **Transit Subsidy Coordinator** to ensure transit benefits are not issued for regularly scheduled telework days.

(6) TSI Deputy for Technology Support Services (T/TSS) or Computer Systems Support (CSS) Responsibilities:

(i) If an applicant requires Government equipment or a VPN token, CSS will discuss the applicant's information technology needs to determine what the employee requires to successfully perform the duties of his/her position from an alternate worksite. This could include connection capability to the Internet, software, and/or hardware. VOA users must get their laptops from Laptop Support, who will assist the users with VPN connection as well. If the employee does not have a home computer, a laptop may be issued, if available. However, the Agency maintains a limited number of laptop computers; therefore, employees may have to wait for an undetermined amount of time to receive a laptop.

(ii) Based on the discussions with CSS, the employee will be provided connectivity to Agency systems after the employee submits a virtual private network (VPN) request for the appropriate access through the Helpdesk.

(7) Submitting an Application.

(i) All employees are encouraged to apply for the Telework Program, even if they do not intend to work a regular and recurring telework schedule. Having an approved Telework Application and Agreement in place enables employees to utilize Situational Telework (see definition below), when necessary, and will help the Agency plan for emergencies at the Cohen Building or other locations.

(ii) Telework Training. The Telework Enhancement Act requires all employees eligible for telework and their supervisors to complete an online training course. Separate training modules are required for an employee participating in the Agency's Telework Program and a supervisor responsible for supervising an employee who teleworks. Copies of certificates confirming successful completion of the telework training courses by the supervisor and the employee must be included in the application package submitted to the TC. Employees and supervisors should maintain copies of their telework training certificates. By successfully completing the required telework training

programs, which includes FEMA IS-546 Continuity of Operations (COOP) Awareness Course, each eligible employee will be authorized to telework during a continuity activation; and any other OEP or OPM designated emergency situation. The online training course will be available on the Agency's intranet. Employees may use their duty time to complete the training.

(iii) The application process includes completion and submission of the following forms:

(A) Employee Application (signed by the employee);

(B) Employee acknowledges receipt of and awareness of the Safety Checklist;

(C) Telework Agreement (signed by the employee and supervisor);

(D) Employee's Certification of Completion of: 1) Telework Training, and 2) COOP Training; and

(E) Supervisor's Certification of Completion of: 1) Telework Training, and 2) COOP Training.

(iv) Failure to submit or complete any of the above documents constitutes an incomplete application.

(v) The employee must complete, sign, and submit the Employee Application, acknowledgement of receiving the Employee Safety Checklist, and the Telework Agreement, along with the Employee's Certification of Telework Training (items 1 through 4, above) to his or her immediate supervisor for review and approval. The supervisor, or delegated approving official, will review the request and provide a written decision to the employee, normally within 10 business days of receipt of a complete application package from the employee.

(vi) If the application is approved, the supervisor will sign the Telework Agreement, attach his or her Certification of Completion of Telework Training, and forward the completed application package to the TC in OHR.

(vii) The TC will review the application package for completeness and to ensure the Agreement does not include any non-qualifying provisions. Incomplete applications will be returned to the supervisor, who will, in turn, return the unapproved application to the employee. If the application package is complete, the TC will send an email message approving or disapproving the application to the employee and supervisor, normally within five business days of receipt. A copy of the approved Agreement must be provided to the applicant's Timekeeper to ensure that time and attendance data input to the payroll system is consistent with the Agreement. The document is subject to the Privacy Act and must be maintained and protected by the Timekeeper in accordance with Government-wide regulations. **The employee may not begin telework until it is confirmed in writing by the TC that a completed package has been received and approved.** If the TC disapproves an application, the email to the employee and supervisor will contain the reason(s) for the disapproval.



(8) Denial and Reconsideration Process.

(i) While telework is not an employee entitlement, and not all employees or positions are appropriate for telework, management officials must give every application full consideration. Denial of a telework agreement must be based on criteria for eligibility or participation described above or work requirements.

(ii) If the request is denied, the supervisor will notify the employee of the decision in writing and provide the reason(s) for the denial. The supervisor will provide the TC with a copy of the denied application package and the written decision for review and recordkeeping.

(iii) After an initial denial by a first line supervisor, second line supervisors may accept an employee's written request for reconsideration submitted within 10 business days after the initial denial. If a second line supervisor accepts an employee's request for reconsideration, the second level supervisor should provide a written reply to the employee, within 10 business days after receiving a request for reconsideration, indicating whether the first line supervisor's decision will be upheld. If the telework application is denied by the second level supervisor, the decision is final.

(iv) If the TC denies a telework application, an employee's written request for reconsideration must be submitted to the TMO, within 10 business days after receiving the denial. The TMO should provide a written reply to the employee within 10 business days after receiving a request for reconsideration, indicating whether the TC's decision will be upheld. If the telework application is denied by the TMO, the decision is final. Employees will receive a copy of the final decision within 10 days after the decision was made.

(9) Term of Telework Agreements. Approved Telework Agreements will remain in effect until the employee withdraws from the agreement, the supervisor terminates the agreement, or the agreement is superseded by another Telework Agreement.

(10) Withdrawal from Telework Agreements. To withdraw from a telework agreement, an employee must send a written notice of withdrawal to his or her supervisor and the TC. Because the Agency may not require an employee to telework, the Agency must accept an employee's withdrawal.

(11) Termination of Telework Agreements.

(i) A supervisor may terminate a telework agreement for good cause, including but not limited to:

(A) The employee becomes ineligible to telework due to circumstances described in paragraph (c)(4) above;

(B) The employee may no longer participate in the telework program due to a change in circumstances that affects the participation factors described in paragraph (c)(5),

such as the employee receiving a less than satisfactory performance rating or a change in employee responsibilities;

(C) The employee fails to comply with this policy; or

(D) The telework arrangement diminishes employee performance or Agency operations.

(ii) To terminate a telework agreement, the supervisor must write a notice of telework termination, which explains the reason for the termination.

(iii) Before issuing a notice of telework termination to an employee, the supervisor must submit the notice to the TMO for review, recordkeeping, and reporting. The TMO reviews the notice of termination to ensure it does not include any non-qualifying reasons for termination. The TMO also keeps records on, and reports to OPM, the number of telework terminations and the reasons for telework terminations. Only after the TMO reviews the termination, the supervisor may issue the termination to the employee.

(iv) The termination shall be effective 10 workdays after the employee receives it.

(12) Changing, Modifying, and Re-Applying for Telework Agreements.

(i) Completion of a new Telework Agreement is required whenever:

(A) Conditions of the Agreement are amended significantly, e.g., increases or decreases in the number of telework days. Minor changes may be indicated as pen and ink changes to the Telework Agreement. Such minor changes must be initialed by the supervisor and employee and a copy of the amended Telework Agreement must be submitted to the TC;

(B) The employee changes positions or the employee's duties change; or

(C) The employee's performance is determined by Management to be at less than an acceptable level (2-Tier Rating System) or at less than a fully successful performance level (Multi-Tier Rating System).

(ii) Employees working under telework agreements before issuance of this policy do not necessarily need to reapply for new telework agreements after issuance of this policy, unless one of the requirements above applies, or the terms of the telework agreement must change in order to comply with this policy.

(iii) Implementation of a new or replacement Telework Agreement requires the submission of a complete Telework application package to the TC for review and approval.

**(e) DEFINITIONS:**

(1) “Eligible” means meeting the minimum criteria to telework as described in the Telework Enhancement Act of 2010 and Agency policy, which includes Agency employees, except those employees specifically described as ineligible in paragraph (c)(4) above.

(2) “Employee” means all employees of the agency meeting the definition of “employee” as defined in Section 2105 of Title 5 of the United States Code are covered by the policy.

(3) “Telework” means an arrangement under which an employee performs the duties and responsibilities of such employee’s position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work. Please see the guidance below on types of telework:

(i) “Regular/Recurring Telework” is the performance of work from an alternative worksite on a regular and recurring basis for an agreed upon portion of a pay period. Employees who work Regular/Recurring Telework are scheduled to work offsite at least one day per pay period.

(ii) “Situational Telework” is non-recurring or irregular telework, including telework only in case of emergencies. Situational telework is ideal for employees whose work includes periods when projects or assignments have short turnaround times or require intense concentration or for emergency events. Supervisory approval is required for specific telework days, for specific projects, or other assignments.

(iii) “Emergency Telework” is non-recurring work away from the conventional office based on an emergency situation or need (such as office closure due to inclement weather, office and/or building repairs, an emergency event that affects office operations, etc.), which may or may not be associated with a B-COOP Event Emergency Situation. Since this is a temporary situation, the duration of telework is at the supervisor’s discretion and does not have to meet the minimum requirement of regular telework.

(4) “Business Continuity of Operations (B-COOP)” is an effort within individual agencies, including BBG, to ensure the Agency is able to continue to perform Mission Essential Functions (MEF) and Primary Mission Essential Functions (PMEF) during a wide range of emergencies, including localized acts of nature, accidents, and technological or attack-related emergencies.

(5) “B-COOP Event Emergency Situation” is a national security incident, situation, extended emergency, or other unique situation when the Agency, a department(s), or an affected office is closed, including but not limited to: hurricanes, earthquakes, terrorist threats/activity, pandemic influenza, etc.

(6) “Official Worksite/Duty Station” is identified in Block 39 (Duty Station) on all employees’ SF-50, Notification of Personnel Action, forms.

(7) “Alternative worksite/location” is a location away from the official duty station that has been designated and approved for the performance of assigned official duties.

**(f) EFFECTIVE DATE AND APPROVAL:**

Approved by:



Date:

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Manual of Operations & Administration

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PART V-A PERSONNEL (DOMESTIC), 600 HOURS OF DUTY AND LEAVE  
Section 610

ABSENCE AND LEAVE (GENERAL)

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- 611.1 Scope
- 611.2 Other Sources of Information
- 611.3 Legal and Regulatory Background

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- 612.1 Heads of Services and Offices
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- 615.3 Authority and Procedures to Approve Leave Without Pay
- 615.4 Substituting Annual or Sick Leave for Leave Without Pay

616 Concurrent Leave Rights

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## Section 610

### ABSENCE AND LEAVE (GENERAL)

#### 611 INTRODUCTION

611.1 Scope - This Section is applicable to all Civil Service employees.

611.2 Other Sources of Information -

a. 3 FAM 400 contains information on leave for Foreign Service employees.

b. MOA V-A 602 through 605 includes information and instructions on compensatory time off and on holiday absences.

c. MOA VII-500 contains instructions on reporting absences and leave. MOA VII-600 contains instructions on: (1) remitting fees received in connection with court leave and pay received in connection with military leave granted for law enforcement purposes and (2) requesting waivers of overpayments of pay.

611.3 Legal and Regulatory Background

Chapters 55, 61, and 63 of Title 5, United States Code are the legal basis for rules and regulations on absences and leave.

#### 612 RESPONSIBILITIES

612.1 Heads of Services, and Offices are responsible for proper administration of regulations and procedures on absences and leave that pertain to employees under their respective jurisdictions. Normally, the authority to approve, deny, and cancel leave is delegated to the lowest supervisory level having personal knowledge of the work requirements and of the employees' leave records. Officials having authority to act on leave requests are also responsible for reporting absences and leave for their employees in accordance with instructions in MOA VII-500.

612.2 The Office of Personnel is responsible for developing policies and regulations governing leave administration in conformance with law and Office of Personnel Management and General Accounting Office requirements. The Office of Personnel is responsible for guiding and advising supervisors and managerial officials on leave administration.

612.3 Financial Operations is responsible for establishing and maintaining the leave accounting system in accordance with General Accounting Office regulations and instructions; for guiding and advising supervisory officials on matters of leave accounting, leave earning categories, and leave balances; and for collection of payments for premiums for the Federal Employees' Health Benefits Program which may have been incurred by employees while in LWOP status.

## 613 MANDATORY APPROVAL OF LEAVE

Under the following circumstances, the approval of leave requests is mandatory so long as the employee has followed proper procedures for requesting leave and has provided documentation acceptable to the approving official.

613.1 Treatment of Disabled Veterans - Executive Order 5396, July 17, 1930, requires that such annual or sick leave as may be permitted by law or leave without pay as is necessary for medical treatment of a disabled veteran shall be granted upon the veteran's request and presentation of an official statement from a duly constituted medical authority that such treatment is required, all without penalty in his or her efficiency rating (performance appraisal). A disabled veteran must similarly be authorized leave of absence for examinations and absences from duty in connection with his or her disability.

613.2 Military Leave - An employee (other than an intermittent employee or a temporary employee appointed for one year or less) who is a member of a Reserve component or the National Guard shall, upon request and presentation of official orders, be granted military leave to which he or she is entitled for performance of active duty or training. (See MOA V-A 660.)

613.3 Pending Disability Retirement - An employee whose disability retirement has been approved shall be granted available sick leave at his or her request.

613.4 Sick Leave - An employee is entitled to use accrued sick leave when incapacitated for duty due to illness, injury or pregnancy, or when emergency medical or dental treatment is required. See MOA V-A 640

## 614 ABSENCE WITHOUT LEAVE

614.1 Definition - Absence without leave (AWOL) means any absence from duty that has not been authorized or approved in accordance with existing regulations and policies.

614.2 Policy - When an employee's absence from duty was not approved in advance or on an emergency basis, the employee is considered AWOL. Pay for a period of such absence is forfeited. Flagrant or repeated instances of such absences may be considered the basis for disciplinary action. If the employee satisfactorily accounts for the absence, an appropriate category of approved leave may be substituted for the period of AWOL at the discretion of the leave-approving official.

614.3 Charging Absence Without Leave - Absence without leave is charged for the period of an employee's unauthorized absence during his or her scheduled tour of duty. The minimum charge for AWOL is fifteen minutes and it is charged in multiples of fifteen minutes. An employee who has been AWOL may not be charged with continued AWOL after presenting himself or herself as available for work. The supervisor must allow the employee to return to duty and pay status, but may confer with higher supervisory levels and the Office of Personnel concerning disciplinary action.

## 615 LEAVE WITHOUT PAY

615.1 Definition - Level without pay (LWOP) is an authorized or approved absence in temporary non-pay status which may be granted by Broadcasting upon an employee's request.

### 615.2 Policies

a. It is within the general administrative discretion of Broadcasting to grant LWOP to an employee. An employee cannot demand to be placed on LWOP as a matter of right, unless the employee is a disabled veteran or member of a Reserve component or the National Guard and is entitled to LWOP under the circumstances described in Sections 613.1 or 613.2 of this part.

b. LWOP is granted only for specific reasons and for definite periods of time. An employee's request for LWOP should be submitted in advance. LWOP may be initially authorized for up to one year; extensions beyond one year will be scrutinized carefully.

c. Each request for LWOP is examined closely by leave approving officials, managers, and, if appropriate, the Office of Personnel to ensure that the value to the Government or the serious needs of the employee are sufficient to offset the costs and administrative inconveniences to the Government of retention of an employee on LWOP. Among such costs and inconveniences are:

(1) Inability to fill the position (or a like position) on a permanent basis while the employee is on LWOP;

(2) Loss of the employee's services which may handicap the organization;

(3) Obligation to provide the employee employment at the end of the approved LWOP;

(4) Credit to the employee while on LWOP of up to six months each calendar year toward retirement; and

(5) Eligibility of the employee for continued life insurance coverage without cost for up to one year.

d. Extended LWOP (in excess of 30 calendar days) will not be approved unless there is a reasonable expectation that the employee will return at the end of the approved period and the element from which the employee is taking leave supports the request and agrees to make that employee's position or a substantially similar position available for him/her upon return to duty. In addition, it should be evident that at least one of the following benefits would result to an extent which would outweigh the costs and inconveniences of retention of the employee on extended LWOP:

(1) increased job ability;

(2) protection or improvement of the employee's health, or the health of others;



(3) retention of a valuable employee; or

(4) furtherance of a program of interest to the Government, e.g. Peace Corps, VISTA, IPA programs, etc.

e. LWOP is granted whenever possible upon request:

(1) While an employee is awaiting approval of a claim for disability retirement or action by the Office of Workers' Compensation Programs on a claim for disability compensation and does not have sick and/or annual leave to cover the period of absence from duty;

(2) While an employee is receiving compensation from the Office of Workers' Compensation Programs provided that the employee's return to duty is expected;

(3) To avoid a break in the continuity of service of a career-conditional employee who is the dependent of a civilian employee of the Federal Government or a member of the U.S. Armed Forces who is obliged to move outside the commuting area on rotational assignment or upon the transfer of a function or an activity.

#### 615.3 Authority and Procedures to Approve Leave Without Pay

a. For 30 Calendar Days or Less - Consistent with the policies and requirements stated in paragraph 615.2, officers having authority to approve annual or sick leave may approve requests for LWOP for 30 calendar days or less whenever work permits and it is deemed advisable and in the interest of Broadcasting.

(1) A request for not more than 80 hours of leave without pay may be made orally or in writing to the supervisory official who normally approves an employee's leave.

(2) A request for leave without pay of more than 80 hours but not more than 30 calendar days' duration must be submitted on an SF-71, Application for Leave, to the supervisory official who normally approves the employee's leave.

b. For More Than 30 Calendar Days

(1) Consistent with the policies and requirements stated in paragraph 615.2, the Office of Personnel may approve requests for LWOP for more than 30 calendar days and any subsequent extensions, and extensions of LWOP which will result in a total of more than 30 calendar days, for reasons such as the following:

(a) study or training in fields related to Broadcasting activities and interests;

(b) recovery from illness or injury not of a permanent or disqualifying nature when immediate return to duty would endanger the employee's health or the health of others:

(c) when denial of LWOP would result in severe personal hardship for the employee; or

(d) to accompany a Foreign Service spouse on overseas assignment.

(2) Requests must be submitted on a Request for Personnel Action, SF-52, and be accompanied by a statement signed by the head of the element from which the employee is taking LWOP which guarantees that the employee's position or a substantially similar position will be made available to the employee upon return to duty. The supervisor forwards a memorandum with a recommended decision and any appropriate explanations or comments, along with the SF-52 and statement from the element head, through appropriate channels to the Office of Personnel. If approved, the personnel office issues an SF-50, Notification of Personnel Action.

(3) The date of return to duty from any LWOP of more than 30 calendar days is reported by the organizational unit on an SF-52 to , Personnel. The appropriate personnel office issues an SF-50 recording return to duty.

c. Return to Duty From Leave Without Pay - LWOP is a voluntary absence from duty and pay status. An employee in LWOP status for a specific period does not have the right to be returned to duty before the period of LWOP expires. An employee who wishes to return to duty prior to the expiration of approved LWOP should so inform his or her organizational unit and the employee will be returned to duty as soon as administratively practicable. Depending on the time in the personnel office to adjust the employee's service computation date, career conditional probationary period, supervisory or managerial probationary period, and/or the waiting period for the next within-grade increase. The personnel office advises the employee of the effect of LWOP on these items and benefits such as health insurance, retirement, and leave accrual at the time the LWOP is approved.

615.4 Substituting Annual or Sick Leave for Leave Without Pay - Annual or sick leave, as appropriate, in the amount standing to an employee's credit immediately before a period of leave without pay may be substituted retroactively for such leave without pay taken through administrative error or misunderstanding, e.g., a delayed transfer of leave credit from a previous employing agency or the subsequent discovery of an error in an employee's leave record or service computation date.

#### 616 CONCURRENT LEAVE RIGHTS

An employee returning from military service to Federal employment may receive both terminal leave pay from the Armed Forces component and civilian pay for the period covered by terminal leave from the Armed Forces component.

#### 617 SPECIAL AGENCY RULE IN CONNECTION WITH EXTENDED LEAVE

The official responsible for authorizing or approving leave must notify the Office of Security through established channels as soon as it is known that an employee will be absent from duty or will not perform

services for Broadcasting over a period of ninety (90) calendar days or more. Such absence includes annual leave, sick leave, military leave, unauthorized absence, leave without pay, or any combination thereof.

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PART V-A PERSONNEL (DOMESTIC), 600 HOURS OF DUTY AND LEAVE  
Section 620

ANNUAL AND SICK LEAVE (GENERAL)

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- 621.2 Exclusions

622 Definitions

- 622.1 Accrued Leave
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623 Accrual of Leave During Pay Period

- 623.1 Full Pay Period
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624 Leave Charges

- 624.1 Leave Days
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625 Advances of Annual and Sick Leave

626 Liquidating Advanced Leave

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626.2 Failure to Earn Sufficient Leave

627 Refund for Unearned Leave Upon Separation

627.1 When Required

627.2 When Not Required

628 Disposition of Annual and Sick Leave Balances Upon Separation or Appointment to Position Excluded from Leave Benefits

628.1 Annual Leave

628.2 Sick Leave

629 Terminal Annual Leave

629.1 Policy

Section 620

ANNUAL AND SICK LEAVE (GENERAL)

621 COVERAGE AND EXCLUSIONS

621.1 Applicability - Annual and sick leave regulations, procedures, and policies apply to all employees except those listed in paragraph 621.2 below. Part-time employees are covered by annual and sick leave regulations only if they have a prearranged duty tour that includes work in each administrative workweek of each pay period.

621.2 Exclusions - These regulations do not apply to the following employees:

- a. employees for whom no regular tour of duty is prescribed;
- b. employees serving without compensation;
- c. Presidential appointees whose rates of basic compensation exceed the pay rate provided for GS-18; and
- d. officers required to be appointed by the President who are excluded from coverage pursuant to USC 6301 (2) (xi) by the Office of Personnel Management on the recommendation of the Director.

622 DEFINITIONS

622.1 Accrued Leave - Leave which is earned during the current leave year.

622.2 Accumulated Leave - Unused leave remaining to the employee's credit at the beginning of a leave year.

622.3 Break in Service - An interval of one or more days during which a person is off the rolls of a Federal agency.

622.4 Contagious Disease - Disease determined by health authorities that would jeopardize the health of others in the office because of the employee's exposure to a contagious disease.

622.5 Leave Day - A day on which an employee would otherwise work and receive pay, exclusive of holidays and nonworkdays established by Federal statute, Executive Order or administrative order.

622.6 Leave Year - A period beginning with the first complete pay period in a calendar year and ending with the day before the first day of the first complete pay period in the following calendar year.

622.7 Lumpsum Payment - The amount payable to an employee at the time of separation for annual leave to his or her credit.

622.8 Medical Certificate - A written statement signed by a registered practicing physician or other practitioner certifying to the incapacitation, examination, or treatment, or to the period of disability while the patient was receiving professional treatment.

622.9 Part-time Employee - A person employed to work regularly a prearranged schedule of 16 to 32 hours per week. (See MOA V-A 602.7).

#### 623 ACCRUAL OF LEAVE DURING PAY PERIOD

623.1 Full Pay Period - Except as provided in paragraph 623.2 below, an employee accrues annual and sick leave only during a full pay period of service. A new employee who enters on duty on the first workday of a pay period is deemed to have served from the beginning of a pay period. An employee who separates after being in a pay status at the completion of the last workday of a pay period is deemed to have served through the end of the pay period.

623.2 Fractional Pay Period - An employee whose service is interrupted by a non-leave-earning period (for example, military furlough) earns leave on a pro rata basis for each fractional pay period within the continuity of his or her service.

623.3 Accrual Reduction Because of Non-Pay Absence - Each time a full-time employee's absences without pay total 80 hours during a leave year, his or her credits for annual and sick leave are reduced by the amount of leave he or she would ordinarily earn during a pay period in pay status.

623.4 Leave Accrual of Part-Time Employees - A part-time employee accrues leave on the basis of the number of hours of actual service in each week not in excess of 40. A part-time employee who completes a full biweekly pay period may carry over from one pay period to the next those hours of service in a pay status that do not equal the number necessary for a minimum leave credit of one hour until sufficient service is rendered to total the hourly credit. However, if a part-time employee is converted to full-time employment and has insufficient service credit to earn the minimum of one hour, the fractional hours of service are lost because of the change from part-time to full-time.

#### 624 LEAVE CHARGES

624.1 Leave Days - Annual and sick leave are charged only on leave days as defined in paragraph 622.5 above.

624.2 Minimum Charge - The minimum charge for annual and sick leave is 15 minutes and additional charges are in multiples thereof.

624.3 Duty During Leave Period - When an employee is charged with annual leave for an unauthorized absence or tardiness, Broadcasting may not require him or her to perform work for any part of the period charged to leave.

#### 625 ADVANCES OF ANNUAL AND SICK LEAVE

An employee may not be advanced annual or sick leave if it is known at the time that he or she will not return to duty. The provisions for advances apply only to employees whose continued employment is contemplated when annual leave is advanced or whose employment will continue in the event of recovery when sick leave is advanced.

#### 626 LIQUIDATING ADVANCED LEAVE

626.1 Procedures - It is in the interest of the Government to permit an employee to liquidate advanced sick leave at the earliest opportunity; therefore, it may be liquidated by subsequently earned sick leave or by a charge against annual leave. An employee may, with the consent of Broadcasting arrange to refund in cash, advanced annual or sick leave, if such an arrangement is mutually agreeable and administratively feasible. (Pay rate applicable to refund is the rate that was in effect during the period in which the advanced leave was taken.)

626.2 Failure To Earn Sufficient Leave - If an employee fails to earn sufficient leave during the leave year to liquidate an advance of annual leave due to leave reduction for excess LWOP, the deficit may be carried forward to the next leave year, or the employee may, at his or her option, refund the salary paid. However, if the deficit is caused by an error in advancing too much annual leave or by any other reason, the employee will be required to refund the overpayment resulting from the unliquidated advance or annual leave. (MOA VII-600 contains policies, regulations, and procedures under which Broadcasting or the General Accounting Office may authorize waivers of refunds, including refunds for overpayment for annual leave.)

#### 627 REFUND FOR UNEARNED LEAVE UPON SEPARATION

627.1 When Required - Except as provided in paragraph 627.2 immediately following, when an employee who is indebted for advanced annual or sick leave is separated, Broadcasting will:

- a. Require the employee to refund the amount paid him/her for the period of leave for which he/she is indebted; or

- b. Deduct that amount from any pay due the employee.

627.2 When Not Required - Refund is not required when an employee:

- a. enters active military service with a right of restoration;
- b. retires for disability;
- c. resigns, voluntarily retires, or is separated because of disability which prevents the employee from returning to duty or continuing in the service, and which is the basis of the separation as determined by Broadcasting on medical evidence acceptable to it; or
- d. dies.

The Director of Personnel, has the authority to waive refund for unearned leave under the provisions of this section.

#### 628 DISPOSITION OF ANNUAL AND SICK LEAVE BALANCES UPON SEPARATION OR APPOINTMENT TO POSITION EXCLUDED FROM LEAVE BENEFITS

##### 628.1 Annual Leave

###### a. Lump Sum Payments

(1) An employee who leaves the Federal service, whose employment status is changed from one in which he/she earns annual leave to a less than full-time basis with no prearranged duty tour, or who transfers to a position not under a leave system to which annual leave may be transferred is entitled to a lump sum payment for unused annual leave. In addition, an employee who is entering active duty in the armed forces may elect to receive a lump sum payment for unused annual leave, or may elect to have the leave remain in his/her credit for use upon restoration or reemployment following completion of service in the armed forces. See MOA VII 650 for computation of the lump sum payment and deductions.

(2) The beneficiary of an employee who dies in service is entitled to a lump sum payment for the employee's unused annual leave. The normal order of precedence used to determine the beneficiary is shown on the reverse of the duplicate copy of Standard Form 1152, Designation of Beneficiary for Unpaid Compensation of Deceased Federal Employee. An employee who wishes to name as a beneficiary someone who is not on the listing of SF-1152, or who wishes to vary that order may submit a completed SF-1152, to his/her personnel office.

b. Transferring Leave - An employee who transfers to a position in another Federal agency or in the District of Columbia government may obtain information from the other agency as to whether all, some, or none of his/her leave can be transferred.

##### 628.2 Sick Leave

a. An employee separating from the Federal service does not receive a lump sum payment for unused sick leave.

b. The sick leave of an employee who separates from the Federal service, other than by retirement on an immediate annuity, is recredited to his or



her account when the employee returns to a Federal government position under the leave system if there is no break in his or her Federal government service in excess of three years. (See 5 CFR 630.502 regarding an employee who separates from the Federal Government to accompany a civilian or uniformed sponsor to an overseas assignment.)

An employee eligible to retire under the Civil Service Retirement System (CSRS) or Foreign Service Retirement System (FSRS) receives credit for unused sick leave in the retirement benefit. A transfer eligible employee who transfers from CSRS to the Federal Employees' Retirement System (FERS) or from FSRS to the Foreign Service Pension System (FSPS), as appropriate receives credit for the lesser amount of accumulated sick leave at date of transfer or the date of retirement. The sick leave will be computed into the annuity using CSRS/FSRS computation rules. All others eligible to retire under FERS or FSPS do not receive any credit for unused sick leave.

#### 629 TERMINAL ANNUAL LEAVE

629.1 Policy - Title 5, USC, 5551(a) provides that an employee who leaves Federal Employment is entitled to be paid a lump sum for all accrued and accumulated annual leave. The Comptroller General has interpreted this provision to prohibit "terminal leave" which would result in greater expense to the U.S. Government. Accordingly, supervisors may not grant extended periods of annual leave (a week or more) in these circumstances. A separation becomes known when an employee has given official notice, either orally or in writing, that he or she will be separating on a particular date.

These restrictions are not intended to prohibit a supervisor from approving a day or two of annual leave to conduct personal business after notification of intent to separate. Office of Personnel approval is required for annual leave of one week or more once a separation date has been established.

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PART V-A PERSONNEL (DOMESTIC), 600 HOURS OF DUTY AND LEAVE  
Section 630

ANNUAL LEAVE

631 Earning Rates

- 631.1 Basis
- 631.2 Uniformed Services
- 631.3 Crediting Civilian Service
- 631.4 Full-Time Employees
- 631.5 Responsibility of the Office of Personnel

632 Maximum Accumulations of Annual Leave

- 632.1 Carryover on December 21, 1952
- 632.2 Foreign Service Employees
- 632.3 Senior Executive Service

633 Leave Earning Entitlement

634 Granting Annual Leave

- 634.1 Policy
- 634.2 Procedures

635 Restoration of Annual Leave

- 635.1 Authority
- 635.2 Procedures

Section 630

ANNUAL LEAVE

631 EARNING RATES

631.1 Basis - Annual leave earning rates are based on the total amount of an employee's civilian service for the Federal government and active military service, except that service of retired members of the uniformed services is creditable only for periods that entitle the employee to veteran's preference unless:

a. the retired member was employed in a civilian position on November 30, 1964, and continues to be employed as a civilian without a break in service for more than thirty days; or,

b. retirement from the uniformed service was based on disability:

(1) resulting from injury or disease received in line of duty as a direct result of armed conflict or,

(2) caused by an instrumentality of war and incurred in the line of duty during a period of war.

631.2 "Uniformed Services" as used in paragraph 631.1 immediately above means Army, Navy, Air Force, Marine Corps, Coast Guard, Public Health Service, and the National Oceanic and Atmospheric Administration (formerly the Environmental Science Services Administration, Coast & Geodetic Survey). Service that entitles an employee to veteran's preferences means service during wartime or during a campaign or expedition for which a campaign badge (service medal) has been awarded.

#### 631.3 Crediting Civilian Service

a. In general, service that is creditable, or potentially creditable under the Civil Service Retirement System is credited in determining the annual earning rate.

b. Periods of leave without pay (LWOP) or other non-pay status which exceed 6 months in any calendar year are not creditable except for LWOP granted: (1) for military service; (2) during a period when the employee is receiving Employee Compensation benefits for work-connected injury or illness; or (3) under special arrangements covering employment by labor organizations, state or local governments, educational institutions, or public international organizations.

631.4 Full-Time Employees earn annual leave by pay periods and part-time employees earn annual leave on the basis of hours of service as follows:

#### a. Full-Time Employees

	Earned Each Pay Period (Hours)	Earned Annually (Hours) (Days)
Less than three years service	4	104 13

More than three  
years, but less  
than 15 years'  
service

6 and 4 additional  
for last pay period  
of calendar year

160 20

Fifteen or more  
years' service

8

208 26

b. Part-Time Employees

Hours Earned

Less than three years

One hour for each 20  
hours in pay status

More than three years but  
less than 15 years' service

One hour for each 13  
hours in pay status

Fifteen or more years' service

One hour for each 10  
hours in pay status

631.5 Responsibility of the Office of Personnel - Personnel is responsible for determining the amount of an employee's service that is creditable for leave earning purposes. The amount of each employee's creditable service is indicated by the Service Computation Date shown on each SF-50, Notification of Personnel Action. Any questions concerning the accuracy of a Service Computation Date should be referred promptly to Personnel to avoid possible loss of leave.

632 MAXIMUM ACCUMULATIONS OF ANNUAL LEAVE

Annual leave not used by an employee during the year in which earned accumulates for use in succeeding years. However, no more than 30 days (240 hours) of accumulated annual leave may be carried over from one leave year to the next with three exceptions.

632.1 Foreign Service Employees - The maximum annual leave carryover for most American Foreign Service personnel serving abroad is 45 days (360 hours). A detailed explanation of the rules on this subject is published in 3 FAM 430.

1632.2 Senior Executive Service - For the period under an appointment to the Senior Executive Service an employee is not subject to limitations on accumulation of annual leave. No more than 720 hours of accumulated annual leave may be carried over from one leave year to the next unless

the employee was in the SES from the establishment of the SES and has a personal leave ceiling.

#### 633 LEAVE EARNING ENTITLEMENT

Employees who are appointed to positions for 90 days or more are entitled to earn annual leave upon completion of the first biweekly pay period. If an appointment is for less than 90 days, the employee is not entitled to annual leave until after he or she is employed for a continuous period of 90 days under successive appointments without a break in service. A break in service is one workday or more when the employee is not on the payroll.

#### 634 GRANTING ANNUAL LEAVE

##### 634.1 Policy

a. The purpose of annual leave is to provide every employee with a reasonable amount of time for rest, recreation, travel, meeting emergencies, and the conduct of personal affairs. Accordingly, appropriate action should be taken by supervisory officials to assure that each employee is permitted to take annual leave for these purposes, consistent with the work requirements of the office involved.

b. The approval of vacation periods should reflect the employee's personal preferences, consistent with the work requirements of the unit and the interests of other employees. The vacation schedule for each employee should include a continuous period of sufficient duration to permit adequate rest and relaxation. If the employee has sufficient leave to his or her credit, a period of two consecutive weeks is suggested as a minimum vacation period.

c. There is no official observance of religious holidays except those which may also be Federal legal holidays. When conditions of work permit, approval will be granted for absence from work for those employees who desire to spend certain holy holidays in religious devotion. Such absences may be charged to annual leave, compensatory time, or leave without pay if the employee has no annual leave. With supervisory approval, the employee may elect to work compensatory overtime in order to take time off without charge to leave when personal religious beliefs require the employee to abstain from work. (See MOA V-A 604.)

d. Officials administratively responsible for approving leave may not make their approval of annual leave - requested in advance or on an emergency basis - conditional upon the employee's submitting evidence to substantiate the reason given for requesting leave nor may they direct that such approved annual leave be charged to absence without leave if the employee does not submit such evidence. Under no circumstances may approved annual leave be changed to absence without leave. However, if the supervisor so advises the employee, he/she may defer the decision on a request for emergency annual leave in order to investigate the circumstances surrounding the request.

e. In order to obtain approval of leave, whether in advance or on an emergency basis, an employee must request leave from the appropriate

official, usually his or her supervisor or an official designated to approve leave in the absence of the supervisor. If an employee requests leave on an emergency basis, the employee will make a reasonable effort to notify the supervisor as early as possible on the first day of the absence. An absence from duty which is not covered by approved leave or excused absence, or for which leave has been canceled may be recorded as absence without leave.

#### 634.2 Procedures

a. First level supervisors, second level supervisors and higher officials have the authority to grant accrued annual leave upon request by the employee, consistent with office needs and the policies stated in paragraph 634.1a above. The employee's request may be made and approved orally. Written applications for leave (SF-71) are used when required by instructions in MOA VII-500.

b. An employee who is appointed to a position for 90 days or more may be granted advance annual leave, but cannot be advanced more leave than he or she will earn during the remainder of the leave year. An employee whose appointment will expire before the end of the leave year may not be granted more leave than he or she will earn before the expiration of his or her appointment.

c. SF-71, Application for Leave, shall be used to obtain and record approval of an advance of annual leave. (See MOA VII-500 for procedural instructions.)

#### 635 RESTORATION OF ANNUAL LEAVE

635.1 Authority - P.L. 93-181 (5 U.S.C. 6304(d)) and Comptroller General decision #B-201093 of July 15, 1981, authorize the restoration of annual leave by the Office Director:

- a. Because of the exigencies of public business;
- b. Because of sickness;
- c. To correct an administrative error; or
- d. Because of jury duty.

#### 635.2 Procedures

a. In order to receive restoration of annual leave because of the exigencies of the employee's position or because of sickness of the employee, or absence for jury duty, the following conditions must be met:

(1) The leave must have been scheduled and approved in advance in writing by the approving official before the beginning of the third biweekly pay period preceding the end of the leave year. The approving official is the officer in charge who has general responsibility for administration of leave regulations as they pertain to employees under that officer's jurisdiction.

(2) The supervisor or approving official must have canceled the leave in writing because of a specific and defined operational demand of such importance, magnitude, or significance that the employee cannot be excused from duty to take leave. The approving official must determine that a period of absence due to sickness or jury duty occurred at such time late in the leave year or was of such duration that scheduled annual leave could not be rescheduled for use before the end of the year to avoid forfeiture. The inclusive dates of the sickness or jury duty should be included in the request for restoration.

(3) The supervisor must have documented efforts to reschedule the annual leave before the end of the leave year or show that the leave could not be rescheduled. Failure by the approving official to properly schedule or reschedule requested leave constitutes administrative error (CG B-188284 3/7/78).

(4) A copy of the Earnings and Leave Statement received in the new calendar year, showing the actual number of forfeited hours of annual leave, must be submitted with a request for restoration of leave.

b. For employees requesting restoration of leave forfeited because of administrative error, the employee should submit a request in writing, through the Administrative Officer, stating the reasons for the request and requesting an audit of leave records.

c. Documentation required above should be forwarded to the Office of Personnel no later than 90 days after the end of the leave year.

d. The Director of Personnel will approve or disapprove restoration requests.

e. The employee will be advised in writing of the approval or disapproval of restoration of forfeited leave. Restored leave must be used within two calendar years from the date of restoration; or two years from the end of the leave year in which the exigency ended or the employee returned to work after leave because of sickness. If the restored leave has not been used at the end of two years, it will again be forfeited with no possibility of restoration. For regulations regarding restored leave for an extended exigency (i.e., lasting more than 3 years), see 5 CFR 630.309.

f. There is no legal authority to restore annual leave which is forfeited because additional holidays are declared by Executive Order (e.g., the day before or after Christmas).

g. Restored annual leave which is unused and still available will be included in the final lump sum payment if the employee separates or retires.

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PART V-A PERSONNEL (DOMESTIC), 600 HOURS OF DUTY AND LEAVE  
Section 640

SICK LEAVE

641 Earning Sick leave

641.1 Full-Time Employees

641.2 Part-Time Employees

642 Related material

643 Granting Sick Leave

643.1 Policy

643.2 Purpose

643.3 Procedures

Section 640

SICK LEAVE

641 EARNING SICK LEAVE

641.1 Full-Time Employees earn four hours of sick leave for each full pay period of service.

641.2 Part-Time Employees earn one hour of sick leave for each 20 hours of service in a pay status (not to exceed four hours of sick leave for 80 hours of duty in any pay period).

Sick leave not used by an employee during the year in which it is earned accumulates and is available for use in succeeding years, with no limit on the amount of accumulation.

642 RELATED MATERIAL - The use of sick leave during periods of incapacitation due to injury on the job or employment related disease is discussed in V-A 505.



## 643 GRANTING SICK LEAVE

### 643.1 Policy

General - Employees may use accrued sick leave for the reasons stated in paragraph 643.2. It is the responsibility of individual employees to exercise good faith in the use of sick leave. Broadcasting will investigate suspected abuse of sick leave and take warranted disciplinary action, which may include removal.

Sick Leave and Outside Employment - An employee who is unable to work because of illness or injury is generally too ill or too injured to work elsewhere. There are, however, rare instances, generally involving extended periods of illness or confinement, when there is acceptable justification for outside employment by an employee while on sick leave, e.g., -- an employee confined at home because of pregnancy or recuperation from illness or injury who engages in telephone solicitation work, or, -- an employee whose disability retirement has been approved and who is engaged in a vocational retraining program that includes on-the-job experience for which compensation is received. In any case, an employee who engages in outside employment or self-employment for remuneration on a day for which sick leave has been requested or approved must notify his or her supervisor. If the supervisor has any question about the propriety of the justification, he or she should consult with the Office of Personnel.

643.2 Purpose - First level supervisors, second level supervisors, and higher officials have the authority to grant accrued sick leave to employees in their respective offices for the following reasons so long as the employee follows proper procedures for requesting leave and provides documentation acceptable to the approving official:

- a. Employee's incapacitation because of illness, injury or pregnancy and confinement;
- b. For emergency medical, dental, or optical examinations or treatment.
- c. When a member of employee's immediate family is afflicted with a contagious disease and requires the employee's care and attention; or
- d. Because of exposure to a contagious disease, the employee's presence at his or her place of duty would jeopardize the health of others.

### FAMILY AND MEDICAL LEAVE ACT

5 CFR 6381/6387 - Entitles a full-time or part-time permanent federal employee up to 12 weeks of UNPAID leave, during any 12-month period, for specific family and medical reasons, if the employee has worked for the federal government for twelve months. Twelve months of employment with the federal government need not have been with the same agency. Temporary and intermittent employees fall under Title I of the Act and should contact their appropriate Personnel Management Specialist for more information.

1. An employee may invoke entitlement to the FMLA for the following purposes and may (but not must) use leave as noted instead of leave without pay.

To care for the employee's child (within 12 months) after birth. Annual leave may be used. Sick leave may not be used to care for a well baby.

For absences from work relating to placement of a child with an employee for adoption or foster care. Sick and/or annual leave may be used for adoption. Annual leave may be used for foster care.

To care for the employee's spouse, son or daughter, or parent, who has a serious health condition. Forty to 104 hours of sick leave (depending on the employee's leave balance) under the Family Friendly Act , or annual leave, may be used. Leave transfer may be requested after other leave entitlements have been exhausted.

For a serious health condition that makes the employee unable to perform his/her job. Sick and/or annual leave may be used. Leave transfer may be requested if annual and sick leave have been exhausted.

There is no requirement that accrued sick and annual leave must be exhausted before invoking the FMLA and requesting leave without pay. Limited amounts of sick leave may be advanced for appropriate purposes. Restrictions on the use of sick leave are unchanged by the FMLA. An employee may choose to substitute sick leave for leave without pay in those situations (as noted above) where its use would otherwise be permitted by law or regulation. Compensatory time off or credit hours may not be used once the employee has invoked the FMLA.

The entitlement to 12 weeks of unpaid leave under the FMLA may be used in combination with any other entitlement available to the employee. For example, a new mother may invoke the entitlement to 12 weeks of unpaid leave to care for her newborn after using accrued sick leave to recuperate from the birth of the child.

Under some circumstances, employees may take leave intermittently, i.e., taking leave in blocks of time or by reducing a normal weekly or daily work schedule.

2. At the end of the absence:

The employee will be returned to his/her original position or an equivalent position with equivalent pay, benefit, and other employment terms. The absence cannot result in the loss of any benefit that accrued prior to the start of the FMLA leave.

3. Employee Responsibilities:

An employee seeking to use FMLA is required to invoke his or her entitlement by providing a 30-day advance notice to the appropriate supervisor when the need is foreseeable and such notice practicable, or as soon as the need is known.

The entitlement to be absent under the FMLA cannot be invoked retroactively.

An employee must provide supporting documentation to the supervisor in a timely manner from an appropriate health care provider if invoking the FMLA for caring for a family member with a serious health condition or if the employee has a serious health condition. Documentation must also be provided from appropriate local or state agencies for adoption or foster care.

#### 4. Contact:

A Personnel Management Specialist is available to answer employee questions.

Requests for sick leave for non-emergency medical, dental, or optical examination or treatment should be submitted to the appropriate supervisor in advance.

See MOA V-A 691.6c for rules on absences for medical examinations in connection with military service.

#### 643.3 Procedures

##### a. Application for sick leave

(1) The employee's own certification (preferably on an SF-71, Application for Leave) as to reasons for absence on sick leave is normally acceptable for absences of three workdays or less. Supervisors may, however, with the concurrence of the Office of Personnel, require submission of a medical certificate for such absences if there is reason to believe that the employee is improperly using sick leave.

(2) For periods of sick leave in excess of three workdays, supervisors may require employees to submit an SF-71 Application for Leave. Supervisors also may require that the application be supported by a medical certificate. When required, medical certification must be filed no later than 15 days after return to duty, except when, for reasons acceptable to the Office of Personnel the employee is unable to obtain such a certificate.

(3) When an employee is absent for any of the reasons cited in paragraph 643.2, without prior approval for sick leave, he or she must request approval from his or her supervisor as early as possible on the first day of the absence.

(4) Each supervisor is responsible for exercising reasonable care to prevent abuse of sick leave. In cases where there appears reason to suspect improper use of sick leave, the supervisor may require the employee to prepare and submit as part of his or her application for sick leave, regardless of the number of days or hours of absence involved, a written statement specifying the nature of the indisposition or incapacity causing the absence for which the sick leave is requested. The

submission of a note from a physician or practitioner, particularly if only a generalized statement that the employee has been under his or her care, does not automatically entitle the employee to receive sick leave or excuse the supervisor from his or her responsibility. If the supervisor believes further inquiry is necessary, he or she should make such a recommendation through established channels to the Office of Personnel. The Office of Personnel may request that the employee provide additional medical documentation for evaluation by a physician designated by the Office of Personnel. If the employee's request is not sustained by such competent medical advice, the request for sick leave may be disapproved. If the request for sick leave is disapproved, the employee may request that the absence be charged to annual leave. If the circumstances indicate flagrant effort to obtain sick leave improperly or if previous warnings have been ignored, the supervisor may refuse to approve the absence as annual leave and may, after consultation with the Office of Personnel record the absence as "absence without leave." The supervisor may also recommend disciplinary action in accordance with the provisions of the applicable negotiated agreement where appropriate and the administrative disciplinary action procedures of MOA V-A 560.

(5) Sick leave during a period of annual leave should be supported by a medical certificate attached to an SF-71 and must not be for less than one day.

b. Advance of Sick Leave - Approval of requests for advance of sick leave is within the administrative discretion of Broadcasting. The Office of Personnel may approve an advance to an employee of up to 30 days of sick leave, subject to the following conditions:

- (1) The employee's absence results from a serious disability or illness;
- (2) The employee is serving an appointment without time limit or, if one a time-limited appointment, sufficient sick leave can be earned before the expiration of the appointment to liquidate the indebtedness;
- (3) It is expected that the employee will return to duty after the period of sick leave is completed;
- (4) The employee understands that the total advance will be charged to sick leave subsequently earned; and
- (5) The employee's request is accompanied by a medical certificate substantiating the need for the sick leave and by a memorandum from the employee's supervisor recommending the advance.

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PART V-A PERSONNEL (DOMESTIC), 600 HOURS OF DUTY AND LEAVE  
Section 650

ABSENCE FOR MATERNITY REASONS

651 Definition

652 Responsibilities

652.1 Employee

652.2 Broadcasting

653 Period of Leave

653.1 Length of Absence

653.2 Sick Leave

653.3 Annual Leave and Leave Without Pay

653.4 Advance Leave

654 Continued Employment

654.1 Employees Planning To Return to Duty

654.2 Employees Not Planning To Return to Duty

655 Absence for Paternity Reasons

Section 650

ABSENCE FOR MATERNITY REASONS

651 DEFINITION - Absence for maternity reasons is a period of approved absence for reasons related to pregnancy and confinement. It is chargeable to sick leave or any combination of sick leave, annual leave, and leave without pay. There is no specific type of leave labeled by statute as "maternity leave."

652 RESPONSIBILITIES

652.1 Employee - The employee should report pregnancy as soon as it is an established fact in order that necessary action, if any, may be taken to safeguard employee's health or improve working conditions, and in order that any necessary staffing adjustments may be planned to compensate for employee's absence. The employee is required to furnish a medical certificate to supervisor if the use of sick leave is contemplated, and to consult with supervisor as to employee's physical ability to perform the job without hazard to employee's health.

652.2 Broadcasting - When an employee reports the pregnancy, the supervisor, dependent upon the judgment of the employee's physician, makes reasonable efforts to reduce or eliminate hazards created by the employee's duties or surroundings. If it is determined by the employee's physician that the duties of the employee require activity or exposure that may be injurious to employee's health, Broadcasting makes a reasonable effort to detail or temporarily reassign employee to other available work for which qualified.

#### 653 PERIOD OF LEAVE

653.1 Length of Absence - The length of absence is to be determined by the employee, physician, and supervisor. If the employee and Broadcasting cannot agree upon a date for the period of leave to begin, and Broadcasting establishes a particular date, Broadcasting must document the reasons for establishing its preferred date. The burden of reasonableness in this regard rests with Broadcasting.

Employees serving under temporary (limited to 1 year or less) appointments may not be granted leave which would extend beyond the expiration date of the appointment.

653.2 Sick Leave - Accumulated sick leave should be used to cover the time required for physical examinations and to cover the period of incapacitation supported by medical certification.

653.3 Annual Leave and Leave Without Pay - Any absence not medically certified as due to incapacitation for the performance of duty, whether it occurs before or after delivery, will be charged to annual leave, if available, or to leave without pay, e.g., if an employee desires a period of adjustment or needs time to make arrangements for the care of the child such leave requirements may be taken care of by the use of available annual leave or leave without pay.

653.4 Advance Leave - Requests for advance leave will be subject to the same regulations governing the granting and use of advance leave generally (see MOA V-A 625, 634.2, and 643.3b).

#### 654 CONTINUED EMPLOYMENT

654.1 Employees Planning To Return to Duty - An employee is entitled to continued employment in original position or a position of like seniority, status, and pay if employee wishes to return to work following delivery and confinement, unless termination is otherwise required by expiration

of appointment, by reduction in force, for cause, or for similar reasons unrelated to the maternity absence.

654.2 Employees Not Planning To Return to Duty - An employee not planning to return to work at the end of employee's period of incapacitation should submit resignation at the expiration of the period of incapacitation or employee may be separated at such earlier date as may be required for other reasons, e.g., expiration of appointment or reduction in force, for cause, or for similar reasons unrelated to the maternity absence.

#### 655 ABSENCE FOR PATERNITY REASONS

A male employee may request only annual leave or leave without pay for purposes of assisting or caring for any minor children or the mother of the newborn child while mother is incapacitated for maternity reasons.

Approval of leave for these reasons will be consistent with the policy for granting leave in similar situations. See MOA V-A 630 and 615 on requesting and granting annual leave and leave without pay.

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PART V-A PERSONNEL (DOMESTIC), 600 HOURS OF DUTY AND LEAVE  
Section 660

MILITARY LEAVE

661 Policy

662 Eligibility and Accrual Rates

662.1 Eligibility

662.2 Accrual Rate for Full-time Employees

662.3 Accrual Rate for Part-time Employees

662.4 Accrual Rate for Members of the District of Columbia National Guard

662.5 Temporary and Intermittent Employees

663 Absences in Excess of Allowable Days

664 Application for Military Leave

665 Compensation During Period of Military Leave

666 Mandatory Use of Military Leave

Section 660

MILITARY LEAVE

661 POLICY - In accordance with the policy of the Federal government to encourage employees to become members of reserve organizations, it is Broadcasting's policy to grant military leave to employees who are members of reserve organizations for training duty and to members of the District of Columbia National Guard who are ordered to report for parades or encampments.

662 ELIGIBILITY AND ACCRUAL RATES



662.1 Eligibility - Each employee whose appointment is not limited to one year or less and who is a member of the Army National Guard of the U.S., the Army Reserve, the Naval Reserve, the marine Corps Reserve, the Air National Guard of the U.S., the Air Force Reserve, is entitled to leave without loss of pay, time or efficiency rating for active duty or engaging in field or coast defense training under sections 502 through 505 of title 32 of the U.S. Code (5 U.S.C. 6323).

662.2 Accrual Rate for Full-time Employees - Full-time employees accrue military leave at the rate of 15 calendar days per fiscal year and, to the extent that 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. In other words, military leave of absence with pay is limited to 15 calendar days plus any prior military leave accrued in the preceding fiscal year, up to a maximum of 30 calendar days in one fiscal year, regardless of the number of training periods in the fiscal year

662.3 Accrual Rate for Part-time Employees - In the case of part-time career employees (16-32 hour tour per week), the rate at which military leave accrues is a percentage of the rate in 662.2 above which is determined by dividing 40 into the number of hours in the regularly scheduled workweek of the employee during the fiscal year.

662.4 Accrual Rate for Members of the District of Columbia National Guard - Members of the District of Columbia National Guard are eligible for unlimited military leave for the purpose of parade or encampment under the provisions of Title 39 of the District of Columbia Code.

662.5 Temporary and Intermittent Employees - Employees with temporary appointments of less than one year, with temporary appointments not to exceed one year, or with intermittent work schedules are not entitled to military leave.

#### 663 ABSENCES IN EXCESS OF ALLOWABLE DAYS

- a. Absence which is not chargeable to military leave may be charged to annual leave. Therefore, employee members of the reserve components identified under paragraph 662.1 above who are called for a period of training or for a period of active duty beyond the allowable period chargeable to military leave may use annual leave and may receive compensation concurrently with pay and allowances for training or active duty beyond such period, or may elect to take leave without pay.
- b. Employee members of the reserve components identified under paragraph 662.1 above who are called to duty by the Federal government, the government of a State or the District of Columbia government to aid in law enforcement during Civil disorders or natural disaster emergencies, are entitled to military leave for up to 22 workdays in a calendar year.

664 APPLICATION FOR MILITARY LEAVE - An Application for military leave is submitted in advance to the official having authority to approve leave

for the employee, and must be supported by the original orders (or certified copy) which require the employee to report for training, duty, parade, or encampment. The official administratively responsible for approving leave for an employee is authorized to approve applications for military leave. MOA VII-500 provides instructions for reporting military leave.

#### 665 COMPENSATION DURING PERIOD OF MILITARY LEAVE

- a. An eligible employee is entitled to his or her regular pay, without charge to annual or sick leave, and can also keep any military pay that he or she receives during a period of military leave authorized under paragraph 662.1 above.
- b. An eligible employee is entitled without charge to annual or sick leave, to his or her regular pay, minus the amount of his or her military pay, during a period of military leave authorized under paragraphs 662.4 or 663b above. MOA VII-680 contains procedures established to implement this requirement.

666 MANDATORY USE OF MILITARY LEAVE - The Comptroller General has ruled that an employee eligible for military leave benefits may not elect to use annual leave in lieu of military leave. An employee may use annual leave only if the period of absence exceeds the period for which he or she is eligible for military leave benefits.

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PART V-A PERSONNEL (DOMESTIC), 600 HOURS OF DUTY AND LEAVE  
Section 670

COURT LEAVE

671 Definition

671.1 Judicial Proceeding

671.2 Summons

671.3 Official Duty

672 Eligibility

673 Policy Regarding Jury Duty

674 Duration of Court Leave

675 Application for Court Leave

676 Mandatory Use of Court Leave

677 Compensation for Jury or Witness Service

Section 670

COURT LEAVE

671 DEFINITION - Court leave is the authorized absence of an employee without charge to annual leave or loss of pay, to appear in a judicial proceeding:

- a. When summoned as a witness on behalf of a State or local government, the Federal government, or the government of the District of Columbia;

- b. When assigned by his or her agency to testify in an official or unofficial capacity in behalf of the Federal government or the government of the District of Columbia;
- c. When testifying in his or her official capacity or producing official records, whether on behalf of the Federal government, the District of Columbia government, a State or local government, or a private party;
- d. When appearing as a witness in a non-official capacity on behalf of a private party in connection with any judicial proceeding to which the United States, District of Columbia or a State or local government is a party;
- e. To serve as a juror; or
- f. To appear in a court for the purpose of qualifying for jury service, regardless of whether the employee is selected for such service.

671.1 Judicial Proceeding - The term "judicial proceeding" contemplates any action, suit, or other proceeding of a judicial nature (including any condemnation, preliminary, informational, or other such proceeding), but does not include an administrative proceeding. Insofar as court leave for witness service is concerned, all stages (preliminary hearing, inquest, trial or deposition taking) of the proceeding are covered, including hearings and conferences before committing court, magistrate, or commission, grand jury proceedings, coroners' inquests, and hearings and conferences conducted by a prosecuting attorney for the purpose of determining whether an information or charge should be made in a particular case.

671.2 Summons - An employee is entitled to court leave for witness service only if he or she is "summoned" by the court or authority responsible for the conduct of the proceeding; he or she is not entitled to leave if he or she volunteers.

A "Subpoena," however, is not necessarily required; what is intended is that the summons be an official request, invitation, or call, evidenced by an official writing. Also, court leave for witness service (as distinguished from official duty while testifying in official capacity or producing official records) is not available when the service is strictly on behalf of a private party; it must be on behalf of a government.

671.3 Official duty is defined as the time required of employees who are summoned, or assigned by their agencies, to (a) testify (whether in an official or non-official capacity) or produce official records on behalf of the United States Government or that of the district of Columbia, or (b) testify in an official capacity or produce official records on behalf of a State or local government, or a private party.

672 ELIGIBILITY - Court leave may be granted to full-time employees or to part-time employees with prearranged work schedule, but not to intermittent (WAE) employees. An employee on a time-limited temporary

appointment may not be granted court leave beyond the expiration date of the appointment.

673 POLICY REGARDING JURY DUTY - Jury duty is a civic responsibility for those citizens qualified to serve. Consequently, requests to excuse employees from jury duty, or to postpone jury duty, will be made only when the public interest would be better served by an employee's staying on the job, i.e., where the services of the employee are absolutely necessary to meet important work deadlines. In such instances, the head of the Office may send to the Office of Personnel a memorandum stating the reasons that justify a request to excuse an employee from jury duty or to postpone the employee's jury service. If the Director, Office of Personnel concurs in the request, he or she will sign an appropriate letter for the employee to present to the court.

#### 674 DURATION OF COURT LEAVE

- a. During the entire period that an employee is under proper summons from a State or Federal court, he or she is under the jurisdiction and control of the court, and will be granted court leave for all workdays until discharged by the court, except as qualified below.
- b. An employee summoned for jury duty for an extended period of time and excused or discharged by the court for a definite or indefinite period in excess of one day, cannot be granted court leave for such excused days. Therefore, he or she must either return to duty or be charged annual leave for such days. Also, in those cases where time and travel permit and where no hardship results, an employee who is excused from jury duty for one day or even a substantial portion of a day is expected time or be charged annual leave.

#### 675 APPLICATION FOR COURT LEAVE

Before court leave may be granted, the employee must submit a true copy of the official summons for jury or witness service to his or her supervisor or other official having authority to approve leave for the employee prior to the beginning of such service; and must also, after jury duty or witness service has been performed, submit a statement from the court of the days of duty or service. The official administratively responsible for approving leave for an employee is authorized to approve court leave. MOA VII-500 provides instructions for reporting court leave.

676 MANDATORY USE OF COURT LEAVE - The Comptroller General has ruled that an employee eligible for court leave may not elect to use annual leave in lieu of court leave.

#### 677 COMPENSATION FOR JURY OR WITNESS SERVICE

- a. An employee on court leave serving as a juror or witness in a Federal court or in a court of the District of Columbia will not receive jury or witness fees.
- b. An employee on court leave serving as a juror or witness in State or local court must remit to Broadcasting, jury or witness fees,

exclusive of reimbursement by the court for expenses. MOA VII-680 contains instructions on remitting jury or witness fees.

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PART V-A PERSONNEL (DOMESTIC), 600 HOURS OF DUTY AND LEAVE  
Section 680

FUNERAL LEAVE PROVIDED BY STATUTE

(See Also MOA V-A 691.8)

681 Full-Time or Part-Time Employees

682 Veterans

Section 680

FUNERAL LEAVE PROVIDED BY STATUTE

(See Also MOA V-A 691.8)

681 FULL-TIME OR PART-TIME EMPLOYEES - A full time employee or a part-time employee with a prearranged duty tour may be granted not to exceed three workdays of absence without loss of pay or charge to annual leave to make arrangements for or to attend the funeral or memorial service of an immediate relative who died as the result of a wound, disease, or injury incurred while serving as a member of the armed forces in a combat zone. The three days need not be consecutive, but if not, the employee must furnish his or her supervisor satisfactory reasons justifying a grant of funeral leave for non-consecutive days (5 U.S.C. 6326).

682 VETERANS - An employee who is a veteran of any war, campaign or expedition for which a campaign badge has been authorized, or a member of an honor or ceremonial group or organization of such veterans, may be excused from duty without loss of pay or deduction from annual leave for such time as may be necessary, but not in excess of four hours in any one day, to enable him or her to participate as an active pallbearer or as a member of a rifle team or guard of honor in funeral ceremonies for

members of the Armed Forces of the United States whose remains are returned from abroad for final interment in the United States (5 U.S.C. 6321) .



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PART V-A PERSONNEL (DOMESTIC), 600 HOURS OF DUTY AND LEAVE  
Section 690

ABSENCE NOT CHARGED TO LEAVE

691 Excused Absence

- 691.1 Unavoidable Absence or Tardiness Not in Excess of One Hour
- 691.2 Personnel Matters
- 691.3 Injury or Illness in Line of Duty
- 691.4 Time Zone Dislocation
- 691.5 Conferences, Meetings, and Conventions
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- 691.9 State Department Federal Credit Union Activities
- 691.10 Foreign Affairs Recreation Association (FARA) Activities

692 Group Dismissals

- 692.1 Introduction
- 692.2 Coverage
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- 692.4 Dismissal for Managerial Reasons
- 692.5 Hot or Cold Working Conditions
- 692.6 Hazardous Weather and Other Emergencies in the Washington, D.C. Area
- 692.7 Excused Absence for Employees on Flextime and Maxiflex Schedules

693 - 699 Unassigned

Section 690

ABSENCE NOT CHARGED TO LEAVE

## 691 EXCUSED ABSENCES

An excused absence (often called administrative leave) is an absence from duty administratively authorized without loss of pay or charge to leave. Broadcasting may authorize excused absence when permitted by law, executive order, regulation, or for work-related, civil, or other reasons determined to be in the interest of good administration. An excused absence must be approved by the supervisor who should assure that the absence is for an appropriate purpose and period of time, and is consistent with the work requirements of the office.

Supervisors should consult with the Office of Personnel, for guidance on excused absences for purposes other than those discussed in this section.

691.1 Unavoidable Absence or Tardiness Not in Excess of One Hour - Unavoidable or necessary absence from duty or tardiness not in excess of one hour may be excused by the supervisor for adequate reasons. (This provision relates only to an absence "not in excess of one hour," and not to a fractional hour's absence when the total absence exceeds one hour.) If this privilege is abused, or if the reasons for absence or tardiness are not adequate, the absence may be charged against annual leave or recorded as Absence Without Leave (AWOL).

### 691.2 Personnel Matters

a. Consultation with Personnel Officers - Leave is not charged for absence from official duty for a reasonable period of time for the purpose of consulting with the Office of Personnel.

b. Civil Service and Foreign Service Examinations - Leave is not charged for absence from official duty for the purpose of taking Civil Service or Foreign Service examinations, if one or more of the following conditions exists:

(1) Broadcasting has requested the examination of the employee in connection with a proposed personnel action;

(2) The examination may lead to career status for the employee, either in his or her present position or in a position to which reassignment is contemplated; or

(3) The employee's supervisor determines that the employee's participation in the examination would be in the interest of Broadcasting.

c. Labor Organization Activities - Rules and procedures governing excused absence of labor organization officers, stewards, and representatives are published in the written agreement between Broadcasting and the labor organization.

d. Physical Examinations - Absence from duty for the purpose of undergoing a physical examination at Broadcasting's request is not charged to leave.

e. Grievances, Adverse Actions, and Appeals - Based on the particular facts in each situation, the Office of Personnel may grant an employee official time without charge to leave, to participate in formal grievance proceedings, prepare and present a reply to a proposed adverse action, or to participate in a formal appeal from a disciplinary action.

#### 691.3 Injury or Illness in Line of Duty

a. Examination or Treatment - An employee injured in performance of duty is not charged leave when absent for examination or outpatient treatment by a physician or facility officially authorized to handle cases of employees injured in the performance of duty. This provision does not apply, however, to additional absence on account of the injury where treatment is not involved. (See MOA V-A 505 for procedures when an employee sustains a work related injury or illness.)

b. Rest, Recuperation or Treatment in Health Units - Leave is not charged for time spent in health units for rest, recuperation, or treatment if such cumulative time does not exceed one hour in a workday. Such time in excess of one hour in a workday will be charged to sick or annual leave.

691.4 Time Zone Dislocation - An employee who is granted a time zone dislocation adjustment period upon arrival at a temporary or permanent duty station is not charged leave for any portion of the adjustment period that falls during his or her normal duty hours. (See MOA IV 630 & 6 FAM 100.)

691.5 Conferences, Meetings, and Conventions - The head of a Office, or Service may authorize an employee in his or her organizational element to attend a meeting of a technical, professional, or scientific organization during working hours without charge to leave, if in the opinion of the Director, Office, or Service head such attendance would be beneficial to Broadcasting. Attendance at meetings of this kind by an employee solely for his or her own benefit or personal advancement, or with negligible benefit to the Broadcasting, must be charged to leave.

#### 691.6 Civil Activities

a. Voting and Registering - Insofar as practicable, without interfering seriously with operations, employees who desire to vote or register in any election or in referendums or on a civil matter in their communities may be excused for a reasonable time for that purpose, subject to the following conditions:

(1) As a general rule, where the polls are not open at least three hours either before or after an employee's regular hours of work, he or she may be granted an amount of excused absence which will permit him or her to report for work three hours after the polls open or leave work three hours before the polls close, whichever requires the lesser amount of time off.

(2) Under exceptional circumstances where the general rule does not permit sufficient time, an employee may be excused for such additional

time as may be needed to enable him or her to vote, depending upon the particular circumstances in his or her individual case, but not to exceed a full workday.

(3) If an employee's voting place is beyond normal commuting distance and vote by absentee ballot is not permitted, the employee may be granted sufficient time off in order to be able to make the trip to the voting place to cast his or her ballot. Where more than one day is required to make the trip to the voting place, supervisors should observe a liberal policy in granting the necessary leave for this purpose. Time off in excess of one workday must be charged to annual leave, or to leave without pay if the employee has no available annual leave.

(4) For employees who vote in jurisdictions that require registration in person, time off to register may be granted on substantially the same basis as for voting, except that no such time may be granted if registration can be accomplished on a non-workday and the place of registration is within reasonable one-day round-trip travel distance of the employee's residence.

#### b. Participation in Civil Defense Activities

(1) Full-time employees selected for assignments in State or local civil defense programs, who have been designated by Broadcasting as available, may be authorized to participate in pre-emergency training programs and test exercises as a part of their regular duties for not more than 40 hours in any one calendar year, in accordance with Executive Order 10529, April 22, 1954.

(2) Employees who participate in such programs may be required to furnish satisfactory evidence from State or local authorities that their participation was specifically requested by a public governmental body or organization established pursuant to and in accordance with a State or District of Columbia civil defense law or regulation.

c. Registration and Examination for Entry into Armed Forces and for Military and Naval Reservists - An employee will be granted not to exceed one day of excused absence (with the provision that the Office of Personnel may approve a longer period of excused absence in unusual cases) with pay and without charge to leave when required to:

(1) Undergo medical examination to determine eligibility for enlistment into the Armed Forces of the United States, or

(2) Undergo a medical examination required to determine eligibility of military or naval reservists for recall to active duty, military training duty, or retention in the reserve component when the examination is not included in an order to report for active duty. If the examination is covered by active duty orders, see MOA V-A 660, Military Leave.

691.7 Blood Donations - With the advance approval of the supervisor, an employee who does not receive pay for donated blood may be granted up to four contiguous hours of time off without charge to leave to donate blood and recuperate from donating blood to the American Red Cross or similar

organization, or to donate blood to any government employee needing a blood transfusion. Any approved absence in excess of four hours will be charged to sick leave, annual leave, or leave without pay. If the employee is not accepted as a blood donor, only the time spent at the blood center and going to and from the center are allowed as an excused absence without charge to leave.

691.8 Attending a Funeral of an Immediate Relative Killed in Line of Duty - An employee may be excused with pay and without charge to annual leave to attend the funeral of an immediate family member killed in line of duty with the U.S. Armed Forces. In general, such an excused absence with pay will be limited to eight hours. However, a Director, Office, or Service head or his or her designee may approve a longer period of excused absence when warranted by unusual circumstances. (Note that the more liberal provision of MOA V-A 680 applies only if the veteran's death resulted from a wound, disease, or injury incurred while serving in a combat zone.)

#### 691.9 State Department Federal Credit Union Activities

a. Policy - Based on Comptroller General Decision B-212457 (8/23/84), Broadcasting permits granting reasonable periods of excused absence to employees who serve without compensation on the Board or the Committees of the State Department Federal Credit Union.

b. Guidance - When business permits, supervisors may grant up to three hours of excused absence to members of the Board of Directors for each monthly Board meeting and up to an additional two hours to Executive Committee members for each monthly Committee meeting. Credit committee members meet more frequently -- as often as two or three times a week. For these meetings, up to four hours per week or 12 hours per month of excused absence may be granted. Supervisors may grant excused absence to permit Board and Committee members to participate in ad hoc Credit Union activities, depending on the needs of the office, the nature and urgency of the Credit Union activities, and the frequency of the absences. The recommended periods of absence normally should not exceed 12 hours per month for all credit union activities including travel time to and from meetings. Any absence exceeding one day must be charged to annual leave or leave without pay.

691.10 Foreign Affairs Recreation Association Activities (FARA) - Excused absence may be granted to employees serving without compensation on Boards or Committees of the FARA. Such excused absences may be granted by the supervisor for the same purposes and periods of time as those cited in paragraph 691.9 above.

#### 692 GROUP DISMISSALS

##### 692.1. Coverage

a. Employees

(1) Group dismissals apply to all Broadcasting employees assigned to duty stations in the U.S. except essential employees and experts and consultants.

(2) Federal Wage System employees serving under appointments limited to 90 days or less, unless they have been currently employed for a continuous period of 90 days under one or more appointments without a break in service, may not be compensated for a period of excused absence.

## 692.2 Definitions

a. Administrative Order - A written order, signed by an authorized official, dismissing or confirming a telephonic authorization to dismiss, specific employees for a specified period of time without charge to leave or loss of pay for managerial reasons or when normal operations are interrupted by emergencies beyond the control of the organization. A written order is not required when employees in Washington are released in accordance with procedures described in paragraph 692.5 below, nor when New York employees are dismissed in accordance with the New York Federal Executive Board Alerting Procedures.

### b. Authorizing Officials

(1) The Director, Office of Personnel is authorized to dismiss employees in Washington, and all Broadcasting personnel in the United States for managerial reasons.

(2) The Chief of the New York News Bureau is authorized to inform supervisors of offices in New York of dismissals under the New York Federal Executive Board Alerting Procedures.

(3) The Director, Office of Cuba Broadcasting is authorized to inform supervisors of offices of Radio and TV Marti of dismissals under the Miami Federal Executive Board Procedures.

(4) The manager of each domestic transmitting station and the officer in charge of each domestic field office in the United States (other than as noted in paragraph 692.2b(2) above for those in New York) are authorized to dismiss employees in their respective domestic field offices, after telephone consultation with the Office of Personnel, because of managerial reasons, extreme temperatures or emergencies such as those described in paragraph 692.5 below.

c. Essential Employees - Employees performing services that must continue without interruption regardless of weather conditions or other emergencies cited by public announcements of general dismissals in an area. Essential employees are designated in writing (or orally under special circumstances in Broadcasting in accordance with established policy) by Directors or heads of Offices and Services in Washington and by officers in charge of domestic field offices. Designations identify individual employees or positions as essential and remain in effect until rescinded or amended by the designator cited above.

692.3 Dismissal for Managerial Reasons - Dismissals for managerial reasons include breakdowns of essential services, equipment or facilities, power failure, retooling, or other similar matters. The appropriate authorizing official in paragraph 692.2 above will issue the administrative order for dismissal.

a. Leave - The following procedures will be followed in charging annual or sick leave or leave without pay when an employee is dismissed during work hours:

(1) If the employee is on active duty and is excused, there is no charge to annual or sick leave for the remaining hours of the work shift following dismissal, even if the employee had been scheduled for leave during the period of excused absence.

(2) If the employee is on duty and departs on approved leave after official word is received but before the time set for dismissal, leave is charged only from the time the employee departs until the time set for dismissal.

(3) An employee who departs prior to the official announcement of early dismissal will be charged the appropriate leave for the remainder of the day.

(4) If the employee is absent on approved leave for the entire work shift, the entire absence is charged to annual or sick leave or leave without pay, as applicable.

(5) If an employee who is on leave is scheduled to return from leave after the time of dismissal, leave is charged as was scheduled. If the employee is scheduled to return from leave before the dismissal is announced but does not report, leave is charged for the entire shift. (See paragraph 692.3b(2) below when dismissal is within two hours after end of scheduled leave.)

(6) Earned compensatory time off may be used, as appropriate, in lieu of leave.

b. Uncommon Duty Tours

(1) Employees who are scheduled to report to work after the regular closing time on an early dismissal day or after the time of the authorized early dismissal will be administratively excused from duty that workday, unless the conditions which warranted the dismissal improve to such an extent that operations are resumed.

(2) Supervisors may administratively excuse employees who are scheduled to report for duty within two hours preceding an early dismissal if the early dismissal is announced far enough in advance to so permit.

#### 692.4 Hot or Cold Working Conditions

a. The appropriate authorizing official in paragraph 692.3b above will issue the administrative order for dismissal.

b. Excused absence may be granted if by reasonable standards of judgment the conditions are such as to actually prevent working. The physical requirements of the positions involved as well as the temperatures of the work areas will be considered.

c. When there has been no group dismissal, individual employees affected by unusual temperature levels to the extent that they are incapacitated for duty, or to the extent that continuance on duty would adversely affect their health, may be granted annual or sick leave by the appropriate supervisor. However, employees will be moved if appropriate space is available while the unusual temperature levels continue.

d. Authorized officials shall furnish to the Office of Administration a report on each group dismissal because of extremely hot or cold working conditions. The report must include the number of employees released, the date and hours covered by the dismissal, and other appropriate facts that will assist in studying and correcting problems.

#### 692.5 Hazardous Weather and Other Emergencies in the Washington, D.C. Area

a. Emergencies beyond the control of Broadcasting include snowstorms, floods, hurricanes or other natural disasters; serious disruptions or stoppages of public transportation; air pollution; massive power failure; or civil disturbances that prevent employees from working or reporting for work. In the event that these conditions develop in the Washington area, the following procedures shall apply:

(1) Depending on the severity of conditions that develop prior to the beginning of the workday, there are four plans that the Office of Personnel Management (OPM) may order into effect:

(a) Federal employees should report to work on time. Federal agencies will open on time and employees are expected to report as scheduled.

(b) Federal agencies are open; reasonable tardiness will be excused (delayed arrival). Non-essential employees are expected to report to work on time, but reasonable tardiness will be excused for those employees experiencing commuting delays.

(c) Federal agencies are open; employees may take leave without prior approval (liberal leave). Federal agencies will open on time. Reasonable tardiness will be excused for those employees experiencing commuting delays. Non-essential employees who are prevented from reporting to work because of emergency conditions, or who could expect to have difficulty returning home if they report for work, may take annual leave or LWOP without prior approval, but should notify the supervisor that he/she will not be present for part or all of the day.

(d) Federal agencies are closed today. Non-essential employees are excused from duty without charge to leave.

In some situations, both (b) and (c) above will be announced.



In determining the amount of excused absence to grant an employee who experiences commuting delays, the supervisor should consider such factors as the distance between the employee's residence and place of work, the modes of transportation available to an employee, and efforts made by employees traveling under similar circumstances in getting to work on time.

Employees who were scheduled to be on annual or sick leave are not charged leave when OPM issues subparagraph (d) above. This does not apply to employees on leave without pay pending disability retirement or while in receipt of workers' compensation, on military leave, on suspension, or in a non-pay status on the workday before and after the closure.

OPM's ordered response will be based on the general expectation that Federal employees should be able to cope with difficult driving conditions and minor disruptions of public transport.

b. A general dismissal or closure would not be ordered in instances where highway or other transportation conditions primarily affect a single portion of the metropolitan area.

c. Announcement by the Office of Personnel Management of the leave decision will be made through the personnel office and/or local news media, depending upon the time of day the decision is made. If a hazardous weather situation develops overnight, employees should monitor local radio and television broadcasts for information regarding leave policy before leaving for work.

d. In the unusual event that early dismissal is deemed appropriate, dismissals will be staggered according to a zone plan in order to avoid a crippling effect on area highway and transit systems and to facilitate carpooling. Washington, D.C. and surrounding suburbs have been divided into four zones:

Zone 1 - Areas beyond Montgomery, Prince Georges and Fairfax Counties.

Zone 2 - Those portions of Montgomery, Prince Georges, and Fairfax Counties that lie outside the Beltway.

Zone 3 - Areas inside the Beltway, but outside the District of Columbia.

Zone 4 - District of Columbia.

Upon notification by OPM, non-essential employees residing in Zone 1, the area which is furthest from the center of the city will be dismissed first. Zone 1 residents will be followed by Zones 2, 3, and 4 respectively at 30-minute intervals. Exceptions to the zone dismissal may be made for individual employees on a case-by-case basis to avoid hardships (e.g., when an employee's carpool is dismissed earlier, or when schools are dismissed early and a parent has no alternative form of childcare).

692.7 Excused Absence for Employees on Flextime and Maxiflex Schedules - During periods of group dismissals, employees working schedules under the Flextime or Maxiflex programs will be excused as follows:

a. Early Dismissal During Work Hours

(1) When early dismissal is at a specified time, an employee will be excused at that time regardless of schedule (unless scheduled departure is earlier).

(2) When dismissed for a specific length of time (e.g. one or two hours), an employee may adjust his/her scheduled departure by the amount of excused absence authorized.

b. Delayed Arrival/Liberal Leave If employees are allowed reasonable tardiness or leave without prior approval, and an employee's schedule is predetermined, the employee may be granted a reasonable period of excused absence or leave based on the employee's arrival time. If there is no scheduled arrival time, the normal starting time of the employee's shift will be the basis for determining excused absence for late arrival or liberal leave.

c. Offices are Closed for One Day or Longer - Maxiflex employees may be given a maximum of only eight hours of excused absence a day.

d. Credit Hours Under Maxiflex - An employee under Maxiflex may earn credit hours only after exceeding the basic eight-hour work requirement. If an employee is prevented by a group dismissal from working scheduled credit hours, he/she may substitute annual leave or compensatory time or earn credit hours on another day within the same pay period.

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PART V-A PERSONNEL (DOMESTIC), 700 SEPARATIONS  
Section 710

INTRODUCTION

711 Purpose and Coverage

712 Related Information

713 General Responsibilities of the Office of Personnel

Section 710

INTRODUCTION

711 PURPOSE AND COVERAGE

The following material provides information for supervisors, managers, administrative personnel, and employees about responsibilities, procedures and policies applicable to separations of civil service employees.

712 RELATED INFORMATION

- a. MOA V-B 700 contains rules, procedures, and policies applicable to separations, including separations for cause, of Foreign Service personnel.
- b. Rules and instructions on the process of reaching a decision to separate a domestic employee for cause are published in MOA V-A 560 through 565.
- c. Regulations and instructions on separations for transfer to public international organizations. Regulations and instructions on

separations for employment by State and local government or by institutions of higher learning under the Intergovernmental Personnel Act.

#### 713 GENERAL RESPONSIBILITIES OF THE OFFICE OF PERSONNEL

- a. Negotiating the release date for an employee transferring to another Federal department or agency, the District of Columbia government, or an international organization;
- b. Establishing the effective date of a separation action; and
- c. Informing an employee who is separating from Broadcasting of applicable conditions and benefits, including such items as retirement, Federal Employees Health Benefits, Federal Employees Group Life Insurance, leave credit or recredit or lump-sum payment for unused annual leave, restoration or re-employment rights, and other matters connected with the particular type of separation action.

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PART V-A PERSONNEL (DOMESTIC), 700 SEPARATIONS  
Section 720

PROCEDURES

721 Pre-Exit Interviews

721.1 Objectives

721.2 Responsibilities

721.3 Procedures for Employees Separating in Washington

721.4 Procedures for Employees Stationed Outside Washington

722 Final Salary Clearance

722.1 Purpose

722.2 Procedures for Employees in Washington

722.3 Procedures for Domestic Employees Stationed Outside of Washington

Section 720

GENERAL PROCEDURES

721 PRE-EXIT INTERVIEWS

Each separating employee will have at least one pre-exit interview, except where circumstances surrounding the separation make pre-exit interviews impossible or inappropriate.

721.1 Objectives

a. To retain competent employees.

b. To obtain facts regarding the causes of separation in order to compile information concerning the reasons for separation, and to develop programs to reduce losses of competent employees.

c. To assist employees by furnishing information at the time of separation on Federal Employees Group Life Insurance and Health Benefits, retirement, unemployment compensation, restoration or re-employment rights if applicable, and other benefits.

#### 721.2 Responsibilities

a. Supervisors are responsible for:

(1) Making positive efforts to retain the services of competent employees; and

b. Personnel is responsible for:

(1) Making positive efforts to retain the services of competent employees:

(2) Furnishing pre-separation information on benefits and requirements to all employees; and

(3) Compiling and analyzing reports of separations based on pre-exit interview records.

c. Employees are responsible for:

(1) Notifying Personnel as soon as possible after he/she has set a date to resign or transfer to another Federal Agency.

#### 721.3 Procedures for Employees Separating in Washington

a. Employees - through Administrative Officer notified Personnel of the employees intention to resign.

b. A personnel officer interviews the employee leaving Broadcasting to accept other employment and to determine the employee's reason for leaving.

721.4 Procedures for Employees Stationed Outside Washington - The procedures for employees stationed outside Washington are the same as for employees stationed in Washington, except that:

a. The administrative officer or supervisor interviews the employee.

b. The personnel officer completes the pre-exit interview report from information provided by the administrative officer or supervisor or from his/her own knowledge of the situation. The personnel officer is responsible for obtaining from the administrative officer or supervisor whatever additional information is necessary to complete the pre-exit interview report.

#### 722 FINAL SALARY CLEARANCE

722.1 Purpose - The purpose of the final salary clearance procedure is to assure that employees do not receive final salary payment until:

a. All Government property for which they are responsible has been accounted for.

b. Suitable arrangements have been made to adjust any indebtedness employees may have to Broadcasting.

c. Compliance with Broadcasting security requirements.

#### 722.2 Procedures for Employees in Washington

a. Administrative Officer - The administrative officer completes Part I of the Clearance for Final Salary Payment and gives the form to the employee several days before the employee's last workday. The employee is responsible for obtaining approvals and clearances. The employee gives the form to Personnel at the time of pre-exit processing. Personnel forwards the form to the Budget Office. The Personnel Specialist in the Office of Personnel will provide the Clearance for Final Salary Payment to Engineering employees.

#### b. Office of Security

(1) The security officer gives the exit security briefing, obtains the employee's Identification Card.

722.3 Procedures for Domestic Employees Stationed Outside of Washington - The procedures are substantially the same as those for domestic employees in Washington, with the following exceptions:

a. The Administrative Office obtains the employee's Identification Card and sends it to the Office of Security in Washington, along with the final clearance papers.

722.4 Procedures for Employees Separating While Away From Duty Station - The following procedures apply to employees who are not at their duty stations at the time of separation:

a. The element head is responsible for obtaining from the employee all Broadcasting property, including the employee's Identification Card.

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PART V-A PERSONNEL (DOMESTIC), 700 SEPARATIONS  
Section 730

RESIGNATION

731 Policy

732 Notice of Resignation

733 Withdrawal of Resignation

Section 730

RESIGNATION

731 POLICY

An employee will not be denied the right to resign although Broadcasting-initiated separation action may be pending. Action will not be taken to require an employee to remain beyond the date specified in his/her resignation.

732 NOTICE OF RESIGNATION

- a. The employee's notice of resignation should be submitted at least two weeks prior to its effective date, and should include the effective date, and the reasons for resigning. A resignation may be submitted to the employee's immediate supervisor, a higher line official, or the Office of Personnel. Resignations submitted to supervisors or other operating officials are promptly forwarded to Personnel.
- b. A written resignation is preferred in all instances to avoid possible misunderstandings. However, failure to submit a resignation in writing does not make the resignation invalid. An oral resignation should be made in the presence of a witness. If an



oral resignation is made to a supervisor, administrative officer, or other official outside of Personnel the official involved must prepare a memorandum stating the effective date of the resignation and reasons furnished by the employee, have the memorandum countersigned by a witness, if one was present, and send the memorandum to Personnel, and a copy to the employee concerned.

- c. A resignation is not necessary when an employee leaves Broadcasting to accept employment without a break in service in another Federal agency or in a public international organization or international organization in which the United States Government participates.
- d. Conditional resignations are not accepted by Broadcasting. An employee who prescribes terms and conditions under which he/she will resign is advised that accepting the resignation is acceptance only of the fact of resignation and does not constitute agreement to the terms or conditions proposed by the employee.

#### 733 WITHDRAWAL OF RESIGNATION

A resignation is binding on an employee once he/she submits it. Broadcasting may, however, at its discretion, permit an employee to withdraw his/her resignation at any time before its effective date. When Broadcasting does not permit an employee to withdraw his/her resignation before its effective date, Broadcasting must have a valid reason for denying the withdrawal. Among the reasons that would be valid are a showing that it would cause administrative disruption or that the job has been committed to someone else. A desire to avoid taking adverse action is not a valid reason for denying the withdrawal. Whatever the reason, it must be explained to the employee.

International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

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MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART V-A PERSONNEL (DOMESTIC), 700 SEPARATIONS  
Section 740

SEPARATION - ABANDONMENT OF POSITION

741 Definition

742 Procedures

743 Employee's Request to Return

Section 740

SEPARATION - ABANDONMENT OF POSITION

741 DEFINITION

"Separation - Abandonment of Position" is a separation resulting from an employee's abandoning his/her position by quitting his/her post of duty or failing to return to duty after a non-workday or at the expiration of an authorized period of leave.

742 PROCEDURES

- a. The employee's immediate supervisor should determine from the employee, if possible, whether he/she intends to return to duty.
- b. An employee's written statement that he/she does not intend to return to duty is accepted as a resignation and processed accordingly.
- c. If efforts to contact the employee or to determine his/her intentions are unsuccessful, the Office of Personnel issues a Notification of Personnel Action, SF-50, recording the employee's Separation - Abandonment of Position effective on the employee's last day of duty or of approved leave or authorized absence,

whichever is later, and sends it to the employee's last known address.

#### 743 EMPLOYEE'S REQUEST TO RETURN

A request to return to duty after Separation-Abandonment of Position by an employee entitled to job protection procedures under Part 752 of the Civil Service Regulations must be reported immediately to Personnel. Personnel is responsible for determining what action to take in response to such a request in consultation with the element head.

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PART V-A PERSONNEL (DOMESTIC), 700 SEPARATIONS  
Section 750

SEPARATION - MILITARY

751 Introduction

752 Procedures

Section 750

SEPARATION - MILITARY  
751 INTRODUCTION

An employee who leaves Broadcasting to enter active military service or to undertake preparatory training sponsored by the armed forces and followed by active military duty is generally entitled to a number of benefits. These benefits, are available whether the employee is separated or furloughed.

752 PROCEDURES

- a. An employee who plans to leave Broadcasting to enter the armed forces, other than for a short period to be covered by Military Leave (see MOA V-A 630), should contact the Office of Personnel to get information about his/her rights, benefits, and options on retirement, leave, etc. and on rules and procedures governing restoration to Broadcasting following completion of active military service.
- b. Supervisors, administrative officers, and other operating officials who learn that an employee is leaving or has left to enter active military service or training preparatory to active military service must inform Personnel so that applicable statutes and regulations may be implemented.

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PART V-A PERSONNEL (DOMESTIC), 700 SEPARATIONS  
MOA V-A 760

REDUCTION IN FORCE

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- 761.2 Authority
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- 769.1 Appeal Rights

## 769.2 Corrective Action

MOA V-A 760

REDUCTION IN FORCE

761 GENERAL

761.1 Applicability

This Section applies to all Civil Service personnel except:

- (1) Positions in the Senior Executive Service (see MOA V-A 1140);
- (2) Positions requiring Congressional confirmation or the advice and consent of the United States Senate, of the appointee; and.
- (3) Positions in the United States occupied by non-U.S. citizen employees (GG employees). However, a non-U.S. citizen employee may not be retained in a position for which an equally or better qualified U.S. citizen employee is available because of the citizen employees' release from a competitive level by RIF.

761.2 Authority - These regulations are established pursuant to 5 CFR 351.

761.3 Objectives

a. Reduction in force is the release of employees from a competitive level. A personnel action must be taken under reduction in force procedures when both the action to be taken and the cause of the action meet the criteria outlined in (1) and (2) below. An action that meets one but not both criteria is not a reduction in force action and must be taken under other appropriate authorities.

(1) Reduction in force (RIF) actions are taken in order to release an employee from a competitive level by: separation; furlough for more than 30 days; demotion; or reassignment requiring displacement.

(2) RIF actions may be taken due to: lack of work; shortage of funds; reorganization; the need to make room for an employee exercising re-employment rights or restoration rights; or reclassification of an employee's position due to erosion of duties, if it takes effect after Broadcasting formally announces a RIF to be implemented within 180 days in the same competitive area and before the RIF is completed.

(3) RIF procedures may not be used in response to the following situations:

(a) The termination of a temporary or term promotion or the return of an employee to the position held before the temporary or term promotion or to one of equivalent grade and pay.

(b) A change to lower grade based on the reclassification of an employee's position due to the application of new classification standards or the correction of a classification error.

(c) A change to lower grade based on reclassification of an employee's position due to erosion of duties, unless the circumstances in 761.3a(2) apply.

(d) Placement of an employee serving on an intermittent, part-time, on-call, or seasonal basis in a non-pay and non-duty status in accordance with conditions established at the time of appointment.

b. RIF will be administered in a manner which will effect the necessary reductions in personnel strength with a minimum of disruption to functions and of dislocation to employees. The following are some methods that may be used to accomplish substantial savings and avoid the necessity for a RIF or reduce the number of employees affected. The list is not all-inclusive and does not cover cost-saving techniques unrelated to personnel management. The actions may not be appropriate or even possible in all situations.

(1) Freezing vacancies when reductions in force are anticipated, and assigning employees out of a unit for which RIF is planned, into vacant continuing jobs on a Broadcasting-wide basis.

(2) Detailing employees on a reimbursable basis to other agencies.

(3) Separating temporary employees and re-employed annuitants.

(4) Requesting special authority from OPM to offer voluntary early retirement when Broadcasting may undergo a major RIF which meets OPM requirements.

(5) Meeting with employees eligible for optional or involuntary retirement to explain the benefits.

(6) Making maximum use of the permissible waiver of qualifications in reassignments in RIF.

(7) Giving each employee affected by RIF a personal interview to discuss individual problems and provide special assistance when practicable.

(8) Suspending appointments, promotions, and reassignments to positions at any competitive level in which an employee receives a RIF notice or in which an employee is offered a position based on "bumping" or "retreat" rights, or in anticipation of the issuance of RIF notices.

(9) Making every effort to reassign employees affected by RIF to a reasonable alternative position.

(10) Setting up special programs to assist employees to find jobs in other government agencies or in private employment on an Broadcasting-wide basis.

#### 761.4 Definitions

a. Annual Performance Rating of Record - The official summary rating required annually as specified in MOA V-A 440 and 450.

b. Assignment Right - The right of an employee to be assigned (by bump or retreat) in the second round of competition to a position in a different competitive level held by another employee with lower standing on a retention register. (See 762.4)

c. Bumping - An employee's right of assignment to a position occupied by another employee in a lower subgroup in another competitive level. (See 762.4f.)

d. Competing Employee - Generally an employee in tenure group I, II, or III in either the competitive or excepted service.

e. Competitive Area - The local commuting area of each locality in which Broadcasting has one or more offices is a separate competitive area, such as Washington, D.C., Greenville, N.C., Miami, Florida, and New York City.

f. Competitive Level - A group of positions in the same grade and classification series that have similar duties and other requirements (see 762.1).

g. Furlough - The placement of an employee through RIF procedures in a temporary non-duty and non-pay status for more than 30 days but not more than one year, based on one of the RIF reasons, but not when the non-duty, non-pay status is in accordance with pre-established conditions of employment. (See 766)

h. Grades, Grade-Intervals, and Equivalents - The difference between successive grades in a 1-grade occupation is a grade difference and the difference between successive grades in a 2-grade occupation is a grade-interval difference. Some jobs have a 1-grade progression, i.e., GS-5-6-7; others have a 2-grade progression, i.e., GS-5-7-9-11. Thus, an employee released from a GS-11 position in a 2-grade occupation may bump three grade-intervals lower to GS-5, and retreat three grade-intervals lower to GS-5. An employee released from a GS-9 position in a 1-grade occupation may bump three grades lower to GS-6 and retreat three grades lower to GS-6.

i. Model Rating - The summary rating level assigned most frequently among the actual ratings of record assigned to the employee's position of record within the same competitive area. The ratings of record would be those assigned for the most recently completed appraisal period prior to the date of issuance of reduction in force notices or the cutoff date Broadcasting specifies prior to the issuance of reduction in force notices after which no new ratings will be put on record.

j. Multiple Rating Pattern - Employees within a competitive area who have ratings of record under more than one pattern of summary levels.



For positions not covered by the General Schedule, the normal line of progression is established for each occupational series and grade level and bump and retreat limits are applied. Each multi-grade movement within the normal line of progression is considered a grade interval. The normal line of progression may include grade levels in different pay systems, as determined appropriate. For example, the normal line of progression for a WG-12 is WG-5-8-10-12. In this case, a WG-12 employee in the particular series has bump and retreat rights to positions as low as WG-5. The normal line of progression for a WS-10 is WG-5-8-10-WS-10. In this case, the WS-10 employee has bump and retreat rights to positions as low as WG-5.

k. Notice - An official personal communication addressed to an individual employee announcing that he or she may be or will be affected by a RIF action. A specific notice contains the specific RIF action to be taken. (See 763)

l. Release from Competitive Level - Releasing employees from their competitive level when they are displaced by another employee with superior retention rights, when there are no employees with lower retention rights, or when the competitive level is abolished.

m. Reorganization - The planned elimination, addition, or redistribution of functions or duties in an organization.

n. Representative Rate - The fourth step of the grade for a General Schedule position; the third step of a supervisory (WS) grade under the Federal Wage System, except for single rate pay systems; and the second step for all grades under all other Agency locality wage system schedules. Representative rate is used when reassigning an employee to a different competitive level from a position in a different wage scale. The representative rates to be compared are those in effect on the date specific notices are issued.

o. 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. A separate register is prepared for each competitive level. (See 762.2)

p. Retention Standing - An employee's relative standing on a retention register based on tenure, veteran preference, and length of service augmented by performance credit. Together, these factors determine whether an employee is entitled to compete with other employees for retention and, if so, with whom and with what success.

q. Retreat - The assignment of an employee to a position held by another employee with lower retention standing in the same subgroup but in another competitive level. (See 762.4g.)

r. Rounds of Competition - The different stages of competing for retention. In the first round of competition employees compete to stay in present competitive level. In the second round of competition employees compete for assignment to a position in a different competitive level

which involves the least possible reduction in representative rate and for which the employee is qualified.

s. Single Rating Pattern - Employees within a competitive area who have ratings of record under more than one pattern of summary levels.

t. Subgroup Standing - The employee's relative standing on a retention register based on tenure group and veteran preference subgroup. Each tenure group is further divided into Subgroup AD, A and B. Subgroup AD includes veteran preference eligible employees who have a compensable service-connected disability of 30 percent or more; Subgroup A includes each veteran preference eligible employee not included in Subgroup AD; and Subgroup B includes employees not eligible for veteran preference. Within each subgroup employees are listed on a retention register by length of service, augmented by credit for performance, in descending order starting with the earliest service date.

u. Tenure - The period of time an employee may reasonably expect to serve under a current appointment. There are three competitive service tenure groups. The descending order of retention standing is Group I, II and III.

Group I = Career employees.

Group II = Career conditional employees.

Group III = Employees on indefinite, temporary pending establishment of a register, term or status quo appointments; and any other non-status, non-temporary employee.

Excepted service tenure groups are:

Group I - Permanent employees whose appointments carry no restriction or condition such as conditional, indefinite, specific time limit, or trial period.

Group II - Employees serving a trial period; or whose tenure is equivalent to a career conditional appointment in the competitive service.

Group III - Employees whose tenure is without a specific time limit; whose appointments have a specific time limitation of more than one year; or who is currently under a temporary appointment limited to one year but has completed one year of current continuous service.

v. Transfer of Function - 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 the movement of the competitive area in which the function is performed to another commuting area. (See 764)

w. Undue Interruption - A degree of interruption that would prevent the completion of required work within the allowable limits of time and quality taking into account the pressures of priorities, deadlines, and other demands. A work program probably would be unduly interrupted if an employee needed more than 90 days after the RIF to successfully perform the critical elements of a position. Lower priority programs might tolerate a longer interruption.

## 761.5 Responsibilities

a. The Office of Personnel is responsible for coordinating and consulting, as needed, given the Broadcast-wide impact of a RIF, in:

(1) Developing and implementing policies and procedures concerning reductions in force and related personnel functions consistent with appropriate laws and Office of Personnel Management regulations.

(2) Defining and establishing competitive levels and maintaining associated RIF records including retention registers and making them available to employees upon request in accordance with 768a.(2);

(3) Determining qualifications of employees scheduled for release from their competitive levels;

(4) Assisting employees scheduled for separation or demotion in seeking jobs in other government agencies or in private industry;

(5) Negotiating with the exclusive labor organization on the impact and implementation of a reduction in force, and for making available to the representative RIF records including retention registers; and;

(6) Keeping employees informed of RIF regulations and procedures, employee rights and privileges, and ensuring that employees are accorded fair and equitable treatment under the retention preference regulations.

b. Managers and Supervisors are responsible for:

(1) Planning the work program to accomplish the objectives of Broadcasting within available resources;

(2) Determining what positions are required, where they will be located, and when they are to be filled, abolished, or vacated;

(3) Determining when there is a surplus of employees at a particular location;

(4) Advising and working with the personnel office to effect a reduction in personnel with a minimum of disruption to Broadcasting accomplishments and dislocation to employees;

(5) Making use of advance planning and special programs to minimize or reduce the effects of any reduction in force;

(6) Keeping employees informed of the extent of any contemplated RIF; and

(7) Giving appropriate consideration to employees reached for separation by RIF in other organizations when filling positions in their own organizational element.

## 761.6 RIF Planning

a. The Director is responsible along with , Service Heads, and Office Directors for decisions on management actions which might have an adverse impact on the work-force and for any final decisions which result in a RIF, transfer of function, or similar action. Service Heads, and Office Directors must submit to the Office of Personnel a written notice of reorganization, cut in funds, transfer of functions, or any other contemplated or anticipated management action which would result in an adverse impact on the work-force (i.e., positions abolished, downgraded, and/or employees terminated). The report must be in sufficient detail so that the personnel office can identify employees and positions affected.

b. The Office of Personnel will determine in concert with , Service Heads, or Office Directors whether personnel involved can be reassigned to vacancies in other elements, whether or not to impose a hiring freeze, and how extensive a RIF would be. If it appears that a RIF is inevitable and will affect other organizational elements, the personnel office will immediately inform the other offices and work together in a coordinated team effort through the remainder of the RIF. The personnel office will inform the exclusive representative of the RIF, providing all available information.

## 762 RETENTION FACTORS

762.1 Competitive Levels - Prior to initiating a RIF, the Office of Personnel will establish competitive levels and assign each position within a competitive area to a competitive level. Employees compete for retention in their competitive levels during the first round of RIF competition.

a. Characteristics of Competitive Levels - A competitive level consists of positions in the competitive area that are in the same grade (or occupational level); in the same classification series; and similar enough in duties, qualification requirements, pay schedules, and working conditions that the incumbent of one position can successfully perform the critical elements of any other position in the level upon assignment to it, without any loss of productivity beyond that normally expected in the orientation of any new but fully qualified employee. Determinations are made by comparing the qualifications required to perform the duties and responsibilities as stated in the official position descriptions, the critical elements, and the standards for fully successful performance of these elements. Determinations are not based on the personal qualifications or performance levels of individual employees.

b. Separate Competitive Levels Required - Positions in the competitive service and positions in the excepted service must be in separate competitive levels. Excepted positions filled under different appointing authorities also must be in different levels. In either the competitive or excepted service, different levels must be established for positions:

(1) Under different pay schedules;

(2) Filled by a supervisor;

- (3) Filled by a management official;
- (4) Filled on a seasonal basis;
- (5) Filled on a part-time basis;
- (6) Filled on a permanent basis;
- (7) Filled on an intermittent basis;
- (8) Filled on an on-call basis; and
- (9) Filled by an employee in a formally designated trainee or developmental program.

c. Employees who are on detail, on paid or unpaid leave, or who have been temporarily promoted will compete at competitive levels established for the positions from which they were detailed, placed on leave, or promoted, respectively.

d. Employees under retained grade and/or pay provisions are placed at competitive levels established for the grade level of the occupied position, not their retained grade or pay. However, employees protected by the provisions of Section 2106 of the Foreign Service Act shall compete at their protected grade level.

(1) Group I in the competitive service includes career employees who are not serving probationary periods. Group I in the excepted service includes employees whose appointments carry no restriction or condition such as conditional, indefinite, specific time limit, or trial period.

(2) Group II in the competitive service includes career-conditional employees. Group II in the excepted service includes employees serving a trial period or whose tenure is equivalent to a career-conditional appointment in the competitive service.

(3) Group III in the competitive service includes all employees serving under indefinite appointments, temporary appointments pending establishment of a register, status quo appointments, term appointments, and any other non-status non-temporary appointments. Group III in the excepted service includes employees whose tenure is indefinite (i.e. without specific time limit), but not actually or potentially permanent, employees whose appointments have a specific time limitation of more than 1 year, and employees who are currently employed under a temporary appointment limited to 1 year or less, but who have completed 1 year of current continuous service under a temporary appointment with no break in service of 1 workday or more.

e. Separate competitive levels will not be established solely upon:

(1) a difference in the number of hours or weeks scheduled to be worked by other-than-full-time employees who would otherwise be in the same competitive level;

(2) a requirement to work changing shifts;

(3) the grade promotion potential of the position or

(4) a difference in the local wage areas in which wage grade positions are located.

#### 762.2 Retention Register

a. Retention registers will be established by the personnel office before any employee is released by RIF. The register must contain the name of every competing employee officially assigned to, or temporarily promoted from, a position in the competitive level, except employees on military duty with restoration rights. Competing employees are those employees in tenure groups I, II, or III. Non-competing employees are listed separately, but on the same document. A separate register is prepared for each competitive level.

b. Registers will reflect each employee's retention standing based on tenure group, subgroup, length of service, and performance credit as described in this MOA.

c. Non-competing employees in the competitive level must be released first; competing employees are released in the order of their retention standing beginning with the lowest.

d. Order on Retention Register - Competing employees are listed on a retention register in the following order:

(1) By tenure group: Group I is first followed by Group II and then Group III.

(2) Within each tenure group, by veteran preference subgroup: Subgroup AD = Preference eligible employees with a service compensable service connected disability of 30% or more; Subgroup A = Employee veterans who are not listed in Subgroup AD; Subgroup B = Employee non-preference eligibles.

(3) Within each subgroup, by years of service which includes performance appraisal credit, beginning with the earliest service date.

e. Creditable Service - Length of service is determined by an employee's service computation date (SCD-RIF) and is the primary basis for ranking employees in a subgroup on a retention register.

f. Credit for Performance - Employees are given additional service credit for annual performance appraisal ratings of record received in accordance with MOA V-A 440 and 450. Additional service credit is based on the last three annual performance ratings of record the employee received during the 4-year period prior to the date of issuance of specific RIF notices. Annual ratings of record are those given at the end of the annual appraisal cycle or given at such other times stipulated in MOA V-A 440 and 450, including annual ratings based on interim ratings or an extended rating period. To provide adequate time to determine employee

retention standing, a cutoff date for the acceptance of performance ratings may be established after which no new ratings of record will be used to determine additional service credit.

(a) Missing Ratings - Employees who have not received any rating of record during the 4-year period shall receive credit for performance based on the model rating for the summary level pattern that applied to the employee's official position of record at the time of the RIF. Employees who have received at least one but fewer than three previous ratings of record during the 4-year period shall receive credit for performance on the basis of the value of the actual rating(s) of record divided by the number of actual ratings received. If an employee has received only two actual ratings of record during the period, the value of the ratings is added together and divided by two (and rounded in the case of a fraction to the next higher whole number) to determine the amount of additional service credit. If an employee has received only one actual rating of record during the period, its value is the amount of additional service credit provided.

(b) Single Rating Pattern - If all employees in a RIF competitive area have received ratings of record under a single pattern of summary levels (e.g., a five-level performance appraisal system), the additional service credit provided to employees shall be expressed in additional years of service and shall consist of the mathematical average (rounded in the case of a fraction to the next higher whole number) of the employee's applicable ratings of record on the following basis:

(1) Twenty additional years of service for each performance rating of outstanding (Level 5);

(2) Sixteen additional years of service for each performance rating of exceeds fully successful (Level 4); and

(3) Twelve additional years of service for each performance rating of fully successful or satisfactory (Level 3).

(c) Multiple Rating Patterns - If Broadcasting has employees in a competitive area who have ratings of record under more than one pattern of summary levels (e.g., a five-level performance appraisal system, a three-level performance appraisal system, and/or a pass/fair performance appraisal system), Broadcasting will make a determination as to the amount of additional service credit provided for ratings of record put on record on or after October 1, 1997:

1. Broadcasting will determine the number(s) of years additional service credit for each of the rating patterns within the competitive area.

2. Additional years of service will consist of the mathematical average (rounded in the case of a fraction to the next higher whole number) of the additional service credit that Broadcasting has established for the summary levels of the employee's applicable rating(s) of record.

3. Broadcasting will establish the amount of additional service credit in full years.

4. Broadcasting will establish no additional service credit for summary levels below Level 3 (Fully Successful or Satisfactory).

5. When establishing additional service credit for the summary levels at Level 3 (Fully successful or Satisfactory) and above, Broadcasting will establish at least 12 years, and no more than 20 years, additional service credit for a summary level.

6. Broadcasting will establish the same number of years additional service credit for more than one summary level.

7. Broadcasting will establish the same number of years additional service credit for all ratings of record with the same summary level in the same pattern of summary levels.

8. Broadcasting may establish a different number of years additional service credit for the same summary level in different patterns.

d. Retention Credit Ties

In determining the order of release from a competitive level and in making "retreat" rights determinations, retention credit ties will be broken as follows:

(1) When one employee is already in a continuing position and the competing employee is being moved from his or her position or his or her position is abolished, the employee in the continuing position will remain in the position.

(2) In all other cases, the employee with the longest service in Broadcasting will be ranked above the employee with less service in Broadcasting. Service in the U.S. Information Agency is counted as service.

(3) If a tie still exists, Broadcasting may select any tied employee for release.

e. Date of Retention Standing - An employee's retention standing is determined as of the date he/she is released from a competitive level except that additional service credit for performance is based on ratings received prior to the date of specific RIF notices. Any changes in factors other than performance that occur during the notice period will be taken into account in determining the employee's retention standing.

762.3 Release From Competitive Level

a. Before a competing employee may be released from a competitive level, Broadcasting must first release from the competitive level each employee:

(1) Serving under a specifically limited temporary appointment to a position in that competitive level;



(2) Serving under a term promotion or temporary promotion to a position in that competitive level; and

(3) Who has received a written decision of removal from a position in that competitive level.

b. After all non-competing employees are released from a competitive level, competing employees are selected for release in the order of their retention standing beginning with the employee having the lowest standing. All employees in group III are released before any employee in group II; and all employees in group II are released before any in group I. Within each group, all employees in subgroup B are released before any in subgroup A; and all employees in subgroup A are released before any in subgroup AD. Within each subgroup, employees are released in the order of their service dates beginning with the most recent service date.

c. Exceptions - A competing employee may be released from a competitive level while retaining in that level another competing employee with lower retention standing if the action is authorized as a mandatory, discretionary, or liquidation exception.

(1) Mandatory Exceptions - Certain Group I or II employees who have been re-employed after military service are entitled to retention for either six months or one year after restoration. Each must be retained over other employees in the same subgroup until the end of the retention period. Such an employee can not be separated by RIF action during the retention period following restoration. If such an employee is reached for release from a competitive level, Broadcasting will find another position for the employee. If the employee cannot be retained in a position in the same competitive area, Broadcasting will offer the employee a position in another competitive area if one exists. If the employee refuses all offers and must be separated, the separation is an adverse action rather than a RIF action.

(a) Use of annual leave to reach initial eligibility for retirement or continuance of health benefits. Broadcasting will make a temporary exception to retain an employee who elects to use annual leave to remain on the rolls after the effective date the employee would otherwise have been separated by RIF, in order to establish initial eligibility for immediate retirement and/or to establish initial eligibility to continue health benefits coverage into retirement. The effective date of separation is the date the employee first becomes eligible for immediate retirement, or for continuation of health benefits into retirement, except that an employee may be retained long enough to satisfy both retirement and health benefits requirements.

(2) Discretionary Continuing Exceptions - Continuing exceptions to the regular order of release may be made to keep an employee in a position that no higher standing employee can take over within 90 days and without undue interruption to Broadcasting. This exception may be used:

(a) To avoid undue interruption when at the time of the RIF a special project or assignment has reached a point where the replacement of an

employee working on it would delay its completion for more than 90 days;  
or

(b) To avoid the interruption or untimely termination of an assignment under the Intergovernmental Personnel Act (IPA). (This exception may be made only to retain an employee whose assignment will last more than 90 days beyond the effective date of the RIF.)

When an employee is retained under a discretionary continuing exception, Broadcasting will provide written notice of the exception and the reason for it to each higher standing employee reached for release from the same retention register.

(3) Discretionary Temporary Exceptions - An exception to the regular order of release may be made for not more than 90 days to retain an employee for 90 days or less after the effective date of release of a higher standing employee to:

(a) Continue an activity without undue interruption;

(b) Avoid the interruption or untimely termination of an assignment under the IPA;

(c) Satisfy a Government obligation to an employee; for example, to delay the effective date of an employee's release long enough to allow a full notice period when he or she is absent from the duty station and cannot receive notice the same day as other employees or when a new notice must be given; or

(d) Benefit an employee when the temporary exception does not adversely affect the rights of any higher standing employee who is released ahead of the lower standing employee, e.g., retaining an employee on sick leave until the sick leave is exhausted or the employee has recovered. The temporary retention of a lower standing employee on sick leave may exceed 90 days but may not exceed the date the employee's sick leave is exhausted. When an employee is retained under a discretionary temporary exception for more than 30 days after the date a higher standing employee is released from the same retention register, Broadcasting will provide written notice to the higher standing employee of the exception, the reason for it, and the date the lower standing employee's retention will end.

(4) Liquidation Exceptions - When Broadcasting abolishes all positions in a competitive area within 90 days, it must release the employees in subgroup order but may release them regardless of their retention standing within a subgroup, except when an employee must be retained under a mandatory exception. Broadcasting may use both discretionary continuing exceptions and discretionary temporary exceptions during a liquidation. When the liquidation provision is used, Broadcasting will inform employees and also give the date the liquidation will be completed.

( e) Record of Exceptions - The reason for any exception to the regular order of release will be recorded on the retention register and the date

retention will end is recorded opposite the name of the lower standing employee.

762.4 Assignment Rights - called bump and retreat, constitute the second round of competition when an employee competes for a job in other competitive levels.

a. The right to assignment exists if a tenure group I or II employee in the competitive service is released from his or her competitive level, has a current annual performance rating of record of minimally successful or higher performance, and if a position exists within the employee's present competitive area which:

(1) Will last at least 3 months;

(2) Is a position for which the employee is qualified;

(3) Requires no reduction, or the least reduction, in the applicable representative rate; and

(4) Is held by an employee in a lower retention subgroup (bumping rights) or who has less retention standing and occupies the same position or one essentially identical to a position previously held by the released employee in any Federal Agency retreat rights)

b. Broadcasting may not offer an employee a position with a higher representative rate than the position from which the employee is released. The employee does not have the right to select among specific positions when more than one position is available that would satisfy the employee's assignment rights. When more than one available position will satisfy an employee's assignment right, the employee is entitled to the position with the highest representative rate.

c. An employee is entitled to only one proper offer and is entitled to no further offer when he/she accepts an offer, rejects an offer, or fails to reply to an offer within the time specified, except that Broadcasting will make a better offer if a position with a higher representative rate becomes available on or before the effective date of the RIF. It makes no difference whether the employee has accepted or rejected a previous offer.

d. The employee has no right of assignment to a vacant position. Such assignment may be made at Broadcasting's discretion. However, when Broadcasting fills a vacant position, it will do so in the same competitive area having a representative rate equal to a position to which the employee would be entitled on the basis of bump or retreat rights.

e. An employee in the excepted service does not have assignment rights when the employee is released from his or her competitive level.

f. Bumping Rights - Upon release from a competitive level, an eligible employee is entitled to bump to an available position which requires no reduction, or the least possible reduction, in representative rate when the following conditions are met:

(1) The occupied position is held by an employee in a lower tenure group or in a lower subgroup within the released employee's own tenure group; and

(2) The occupied position is the same grade or no more than three grades or three grade-intervals below the position from which the employee is released.

The requirement that the occupied position be held by an employee in a lower subgroup means:

(a) A subgroup I-AD employee has bumping rights over employees in I-A, I-B, and groups II and III.

(b) A subgroup I-A employee has bumping rights over employees in I-B and groups II and III.

(c) A subgroup I-B employee has bumping rights over employees in groups II and III.

(d) A subgroup II-AD employee has bumping rights over employees in II-A, II-B, and group III.

(e) A subgroup II-A employee has bumping rights over employees in II-B and group III.

(f) A subgroup II-B employee has bumping rights over employees in group III.

g. Retreat Rights - Upon release from a competitive level, an eligible employee in Tenure Group I and II is entitled to retreat to an available position that requires no reduction, or the least possible reduction, in representative rate when the occupied position is:

(1) Held by an employee with a later service date in the same subgroup;

(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. The position may be up to five grades (or intervals or equivalents) lower if the released employee is a preference eligible with a compensable service-connected disability of 30 percent or more;

(3) The same position or essentially identical to a position previously held by the released employee in any Federal agency; and

(4) Held by an employee with a current annual performance rating no higher than minimally successful (Level 2) when the released employee's rating is minimally successful or lower.

Only employees in Tenure Groups I and II can bump or retreat.

h. Broadcasting may elect to waive qualification requirements such determinations shall be made uniformly and consistently in any single RIF.

The requirement for uniform and consistent application of the discretionary provisions in any one RIF does not mean that all employees affected by the RIF must be treated alike, as long as a reasonable principle is applied objectively and consistently. Broadcasting may elect to allow displacements within the same subgroup in tenure groups I and II. Broadcasting may elect to make a discretionary continuing or temporary exception to assignment rights in accordance with section 762.3.

#### 763 REDUCTION IN FORCE NOTICES

A RIF notice is a personal communication in writing to each individual employee announcing that he or she will be affected by a RIF action. Broadcasting will normally issue specific notices and will avoid the issuance of general notices whenever possible.

##### 763.1 Notice Period

a. Each affected employee will receive a written specific notice at least 60 calendar days prior to the effective date of the RIF. The 60 day notice period begins the day after the employee receives the notice. Neither the date of receipt nor the RIF effective date may be counted in computing the 60 days. Broadcasting will not count a Saturday, Sunday, or legal holiday as the last day of the notice period.

b. When Broadcasting can not determine all of the individual actions involved in a RIF, it may issue a general RIF notice to provide employees with earlier notice when appropriate and feasible.

##### 763.2 Content of Notice

a. The written notice will contain the following:

- (1) The specific RIF action to be taken;
- (2) The effective date of the action;
- (3) The employee's competitive area, competitive level, subgroup, service date, and the last three annual performance ratings received and credited during the last four years;
- (4) The place where the employee may inspect the regulations and records pertinent to his/her case;
- (5) If applicable, the reasons for retaining a lower standing employee in his/her competitive level under a discretionary exception;
- (6) If applicable, that employees are being separated under liquidation procedures without regard to standing within the subgroup and the date the liquidation will be complete; and
- (7) The employee's right to consideration for re-employment (see 765).
- (8) The employee's appeal or grievance rights (see 769).

b. In addition to the requirements of 763.2 a, a specific written notice of separation will contain the following:

(1) Information concerning the right to re-employment consideration and career transition assistance.

(2) A release to authorize, at his or her option, the release of his or her resume and other relevant employment information for employment referral to State dislocated worker office(s) and potential public or private sector employers.

(3) Information concerning how to apply both for unemployment insurance through the appropriate State program and benefits under the State dislocated worker office(s), as designated or created under Title III of the Job Training Partnership Act.

(4) An estimate of any severance pay to which an employee may be entitled (if eligible).

When 50 or more employees in a competitive area receive separation notices, Broadcasting will provide written notification of the action, at the same time it issues specific notices of separation to employees, to the State dislocated worker office(s), the chief elected official of local government(s) within which these separations will occur, and OPM.

c. The letter will advise the employee that:

(1) He/she is entitled to only one offer;

(2) If the offer is rejected or if he/she fails to respond to the offer, then he/she will be terminated; and

(3) He/she has no right to assignment to a position with either a higher grade or representative rate than his/her current position.

d. The employee will be given 15 calendar days within which to reply in writing whether or not he/she accepts or rejects the offer.

e. An employee is entitled to a new notice and notice period of at least 30 days if Broadcasting decides to take a more severe RIF action than first specified. A new notice period is not required when Broadcasting offers a less severe RIF action than first specified.

f. Whenever possible, Broadcasting will keep the notified employee in a pay status during the notice period. Broadcasting may put the employee on annual leave with or without the employee's consent; in a leave without pay status, with his/her consent; or in a non-pay status without the employee's consent when, in an emergency, Broadcasting lacks work or funds for all or part of the notice period. Under the Merit Systems Protection Board regulations, an employee who believes that he/she has been placed in a non-pay status in violation of controlling regulations may appeal or grieve such action.

CERTIFICATION OF EXPECTED SEPARATION

a. For the purpose of enabling otherwise eligible employees to be considered for eligibility to participate in dislocated worker programs, Broadcasting may issue Certificates of Expected Separation to competing employees who Broadcasting believes, with a reasonable degree of certainty, will be separated from Federal employment by RIF procedures. A Certification of Expected Separation may be issued up to 6 months prior to the effective date of the RIF.

b. This certification may be issued to a competing employee only when Broadcasting determines:

1. There is a good likelihood the employee will be separated;
2. Employment opportunities in the same or similar position in the local commuting area are limited or non-existent;
3. Placement opportunities within the employee's own or other Federal agencies in the local commuting area are limited or nonexistent; and
4. If eligible for optional retirement, the employee has not filed a retirement application or otherwise indicated in writing an intent to retire.

c. A certification will contain the expected date of the RIF, a statement that each factor in b. above has been satisfied, and a description of Job Training Partnership Act programs, the Interagency Career Transition Assistance Program, and the Re-employment Priority List.

#### 764 TRANSFER OF FUNCTION

a. A transfer of function exists if any Broadcast activity is transferred from one competitive area to another, or if the competitive area is moved to another commuting area.

b. When an employee's work transfers he or she is entitled to transfer with it if lack of an opportunity to do so would result in his or her demotion or separation.

c. If Broadcasting decides to transfer the employees with a function, the identified employees are required to transfer. An employee who refuses to transfer may be separated.

d. Broadcasting will determine whether to use RIF procedures in a transfer of function.

e. Broadcasting will provide a specific written notice to each employee affected by a transfer of function at least 60 calendar days prior to the effective date. The notice shall state specifically what action is being taken, the effective date of the action, and what is involved in acceptance or rejection of the offer of transfer. Any rights of appeal and the time limits on such appeals will also be included in the notice. An employee will have at least 30 calendar days in which to accept or reject the offer of transfer.

#### 765 RE-EMPLOYMENT PRIORITY LIST

a. A single re-employment priority list will be established for each commuting area within which a Group I or II employee is separated from competitive service by RIF. Each employee's name is entered on the list as soon as it is known that he/she cannot be retained in his/her competitive area unless he/she has declined assignment under Section 762.3. Each element within the commuting area must refer to the list when hiring. If a qualified former employee is listed, that person must be re-employed in lieu of a new hire unless the person appointed is a qualified 10 point preference eligible, eligible for restoration to duty or re-employment as a preference eligible.

b. To be entered on the RPL, an employee targeted for separation under RIF procedures or who has been separated under RIF procedures, must complete a required application, specifying the conditions under which he or she will accept employment, including grade, occupation, and minimum hours of work per week, in addition to positions at the same representative rate and type of work schedule as the position from which the employee was or will be separated. Registration may take place as soon as a specific notice of separation or a Certification of Expected Separation has been issued. The employee must submit the application within 30 calendar days after the RIF separation date.

c. The name of a Group I employee remains on the re-employment priority list for 2 years from the date he/she was separated. The name of Group II employee remains on the re-employment priority list for 1 year from the date he/she was separated.

#### 766 FURLOUGH

a. Broadcasting must use RIF procedures in placing an employee in a temporary non-duty and no-pay status for more than thirty consecutive days or for more than 22 work days if done on a noncontinuous basis: when the reason is among those described in 761.3a.(1) and (2); when Broadcasting intends within 1 year to recall the employee to duty in the position from which furloughed (the 1 year beginning on the day after the end of the notice period); but not when the non-duty, non-pay status is in accordance with pre-established conditions of employment. (Shorter furloughs are implemented through use of adverse actions, as described in MOA V-A 565.)

b. Broadcasting will not separate an employee through RIF while an employee with lower retention standing in the same competitive level is on furlough.

c. Broadcasting will not fill a position, except by internal placement, when an employee on furlough is qualified and available for a position at the same or lower grade from which furloughed.

d. When Broadcasting recalls employees to duty in the competitive level from which furloughed, it will recall them in the order of their retention standing, beginning with the highest standing employee.



e. If the situation changes and Broadcasting determines a furloughed employee cannot be recalled within the 1-year period, the employee must be separated. If some but not all furloughed employees in a competitive level must be separated, employees are selected for separation by retention standing beginning with the lowest standing employee. A new RIF notice of separation must be given to the furloughed employees at least 30 days prior to separation and at least 30 days prior to the end of the 1-year furlough period. The separation of a furloughed employee is a new RIF action and the required procedures are followed.

f. If a furloughed employee refuses or does not respond to a call to return to duty, the employee is separated by RIF effective on the specified recall date. A new RIF notice of separation is not required. The separation is documented as a RIF separation.

#### 767 RETIREMENT

Broadcasting will counsel employees on entitled benefits including information about retirement, voluntary, optional or discontinued service. The Agency will seek OPM authority for early retirement when appropriate. There will be no coercion to influence an employee's decision to retire.

#### 768 RECORDS

a. The Personnel Office will maintain the current correct records needed to determine the retention standing of Broadcasting competing employees. The retention registers and related records are open for inspection by:

(1) A representative of OPM; and

(2) A Broadcasting employee, who is in receipt of a RIF notice, (or the employee's representative or a labor organization representative) to the extent that the registers and records have a bearing on a specific action taken, or to be taken, against the employee. The employee is entitled to see not only the register and related records for his/her own competitive level, but also for levels in which there are employees who may displace him/her, and for levels into which such employee believes he/she may be entitled to displace.

b. Broadcasting will preserve intact all registers and records relating to a RIF for at least one year from the date a specific RIF notice is issued.

#### 769 APPEALS AND CORRECTIVE ACTION

##### 769.1 Appeal Rights

a. An employee who has been furloughed for more than 30 days, separated, or demoted by a RIF action may appeal to the Merit Systems Protection Board (MSPB), except as provided in paragraph 769.1d below. Before appealing, the employee should review applicable regulations and all the records and registers having a bearing on the RIF action.

b. Appeals must be filed with MSPB during the 20 day period beginning with the day after the effective date of the action being appealed. Appeals are not accepted by MSPB on or before the effective date.

c. The only types of actions which may be appealed are:

(1) Retention of a lower subgroup employee in a job for which the employee affected by RIF considers himself or herself qualified;

(2) Insufficient notice;

(3) Inadequate reasons given, or failure to give reasons, for granting exceptions to normal order of separation under the RIF regulations;

(4) Denial of the employee's right to examine the regulations or inspect the retention registers and related records;

(5) Incorrect competitive area or competitive level;

(6) Improper tenure grouping;

(7) Violation of veterans preference rights (only if the personnel office was previously advised of the employee's entitlement to veterans preference);

(8) Error in establishing the service computation date;

(9) Failure to make a reasonable offer of reassignment or change to lower grade;

(10) Improper determination concerning physical fitness for position change;

(11) Failure to comply with RIF procedures contained herein; and

(12) Improper placement on leave without pay during notice period.

d. Employees in a bargaining unit covered by a negotiated grievance procedure that includes RIF must use the negotiated grievance procedure and may not appeal RIF actions to the MSPB.

#### 769.2 Corrective Action

a. If Broadcasting decides that a RIF action was unjustified or unwarranted and restores an employee to a former or intermediate grade or rate of pay, the corrective action is effective as of the date of the improper RIF action.

b. In adjudicating RIF appeals, MSPB determines whether Broadcasting has correctly applied regulations and policies and directs appropriate corrective action if an error is found. Similarly, corrective action may be required as the result of the adjudication of a grievance under a negotiated grievance procedure. When corrective action is required,

Broadcasting will report promptly to the MSPB/recognized Union that the action has been taken.

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PART V-A PERSONNEL (DOMESTIC), 700 SEPARATIONS  
Section 770

SEPARATION - DISQUALIFICATION

771 Introduction

771.1 Definition

771.2 Related Information

772 Separation of an Employee Serving a Probationary or Trial Period for Conduct Before Appointment

773 Separation of an Employee Who Has Been Employed for More Than One Year for Conduct Before Appointment

774 Appeals

Section 770

SEPARATION - DISQUALIFICATION

771 INTRODUCTION

771.1 Definition - Separation - Disqualification is the separation of an employee from a competitive service position during a probationary period, or of an employee from an excepted position during a trial period for one of the following reasons:

- a. Performance or conduct after appointment;
- b. Failure to meet physical requirements for the position or other conditions specified at the time of appointment; or
- c. Receipt of information by Broadcasting which, if known prior to appointment, would have disqualified the individual for employment.

## 771.2 Related Information

a. Policies and procedures for evaluating the performance and conduct of employees serving probationary or trial periods are published in MOA V-A 450.

b. Procedures for separating an employee on the basis of performance or conduct are published in MOA V-A 560.

772 SEPARATION OF AN EMPLOYEE SERVING A PROBATIONARY OR TRIAL PERIOD FOR CONDUCT BEFORE APPOINTMENT - The following procedures apply to the separation of an employee serving a probationary or trial period based in whole or in part on conduct prior to appointment, such as falsifying an application for employment or other acts which, if known would have disqualified the individual for the appointment:

a. The Office of Personnel gives the employee an advance written notice stating the reasons for the proposed separation, specifically and in detail.

b. The employee is entitled to a reasonable time for filing a written answer to the notice of proposed action and for furnishing affidavits in support of his or her answer. The time to respond will not exceed 15 calendar days unless the employee requests and is granted an extension. The employee has the right to be represented by a person of his or her choosing.

c. If the employee answers, Personnel considers the answer in reaching a decision.

d. Personnel informs the employee in writing of the decision. The answer:

(1) Is delivered to the employee in advance of the effective date.

(2) Informs the employees of the specific reasons on which the decision is based.

(3) Informs the employee of his or her right of appeal to the Merit Systems Protection Board (MSPB).

(4) Informs the employee of the time limit within which an appeal must be submitted to the MSPB.

773 SEPARATION OF AN EMPLOYEE WHO HAS BEEN EMPLOYED FOR MORE THAN ONE YEAR FOR CONDUCT BEFORE APPOINTMENT

a. The Office of Personnel Management (OPM) may instruct Broadcasting to remove or take other disciplinary action against an employee when an official OPM investigator finds that the employee is not qualified or suitable for employment. The following outlines the procedure to be followed.

b. The OPM shall notify the employee in writing of the proposed action and of the charges against him or her. A copy of this notice is sent to the Office of Personnel and the Office of Security . The employee is entitled to 30 full calendar days advance notice and will be retained in an active duty status during the notice period. The employee may reply, both orally and in writing, and furnish affidavits in support of his or her answer. The employee has the right to be represented by a person of his or her choosing. The employee has 15 calendar days from the date of receipt of the notice in which to reply. The OPM shall consider any answer that the employee makes in reaching its decision.

c. In certain actions Broadcasting also may answer the notice of proposed action and has 15 calendar days in which to reply. The OPM shall consider Broadcasting's reply in making its decision. The OPM shall notify the employee and Broadcasting of its decision and of the appeal rights of the employee.

d. The decision shall be in writing, inform the employee of the reasons for the decision, and of the employee's right to appeal. An employee who appeals under this Section is entitled to be retained in an active duty status until action on his or her appeal is completed.

#### 774 APPEALS

a. An employee separated under procedures referred to in paragraph 771.1 above may appeal to the Equal Employment Opportunity Commission (EEOC) on the grounds that the separation was based on discrimination because of race, color, religion, age, sex, or improper discrimination because of a physical handicap; or to the Merit Systems Protection Board (MSPB) on the grounds of partisan politics, marital status or other prohibited personnel practices.

b. An employee separated under procedures described in paragraphs 772 or 773 above may, in addition to appealing on the ground described in paragraph a. immediately above, appeal to the Merit Systems Protection Board on the grounds that the separation was not effected in accordance with the procedures described in paragraphs 772 or 773 above.

c. The appeal to the Merit Systems Protection Board shall be in writing and shall set forth the employee's reasons for contesting the decision, with such offer of proof and pertinent documents as he or she is able to submit. The time limit for filing an appeal is 15 days from the date the employee receives the notice of decision. The MSPB may waive this time limit for good cause. An employee who appeals under this Section is entitled to be retained in an active duty status until action on his or her appeal is completed.

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PART V-A PERSONNEL (DOMESTIC), 700 SEPARATIONS  
Section 780

EMPLOYEE DEATH

781 Responsibilities of Deceased Employee's Organizational Unit

- 781.1 Notifying Next of Kin
- 781.2 Notice Received from Next of Kin
- 781.3 Notifying the Office of the Director and Office of Personnel
- 781.4 Letter of Condolence
- 781.5 Memorial Services

782 Responsibilities of the Office of Personnel

- 782.1 Letter of Sympathy
- 782.2 Final Salary Clearance

EMPLOYEE DEATH

781 RESPONSIBILITIES OF DECEASED EMPLOYEE'S ORGANIZATIONAL UNIT

When an employee dies, the responsibilities of the organizational unit to which the employee was assigned, will depend upon the circumstances of the death -- that is, whether death occurred while the employee was in duty status or under other circumstances.

781.1 Notifying Next of Kin - When death of an employee occurs while he or she is in duty status or in other circumstances which make it necessary to notify a next of kin, the employee's immediate supervisor or the head of the element should personally make the notification. When it is inappropriate or impractical to deliver the message in person, other appropriate means of rapid communication may be used. In either case, the official notifying the next of kin should offer whatever assistance the circumstances warrant. Name and location of next of kin can be obtained

from administrative officers and locator cards, the Office of Personnel or the Office of Security.

781.2 Notice Received from Next of Kin - In most cases, when death of an employee occurs away from the job site, the employee's next of kin will contact the latter's immediate supervisor. In such instances, that official should obtain from the informant all pertinent facts concerning the death, including date, place and cause of death. Assurance should be given the informant that Broadcasting is prepared to render assistance appropriate to the circumstances. If the informant is other than the next of kin, his/her name, address and phone number should be noted.

781.3 Notifying the Office of the Director and Office of Personnel - The deceased employee's supervisor or element head should notify the Office of the Director and the Office of Personnel immediately after death occurs or becomes known, furnishing all available facts concerning the death.

781.4 Letter of Condolence - The deceased employee's element should prepare a letter of condolence to the next of kin for the signature of the Director within 24 hours of the death.

781.5 Memorial Services - When circumstances suggest that it is appropriate, the deceased employee's element head should consult with the employee's family on the holding of a memorial service on Broadcasting premises. After receiving the family's agreement, the employee's element head will be responsible for the organizing of a memorial service, including the drafting and distribution of an announcement giving time and location.

The deceased employee's element head is responsible for informing the Director of any scheduled memorial service, whether it is organized in Broadcasting or outside by the family or other parties.

## 782 RESPONSIBILITIES OF THE OFFICE OF PERSONNEL

782.1 Letter of Sympathy - Upon receipt of notification of the death by the deceased employee's element, the Office of Personnel shall send a letter of condolence to the next of kin, expressing sympathy, offering appropriate assistance in filing for benefits, and stating what information and documentation might be necessary from the next of kin.

782.2 Final Salary Clearance - The Office of Personnel initiates Clearance for Final Salary Payment, and forward it to the deceased employee's element for action. The Office of Personnel shall issue personnel actions and claims for benefits.



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PART V-A PERSONNEL (DOMESTIC), 700 SEPARATIONS  
Section 790

FURLOUGHS OF 30 DAYS OR LESS FOR NON-DISCIPLINARY REASONS

791 Introduction

791.1 Applicability

791.2 Authority

791.3 Objectives, Definitions and Policy

792 Procedures

793 Responsibilities

794 Rights and Entitlements During Periods of Furlough

Section 790

FURLOUGHS OF 30 DAYS OR LESS FOR NON-DISCIPLINARY REASONS

791 Introduction

791.1 Applicability -- This section except for statutory limitations (e.g., Presidential appointees), applies to all categories of Domestic employees, i.e., Competitive Service employees, including probationers; employees in temporary limited appointments in the competitive service; non-preference eligible employees in the excepted service; preference eligible employees in the excepted service; other categories of employees not covered by 5 USC 7511; and members of the Senior Executive Service.

PROVISIONS OF THIS REGULATION WHICH CONFLICT WITH PROVISIONS OF ANY NEGOTIATED AGREEMENT BETWEEN BROADCASTING AND LABOR ORGANIZATIONS REPRESENTING EMPLOYEES ARE NOT ENFORCEABLE UNLESS SUCH PROVISIONS HAVE EITHER LAPSED OR CHANGED BY MUTUAL AGREEMENT BETWEEN BROADCASTING AND SUCH LABOR ORGANIZATIONS.

791.2 Authority -- 5 USC 3101, 5 USC 7511-13 and 5 CFR 359 and 752 authorize the Director , or designee, to furlough employees in accordance with regulations prescribed by the Office of Personnel Management (OPM) .

#### 791.3 Objectives, Definitions and Policies

a. As defined by 5 USC 7511(a)(5), a furlough is the placing of an employee in a temporary non-duty, non-pay status due to shortage of funds, temporary lack of work, or other non-disciplinary reasons.

b. Under these regulations Broadcasting may not furlough employees for more than 30 calendar days or 22 workdays.

c. Broadcasting will resort to furloughs only after exploring other means of meeting its needs and as an alternative to measures which would have a more serious impact on employees.

d. Part-time employees will be furloughed in proportion to their schedule.

e. Employees' rights and entitlements will be protected during periods of furlough to the extent permitted by statute and regulation. (See 794)

f. A reasonable effort will be made to accommodate expressed personal preferences of employees (e.g., a desire to combine leave and furlough into a consecutive period or desire to have some income every pay period) in scheduling any furloughs to the extent they are consistent with work requirements and budgetary constraints.

#### 792 Procedures

a. The Director, or designee, will make the final decision on using furlough and on the extent and duration of furloughs as a means of responding to a shortage of funds, temporary lack of work, or other non-disciplinary reasons.

b. The Director of Personnel will implement the furlough in consultation with affected elements.

c. Employees will be given 30 days' advance written notice stating the specific reasons for the furlough and its duration. The advance notice of a proposed furlough shall include, but is not limited to:

(1) Reason for the furlough;

(2) Maximum length of the furlough (more definite and detailed specifications if known, e.g. the specific dates and length of the furlough);

(3) The basis for selecting a particular employee for furlough if not all employees in his/her competitive level are being furloughed;

(4) Notice as to the place where regulations and records pertinent to the action may be inspected;

(5) Right of employees to respond within 10 workdays to the proposed furlough;

(6) Entitlement to official time to prepare response;

(7) Entitlement to representation; and

(8) Entitlement to request Leave Without Pay (LWOP) in lieu of furlough.

However, in accordance with 5 CFR 752.404(d)(2) the advance written notice and opportunity to answer are not necessary for a furlough without pay due to unforeseeable circumstances, such as lapses of appropriations, sudden breakdowns in equipment, acts of God, or sudden emergencies requiring immediate curtailment of activities. In such cases, employees shall be given as much notice as feasible.

d. Except in the event of unforeseeable circumstances, employees who wish to respond to the notice of proposed furlough have up to ten workdays to do so either orally or in writing to the Director of Personnel or designee, with documentary evidence in support of their answer, if necessary. When an employee gives an oral response, Personnel will maintain a summary of the conversation and provide a copy to the employee.

e. Each employee will be entitled to a reasonable amount (normally up to four hours) of official time to prepare his/her response. Employee representatives also shall be entitled to such a reasonable amount of official time to assist employees in their responses.

f. Employees have a right, in accordance with Federal statute, to representation of their choice, except that in accordance with 5 CFR 752.404(e) the Director of Personnel may disallow the choice of an individual as a representative which would result in a conflict of interest or position, which would conflict with the priority needs of Broadcasting, or which would give rise to unreasonable costs to the Government.

g. Broadcasting's decision will be submitted in writing as soon as reasonably possible. The notice of decision to furlough shall include but is not limited to:

(1) Decision;

(2) Maximum length of furlough (more definite and detailed specifications if known);

(3) Invitation to employees to submit for management's consideration their preferences as to the specific day(s) on which they would prefer to have their furlough scheduled, if appropriate;

(4) Entitlement to request LWOP in lieu of furlough;

(5) Prohibition on unpaid voluntary services;

(6) General information on entitlements listed in paragraph 794a and c through k; and

(7) Unemployment compensation guidelines.

h. Non-bargaining unit employees covered by 5 U.S.C. 7511 or Sub-Parts C and D of 5 CFR 752 may appeal the decision to the Merit Systems Protection Boards (MSPB) after the furlough is initiated. Other employees may grieve the decision to the extent provided by administrative grievance procedures (MOA V-A 540).

#### 793 Responsibilities

a. The Chief of the Labor and Employee Relations Division is the designated proposing official who will sign the notice of proposed furlough.

b. Oral and written responses may be directed to the Director of Personnel who will be responsible for making the final decision in each case.

c. Periods in furlough status will be documented in accordance with established procedures for recording personnel actions.

#### 794 Rights and entitlements during periods of furlough

a. Broadcasting cannot accept the voluntary services of employees in furlough status.

b. Employees on detail or other assignment whose salaries are not paid out of the Salaries and Expenses account are not subject to furlough when the reason for the furlough is a shortage of funds.

c. Employees may engage in outside employment during periods of furlough in accordance with the guidelines in MOA V-A-550.

d. Employees who perform court duty during periods of furlough may retain the court pay.

e. An employee may not be placed on paid leave in lieu of furlough, except in cases of furloughs resulting from a lapse of appropriation. In such cases, employees granted (prior to the lapse) accrued leave to begin prior to or after the lapse may be permitted to use such leave.

f. Employees will not be furloughed on holidays, i.e., will not be involuntarily placed in a non-pay status on a holiday.

g. Enrollment in health plans continues during furlough but employees are liable for payment of their share of the enrollment costs during such periods. Employees' share of enrollment costs will be deducted from any remaining biweekly pay. If such pay is insufficient to pay these costs,

employees may pay the costs during or after returning from a furlough by check or payroll deduction. (There is a 365 day limit on enrollment in a non-pay status.)

h. Life insurance coverage remains in effect without cost to the employees while in furlough status. (There is a 12 consecutive month limit on enrollment in a non-pay status.)

i. Retirement contributions during periods of furlough are in proportion to the basic pay of the employee.

j. An aggregate of no more than six months of non-pay/furlough status in a year is creditable service in computing annual leave accrual rates. When a full time employee accumulates 80 hours in non-pay status, including furlough, his/her annual and sick leave balances are reduced by the number of hours accrued in a pay period.

k. For entitlement to within-grade increases, an aggregate of two workweeks in non-pay/furlough status extends the waiting period for steps 2, 3, and 4 of the General Schedule by a like amount; an aggregate of more than four workweeks extends the waiting period for steps 5, 6, and 7 by a like amount; and an amount in excess of six workweeks extends the waiting period for steps 8, 9, and 10 by a like amount. For prevailing rate employees (WG, WL, and WS schedules), an aggregate of more than one workweek in a non-pay/furlough status extends the waiting period for step 2, more than three weeks for step 3, and more than four weeks for steps 4 and 5 extends the waiting period by a like amount. For Wage Board employees under the WB schedule, an aggregate of more than two workweeks in a non-pay/furlough status extends the waiting period for a step increase. Time in excess of these amounts shall extend a waiting period by the excess amount. Time spent in furlough status will count as creditable service for time-in-grade (and time-after-competitive appointment) requirements. Specific information on these and other entitlements may be obtained from the Personnel Office.

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NOTICE

Material within this Manual of Operations and Administration may no longer be current. To ensure having the most current policy or procedure, please contact the Agency office responsible for the subject matter, e.g., information about performance appraisal, staffing, or compensation should be directed to the Office of Human Resources. For assistance in determining which office to contact, please contact Cathy Brown or Renee Tyrance-Gauff of the Analysis and Administration Division on (202) 203-4664 or feel free to email this staff at [cabrown@bbg.gov](mailto:cabrown@bbg.gov) or [crgauff@bbg.gov](mailto:crgauff@bbg.gov).

MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART V-A PERSONNEL (DOMESTIC), 800 SPECIAL CATEGORIES OF PERSONNEL  
Section 800

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#### 809 Terminating Appointments

### Section 800

#### EXPERTS AND CONSULTANTS

801 COVERAGE - This section contains policies, regulations, and procedures for appointing experts and consultants as employees in the excepted service outside of the competitive civil service and classification laws, pursuant to 5 U.S.C. 3109, OMB Circular No. A-120, "Guidelines for the use of Advisory and Assistance Services," dated January 4, 1988, and regulations issued by the Office of Personnel Management (OPM). The regulations in this section also apply to individual expert and consultant services procured by contract if an employer-employee, rather than an independent contractor relationship is created. An employer-employee relationship that is subject to this section exists when a person is:

- (1) Appointed or employed in the civil service by a Federal officer or employee performing in an official capacity,
- (2) Engaged in the performance of a Federal function under authority of law or an Executive act, and
- (3) Supervised and directed by a Federal official or employee.

Broadcasting also may use the services of experts and consultants under procurement contract/purchase order.

#### 802 APPOINTMENT AUTHORITY AND USE OF EXPERTS AND CONSULTANTS

##### 802.1 Authority

a. 5 U.S.C. 3109 provides that the head of any department or agency, when authorized in an appropriation or other Act, may hire experts and

consultants on a temporary basis (not in excess of one year) or on an intermittent basis (no scheduled tour of duty for 130 days or less in a service year) without regard to the civil service and classification laws. This excepted appointment authority imposes the following conditions:

- (1) The positions must be bona fide expert or consultant positions;
- (2) Persons employed must be experts or consultants qualified to perform the duties of the positions;
- (3) The needed services must be of such a nature that Broadcasting can meet the need by temporary (one year or less) or intermittent employment. Broadcasting may not use this authority to fill a continuing full-time job.
- (4) Policy-making and managerial work characteristic of SES positions is not assigned.

b. Appointments under this authority may be made without individual prior approval by the Office of Personnel Management (OPM). However, all appointment documents pertaining to experts and consultants are subject to review by the Office of Personnel Management (OPM) as part of its general and/or special evaluation of Broadcasting.

#### 802.2 Use of Experts and Consultants

a. The proper use of expert and consultant services is a normal, legitimate, and economical way to improve Broadcasting's decision-making, policy development, or management systems. When essential to the mission of Broadcasting, expert and consultant services may be used to:

- (1) obtain outside points of view to avoid too limited judgment on significant issues;
- (2) obtain advice on developments in industry, university, or foundation research;
- (3) obtain the opinions, special knowledge, or skills of noted experts whose national or international prestige can contribute to the success of important projects;
- (4) enhance the understanding of, and develop alternative solutions to, complex issues;
- (5) support and improve the operation of organizations;
- (6) ensure the more efficient or effective operation of managerial or hardware systems; and
- (7) secure the advisory participation of citizens to develop or implement Government programs that by their nature or by statute call for citizen participation.



b. Examples of improper employment of an expert or a consultant are to: give a particular person temporary or intermittent appointment solely in anticipation of a career-conditional appointment; perform a job that can be done as well by regular employees; perform a full-time continuous job; avoid competitive employment procedures; avoid General Schedule pay limits; or bypass competitive employment procedures; aid in influencing or enacting legislation; or perform work of a policy, decision-making, or managerial nature which is the direct responsibility of Broadcasting officials.

#### 803 DEFINITIONS (5 CFR 304.102)

803.1 An Expert is a person who is specially qualified by education and experience to perform difficult and challenging tasks in a particular field beyond the usual range of achievement of competent persons in that field. An expert is regarded by other persons in the field as an authority or practitioner of unusual competence and skill in a professional, scientific, technical or other activity.

803.2 A Consultant is a person who can provide valuable and pertinent advice generally drawn from a high degree of broad administrative, professional, or technical knowledge or experience. When an agency requires public advisory participation, a consultant also may be a person who is affected by a particular program and can provide useful views from personal experience.

803.3 A Temporary position means employment not to exceed one year. An expert or consultant serving under a temporary appointment may have a full-time, part-time, seasonal, or intermittent work schedule.

803.4 An expert position is one that requires the services of a specialist with skills superior to those of others in the same profession, occupation, or activity to perform work on a temporary and/or intermittent basis assigned by a federal official. For example, a microbial contamination specialist may apply new test methods to identify bacteria on products, a computer scientist may adapt advanced methods to develop a complex software system, or a plate maker may engrave a novel design.

803.5 A consultant position is one that requires providing advice, views, opinions, alternatives, or recommendations on a temporary and/or intermittent basis on issues, problems, or questions presented by a federal official.

#### 803.6 Intermittent Appointment

a. An intermittent appointment is for employment which involves only occasional or irregular services (as distinguished from continuous employment) and is limited to work on projects requiring intermittent services. WHEN AN INTERMITTENT EXPERT OR CONSULTANT WORKS MORE THAN ONE-HALF OF FULL-TIME EMPLOYMENT; i.e., HE OR SHE IS PAID FOR ALL OR ANY PART OF A DAY MORE THAN 130 DAYS IN A SERVICE YEAR, THE EMPLOYMENT AUTOMATICALLY CEASES TO BE INTERMITTENT AND BECOMES TEMPORARY. As such, it is subject to the one-year limitation applicable to temporary

appointments and renders the employee subject to all regulations governing temporary appointees. Intermittent appointments can be renewed from year to year.

b. The services of an expert or consultant employed on an intermittent basis may be utilized by more than one element of Broadcasting provided the individual is not paid for the same hours of the same day by more than one element and provided, further, that appropriate appointment documents for work performed for each element are completed.

803.7 A Tour of Duty is a regularly scheduled period of work, either full-time or part-time, with the specific days and hours of duty stipulated. The term refers only to the work schedule and not to the duration of the appointment.

803.8 A Service Year is a 12-month period beginning with the date of initial appointment.

#### 804 RESPONSIBILITIES

804.1 Employing Offices - Offices wishing to employ experts or consultants must:

a. Obtain the approval of the Director of Broadcasting or his/her designee to engage the services of an expert or consultant. The request should be in memorandum form with sufficient information to enable the Director to make a decision.

b. Once the request is approved, the employing office must submit to the Office of Personnel, a detailed justification for the position, including a certification to the effect that such services will not unnecessarily duplicate any previously performed work or services; a description of duties and responsibilities; an estimate of the duration of the appointment; whether the appointment is on a temporary (full-time or part-time) or intermittent basis; if on a temporary basis, the prearranged scheduled days and hours of work per day and entitlement to annual and sick leave; proposed salary rate which is on an hourly basis unless an exception is granted for pay on a daily basis in accordance with subsection 805.1; whether travel expenses for intermittent appointees are authorized; the assurance that the employment is within authorized budget, and a description of and methods for administering, monitoring, and evaluating the work or services to ensure that performance meets the standards and requirements. of Broadcasting. In addition, a request must be accompanied by an SF-171, curriculum vitae, resume, or a description of the appointee's background and qualifications in enough detail to show suitability for the position.

c. Ensure that experts and consultants are used for the purpose for which appointed.

d. Maintain the attendance record of each appointee, pay appointees only for hours actually worked, unless an exception has been granted in accordance with subsection 805.1, submit to Finance the time and attendance card for each pay period that the expert or consultant works,

and submit to Personnel a quarterly report certifying the number of days and hours worked and that the appointee is performing only the duties for which appointed.

e. Inform Personnel when a change in the type of appointment is needed (termination, conversion or renewal).

804.2 Certifying Official - The Director of Broadcasting (or his/her designee), as appropriate, is responsible for certifying in a memo to Personnel that:

a. The position is necessary.

b. The position is a "consultant or expert" position as defined by OPM.

c. The work is either temporary or intermittent in nature, as these terms are defined above in subsections 803.3 and 803.6, respectively.

d. Proper methods are in place for administering, monitoring, and evaluating the work or services to ensure that performance meets Broadcasting's standards and requirements.

e. The proposed appointee possesses the kind and level of expertise which will permit him or her to render the services needed by Broadcasting.

f. The proposed salary rate is commensurate with the level of work to be performed and the appointee's qualifications for the work as well as comparable salaries in the private sector.

g. Required documentation is in order.

804.3 The Office of Personnel is responsible for:

a. Assisting and advising employing offices in matters relating to the appointment of experts and consultants.

b. Processing security forms and (Confidential Statement of Employment and Financial Interests), preparing Consultant Certificates and SF-50s, and overseeing all entrance-on-duty procedures.

c. Coordinating with GC, ensures Broadcasting's compliance with all laws and regulations governing employment of experts and consultants.

d. Conducting quarterly reviews of experts and consultants and preparing a record of the quarterly review.

804.4 The Office of the General Counsel (GC) shall review all proposed appointments of experts and consultants to ensure compliance with laws and regulations governing conflicts of interest.

804.5 The Office of Budget shall submit an annual report of experts and consultants costs to the employing offices and to the BBG and the Director of Broadcasting.

## 805 RATES OF COMPENSATION

805.1 Salary Rates - Experts and consultants on either temporary or intermittent appointments will be compensated only for those hours actually worked. Exceptions to this policy may be approved by the Director of Personnel when necessary. In cases where the exception is made, the remarks on the SF-50 (Notification of Personnel Action) will show "full daily rate authorized for all days on which work is performed." In cases where no exception is made, the remarks on the SF-50 will read "one-eighth of the daily rate authorized for hours of work performed but not to exceed the full daily rate." The appointment document shall clearly stipulate the tour of duty and the method of compensation. Experts and consultants with a regular scheduled tour of duty (i.e., not intermittent) are entitled to sick and annual leave in accordance with chapter 63 of Title 5 of the U.S. Code, and to pay for any holiday occurring on a work day for which they perform no work, provided that workday is part of the basic work week. Experts and consultants employed on an intermittent basis are not entitled to paid holidays. The SF-50 should also indicate whether the appointee is entitled to annual and sick leave or leave without pay (LWOP), if appropriate (see 808.4). The rate to be paid will conform as closely as possible to General Schedule (GS) rates; i.e., the maximum rate payable shall be the hourly rate for the top step of GS-15, as determined by the Director of Broadcasting (or his/her designee), on the basis of the level of difficulty of the work to be done, the qualifications of the appointee, and the availability of such services in the labor market.

### 805.2 Premium Pay

a. Temporary or Intermittent Appointments - Experts and consultants with either temporary (full-time or part-time) or intermittent appointments under 5 U.S.C. 3109 are not entitled to more than the daily rate (eight times the hourly rate) prescribed in the appointment documents for hours actually worked, regardless of the total number of hours worked in a day or for work outside the employee's tour of duty. For example, if an employee works six days a week, the sixth day is paid at the straight time rather than the overtime rate.

b. Most experts and consultants are exempt from the minimum wage and overtime pay provisions of the Fair Labor Standards Act (FLSA) since they perform such services in professional or administrative positions which are exempt from the Act.

c. Unless the appointment document (SF-50) provides that General Schedule increases under 5 U.S.C. 5305 (the annual comparability pay increase) will apply to experts and consultants automatically and without administrative action authorizing a consequent increase under 5 U.S.C. 5307, an expert or consultant is not entitled to a pay increase on the basis of an increase in the General Schedule, or to increases resulting from locality pay.

d. A Civil Service annuitant under the Civil Service Retirement System (CSRS) or Federal Employees' Retirement System (FERS) who provides

temporary or intermittent services as an expert or consultant is subject to the daily or hourly set-off provisions. A Foreign Service annuitant under the Foreign Service Retirement and Disability System (FSRDS) and Foreign Service Pension System (FSPS) receives full salary, but is subject to annuity limits in Section 824 of the Foreign Service Act of 1980, as amended.

805.3 Unpaid Employment. In the absence of a statute prescribing the amount of compensation to be paid, an expert or consultant may serve without pay. An expert or consultant, appointed under authority of section 3109, must submit to Personnel, a written agreement that waives all rights to compensation for services performed under the appointment. The waiver is retained as a permanent record in the employee's Official Personnel Folder.

## 806 EMPLOYMENT

806.1 Pre-appointment Review - Each proposed appointment or extension of an existing appointment of an expert or consultant must be reviewed and certified as a correct action by the Director of Broadcasting (or his/her designee). The certification shall be retained among the permanent records in each appointee's Official Personnel Folder.

### 806.2 Requirements for Appointment

a. Security Investigation - Experts and consultants are subject to the same security requirements as are all other appointees.

b. Qualification Standards - Consistent with the definitions set forth in subsections 803.1 and 803.2, experts and consultants must meet the qualifications standards established for regular employees, as well as the qualifications required in the specialized fields for which they are hired. They will be required to file either an SF-171 (Personnel Qualifications Statement), or an equivalent biographic data sheet prior to approval of their appointment by the Director.

806.3 Political Activity Restrictions - Experts and consultants are subject to the same political activity restrictions as are all Broadcasting employees.

806.4 Statement of Employment and Financial Interests - Experts and consultants, except those appointed to serve as Public Members on Foreign Service Selection Boards, must complete (Confidential Statement of Employment and Financial Interests) for submission to GC. The form should be completed at least ten days prior to the time of appointment or re-appointment and within 30 days of any change in employment or financial interests. (See MOA V-A/V-B 550 for procedural instructions.)

806.5 Conflicts of Interest - See 3 FAM section 620 through 629 and MOA V-A/V-B-550 for pertinent regulations.

806.6 Establishing Files and Records - An official personnel folder shall be established for each appointee, and shall include an Application for Federal Employment (either a complete SF-171 or equivalent biographic

data); a Position Description (OF-8) or similar document; a certification by the Director , or designee, that the appointment or extension of appointment is a correct action; an Appointment Affidavit (SF-61); and Notification of Personnel Action (SF-50).

#### 806.7 Re-appointments

a. General Rules - Intermittent appointments may be renewed from year to year; temporary appointments may not. The following are the exceptions to these general rules:

b. Re-appointment to the Same Position - An expert or consultant who served under a temporary appointment (i.e.; service exceeded 130 days) in one service year may be re-appointed the next year to the same position only under unusual and compelling circumstances, and only on a purely intermittent basis. Any such case must include a certification by approving officials that the special circumstances have been reviewed and that the extension of the appointment has been found to be justified and appropriate. When the number of days of intermittent work exceeds 130, the appointment must be terminated.

c. Re-appointment to a Different Position - The fact that an expert or consultant served under a temporary appointment in one service year does not rule out a new appointment the next year to a position having duties and responsibilities that are recognizably different from those of the previous assignment and that cannot be considered a continuation, outgrowth, or extension of that assignment. The basis for the conclusion that the positions are in fact different must be documented in the employee's Official Personnel Folder. However, such re-appointments will be approved by the Director , or designee, only in very exceptional circumstances inasmuch as re-appointments resulting in service for more than two consecutive years on a regular basis, even when different positions are involved, give the appearance of continuing employment and are made only after the Director has given careful consideration to all the circumstances involved. Such a determination will be made a matter of record and will be placed in the employee's Official Personnel Folder.

#### 807 TRAVEL EXPENSES

807.1 Temporary Appointments - Experts and consultants serving under temporary appointments are not reimbursed for expenses for travel between their home or place of business and location of Federal employment; nor do they receive per diem in lieu of subsistence for such travel. They are, however, reimbursed for travel expenses and are entitled to per diem in lieu of subsistence in accordance with Federal Travel Regulations (FTR) when in officially authorized travel status. For additional information on authorized travel expenses and per diem in lieu of subsistence, see MOA-IV-640.

807.2 Intermittent Appointments - Experts and consultants serving under intermittent appointments are eligible for reimbursement for travel expenses, including per diem in lieu of subsistence, while away from their homes or regular places of business in official travel status, or

while proceeding to or from Broadcasting, in accordance with the FTR. For additional information, see MOA-IV-640.

## 808 BENEFITS AND LEAVE

808.1 Retirement and Social Security - Intermittent or temporary experts and consultants appointed for one year or less are excluded from Civil Service Retirement System (CSRS) and Federal Employees' Retirement System (FERS) coverage. They are covered by the provisions of the Social Security Act, subject to the following exceptions:

a. An expert or consultant who is not receiving a CSRS or FERS annuity and who is appointed following employment covered by CSRS or FERS either without a break in service, or with a break in service of three calendar days or less, continues to be covered by that system.

b. An expert or consultant who is receiving a Civil Service (CSRS or FERS) annuity is excluded from both Civil Service Retirement (CSRS or FERS) and Social Security coverage during the term of his or her appointment. However, a Civil Service (CSRS or FERS) annuitant is subject to the Medicare hospital insurance portion of the Social Security tax.

c. An expert or consultant who is receiving an annuity under the Foreign Service Retirement and Disability System (FSRDS) or Foreign Service Pension System (FSPS) is subject to full Social Security tax.

808.2 Federal Employees Group Life Insurance - Experts and consultants are excluded from Federal Employees Group Life Insurance coverage subject to the following exception. An expert or consultant serving under a temporary appointment (full-time or part-time) with a prearranged duty tour who is appointed without a break in service, or with a break in service of three calendar days or less, following employment in which he or she was insured, continues to be insured unless he or she executes a waiver of insurance. The expert or consultant can continue life insurance coverage only if there is an expectation that the individual will return to the previous position on a full-time basis.

808.3 Federal Employees Health Benefits - Experts and consultants are excluded from Federal Employees Health Benefits coverage subject to the following exception. An expert or consultant who is not receiving a Civil Service or Foreign Service retirement annuity and who is appointed on a full-time basis or on a part-time basis with a prearranged tour of duty without a break in service, or with a break in service of three calendar days or less, following employment in which he or she was enrolled in a Federal Employees Health Benefits plan, continues to be covered by that plan unless he or she executes an SF-2809 (Health Benefits Registration Form) canceling the enrollment.

## 808.4 Annual and Sick Leave

a. Temporary Experts and Consultants - Experts and consultants serving under full-time appointments or part-time appointments with a prearranged tour of duty:

(1) Earn and use annual and sick leave on the same basis as other full-time and part-time employees.

(a) Annual leave may be used during the first 90 days of employment, if the appointment is for 90 days or longer. If an appointment is for less than 90 days, the employee is not entitled to annual leave until after being employed for a continuous period of 90 days under successive appointments without a break in service.

(b) Sick leave to the employee's credit at the time of a prior separation from the Federal service is re-credited, provided that the break in service preceding the expert or consultant's appointment is not in excess of three years and subject to the exception that sick leave used in computing the annuity of any expert or consultant who is an annuitant under the Civil Service or Foreign Service Retirement System is not re-credited.

(c) Annual leave, sick leave, or leave without pay, as appropriate, is charged for absences during the regularly scheduled tour of duty.

b. Intermittent Experts and Consultants - Experts and consultants who are appointed on an intermittent basis, that is, with no regular tour of duty prescribed, are not entitled to annual and sick leave benefits.

#### 808.5 Lump-Sum Payment for Unused Annual Leave for Experts and Consultants Who Are Re-employed Annuitants

a. Re-employed Civil Service Annuitants - The lump-sum payment for unused annual leave to be paid to a full-time or part-time consultant or expert who is a re-employed annuitant under CSRS or FERS is not reduced by the amount of his or her annuity.

b. Re-employed Foreign Service Annuitants - The lump-sum payment for unused annual leave to be paid to a full-time or part-time consultant or expert who is an annuitant under the FSRDS or FSPS is not "salary" within the meaning of that term in Section 824 of the Foreign Service Act of 1980, as amended, and has no effect on annuity payments to which he or she is otherwise entitled.

#### 809 TERMINATING APPOINTMENTS

a. The employing office requests that Personnel terminate the employment of an expert or consultant whose services are no longer needed or whose performance does not meet Broadcasting's standards.

b. Personnel issues a Form SF-50 terminating the appointment of an expert or consultant either upon the expiration of an appointment or when his or her services are no longer needed or when performance does not meet standards.



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NOTICE

Material within this Manual of Operations and Administration may no longer be current. To ensure having the most current policy or procedure, please contact the Agency office responsible for the subject matter, e.g., information about performance appraisal, staffing, or compensation should be directed to the Office of Human Resources. For assistance in determining which office to contact, please contact Cathy Brown or Renee Tyrance-Gauff of the Analysis and Administration Division on (202) 203-4664 or feel free to email this staff at [cabrown@bbg.gov](mailto:cabrown@bbg.gov) or [crgauff@bbg.gov](mailto:crgauff@bbg.gov).

MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART V-A PERSONNEL (DOMESTIC), 800 SPECIAL CATEGORIES OF PERSONNEL

International Broadcasting Bureau  
Manual of Operations & Administration

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PART V-A PERSONNEL (DOMESTIC), 800 SPECIAL CATEGORIES OF PERSONNEL  
Section 820

EMPLOYING NON-U.S. CITIZENS FOR DUTY IN THE UNITED STATES

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### Section 820

#### EMPLOYING NON-U.S. CITIZENS FOR DUTY IN THE UNITED STATES

##### 821 INTRODUCTION

821.1 Purpose - The following material prescribes Broadcasting's policies, responsibilities, and procedures governing the employment in the United States of non-U.S. citizens in positions which require (1) services related to the translation or narration of colloquial speech in foreign languages; (2) the preparation and production of foreign language programs; or (3) the selection, evaluation, editing, writing and adaptation of source material for use in foreign language programming.

821.2 Related Information - MOA V-B 870 prescribes procedures to be followed in overseas recruitment and hiring of non-U.S. citizens for duty in the United States.

821.3 Authority - The United States Information and Educational Exchange Act, P.L. 80-402, as amended, authorizes employment of non-U.S. citizens in the United States for the services described in 821.1 above when equally or better qualified U.S. citizens are not available.

##### 822 POLICY

###### 822.1 Employment and Promotion - Limitations

a. A non-U.S. citizen may be appointed only after reasonable efforts to recruit equally or better qualified U.S. citizens have been made and have been unsuccessful. A non-U.S. citizen may be employed or promoted only if no equally or better qualified U.S. citizen is available to perform the duties of the position. The determination as to whether a non-U.S. citizen is better qualified than a U.S. citizen will be based upon criteria established by Personnel to evaluate the qualifications of both citizens and non-citizens.

b. A non-U.S. citizen applicant will be required to qualify in the appropriate examination(s) and meet all other employment standards that apply to employment of U.S. citizens in such positions.

c. As a matter of Broadcasting policy, non-U.S. citizens will not be employed in or promoted to supervisory positions or positions which involve policy or program decision-making.

(1) Exceptions will be allowed only on an individual basis when the appropriate Office, or Service Head determines, with the concurrence of the Director of Personnel that the unavailability of an equally or better qualified U.S. citizen to perform such supervisory or managerial functions is not only significantly handicapping the ability of the Office, or Service to operate, but also is having an adverse impact on Broadcasting's mission.

(2) It is anticipated that positions for which an exception to the U.S. citizenship requirement would be considered will be graded no higher than the GS-13 grade level.

d. It is the policy of Broadcasting to have the terms of excepted (GG) appointments parallel the conditions of GS employment to the extent possible and practicable.

e. Under no circumstances will non-U.S. citizens be employed in circumvention of Immigration and Naturalization Service (INS), Department of Labor, or Department of State regulations.

f. When a non-U.S. citizen employed by Broadcasting becomes a U.S. citizen, the current excepted appointment will be terminated as soon as practicable and the employee may be offered a competitive service appointment if his/her performance and conduct are satisfactory, if he/she is within reach on the appropriate Office of Personnel Management (OPM) register or another legal basis for competitive appointment exists, and if he/she obtains the appropriate clearance of the Office of Security. If the individual is not selected for a competitive service appointment or other appointment under an authority for hiring U.S. citizens, he or she will be separated from Broadcasting.

g. When an equally or better qualified U.S. citizen becomes available to fill a position occupied by a non-U.S. citizen, such U.S. citizen shall be employed as soon as practicable. (See 822.1a)

h. If a non-U.S. citizen is subject to displacement because an equally or better qualified U.S. citizen is available, his/her appointment will be terminated. The displaced non-U.S. citizen may be offered a new appointment to another position for which he/she is qualified if another position is available at the same or a lower grade level. If the position is at a lower grade level, and the higher-level position was held for a minimum of 90-days, the non-U.S. citizen will be placed at the salary level equivalent to his/her current salary, not to exceed the maximum range of the grade (i.e., step 10). If the displaced employee did not occupy the higher-level position for 90 days, salary will be set at step 1 of the grade or, if promoted from that grade, the step held immediately prior to the promotion to the higher-level position. The time spent at the higher level will be creditable for determination of WGI due date.

822.2 Termination - Non U.S.-citizen staff employees serve at the discretion of Broadcasting under the authority of P.L. 80-402, as amended. Accordingly, should such an employee's performance or conduct fall below an acceptable level, or if a need no longer exists for the employee's services, the employee's limited excepted appointment may be terminated at any time by the Director of Personnel. The employee will normally be given at least 30 days' advance notice prior to the effective date of termination.

### 822.3 Security

a. Official employee identification cards for limited access personnel will be issued by the Office of Security to non-U.S. citizen employees.

b. Non-U.S. citizen employees may not have access to classified material. Oral briefing is permitted on Secret, Confidential, and administratively controlled material, but not on material classified Top Secret.

c. Non-U.S. citizen employees may not be given responsibility for the opening or closing of bar-lock cabinets or safes containing classified or administratively controlled materials.

d. Safe combinations may not be made known to non-U.S. citizen employees.

## 823 RESPONSIBILITIES

### 823.1 Office of Personnel - is responsible for:

a. Assuring that a non-U.S. citizen is employed in a position covered by 821.1 of this section and only in the absence of available U.S. citizen candidates who are equally or better qualified than the non-citizen to perform the duties of the position.

b. Assuring that pre-employment processing, including approval of the Office of Security, of a non-U.S. citizen candidate is initiated only if the candidate's employment would be in accordance with the applicable regulations of the Departments of State and Labor and the Immigration and Naturalization Service.

c. Taking appropriate action when notified of change in visa or citizenship status of non-U.S. citizen employees.

d. Offering and determining the duration of appointments.

e. Notifying employees of renewal or non-renewal of appointments.

f. Initiating disciplinary action, as necessary.

g. Terminating appointments.

### 823.2 Non-U.S. Citizen Employees

a. Each non-U.S. citizen employee is responsible for immediately informing the Office of Personnel, of any change in visa or citizenship status.

b. Each non-U.S. citizen employee must consult with Personnel before undertaking any employment outside Broadcasting.

## 824 CONDITIONS OF EMPLOYMENT

### 824.1. Conditions applicable to all Non-U.S. Citizen Employees GG)

a. Annual and sick leave, holiday benefits, and premium pay will be accorded to non-U.S. citizen employees (GG appointees) in the same manner as GS employees.

b. Non-U.S. citizen employees are responsible for paying Federal and local taxes as required by law, including Federal, State, District of Columbia or local municipal taxes. Deductions are made from salaries when required by law or executive directive. All non-U.S. citizens on visas other than "J" and "F" will be subject to payroll deductions for Medicare coverage and Social Security taxes when applicable.

#### 824.2 Conditions Applicable to Excepted Appointments (GG)

a. Basic Compensation - The basic compensation of an excepted employee serving in a GG position is the pay rate of the corresponding GS grade and step. Excepted employees serving in GG positions are eligible for within-grade step increases, including Quality Increases.

b. Health Benefits and Life Insurance - A non-citizen employee serving in an excepted (GG) position on an appointment not limited to one year or less, or on an extension of such an appointment, is eligible for coverage under the Federal Employees Health Benefits Program and the Federal Employees Group Life Insurance Program unless the employee is serving on a non-full-time appointment with no pre-arranged work schedule.

#### c. Retirement Coverage:

(1) A non-citizen employee, who, before January 1, 1984, served on an excepted (GG) appointment not limited to one year or less, or on an extension of such an appointment, is covered by the Civil Service Retirement System (CSRS), and a seven percent contribution to the CSRS is withheld from the employee's basic pay. All but "J-1" and "F-1" visa holders also will be covered by Part A Medicare.

(2) A non-citizen employee holding a "J-1" or "F-1" visa who, at any time, served on an excepted (GG) appointment not limited to one year or less, or an extension of such an appointment, is covered by the CSRS and will pay seven percent of basic salary to the CSRS. Such employees are excluded from Medicare coverage. If such an employee initially was covered by CSRS on or after January 1, 1984, and later attains a change in visa status to other than "J-1" or "F-1", his or her coverage under CSRS will cease and will be converted to full Social Security and will contribute 1.3% of basic salary to the Federal Employees Retirement System (FERS).

(3) A non-citizen employee holding a visa other than "J-1" or "F-1", hired on or after January 1, 1984, and serving on an excepted (GG) appointment not limited to one year or less, or an extension of such an appointment, is covered by full Social Security and will also contribute 1.3% of basic salary to the Federal Employees Retirement System.

#### 825 EXCHANGE VISITOR PROGRAM G-1-120 (J-1 visa)

825.1 Authority and Reference - Under the authority of the U.S. Information and Educational Exchange Act of 1984, P.L. 80-402, as amended; the Mutual Educational and Cultural Exchange Act of 1961, P.L. 87-256, as amended; and the Immigration and Naturalization Act (66 Stat. 163), P.L. 414, as amended, the Exchange-Visitor Program G-1-120 (J-1 visa) has been

designated by Broadcasting to bring to the United States foreign nationals (and their spouses and dependent children) who are especially qualified to perform as foreign language broadcasters, translators, producers, writers, editors, and for training of foreign broadcasters. Barring special circumstances, such as previous history of Broadcasting employing a non-citizen in a temporary worker's or other non-immigrant visa category, all non-immigrant foreign national employees will be brought to the United States as alien employees of Broadcasting. (8 CFR 214.2 (j); 22 CFR 514.2 and 514.23.)

825.2 Request for Waiver of the Two-Year Home-Country Physical Presence Requirement - A request for a waiver of the two-year home-country physical presence requirement pursuant to Broadcasting's authority as an "interested United States Government Agency" may be submitted to Consular Affairs at the Department of State by the Office of Personnel.

#### 825.3 Criteria for Requests for Waiver

a. After receipt of a request for a waiver of the two-year home-country physical presence requirement, (as described above), GC shall consider the request, along with any other relevant information, and determine the following:

(1) whether the granting of a waiver would be in the public interest; and

(2) whether the exchange visitor's compliance with the two-year home-country physical presence requirement would be clearly detrimental to a program or activity of official interest to Broadcasting.

b. When a decision is made in favor of a request for a waiver of the two-year home-country physical presence requirement, GC will make a recommendation to the Waiver Review Office, Department of State, which will send its recommendation to the Immigration and Naturalization Service (INS). The INS has the final authority to issue a waiver.

#### OFFER OF LONG TERM EMPLOYMENT

825.4 Within the first two years of employment a determination will be made on whether to offer an employee long-term employment. The Office of Personnel will contact the Service Chief six months prior to the end of the first two years of an individual's employment to initiate the review and decision-making process.

In extraordinary cases, Division Chiefs may elect to initiate the review after one year. In the very rare and exceptional case in which a decision on long-term employment cannot be made within the first two years of employment (e.g., employee absent for a prolonged period of time), an employee may be given a new temporary appointment of up to one additional year during which the decision must be made. Such an appointment must be justified by the Division Chief in writing and must have the approval of the Program Director and the concurrence of the Director of Personnel.

The criteria upon which management will base the determination on whether to offer an employee long-term employment are:

Performance by the employee which demonstrates fully his or her fitness and qualifications for continued employment. Normally, such performance is characterized as excellent or as having the potential to perform in an excellent manner;

Conduct by the employee which is fully professional;

Personal and/or character traits (e.g., willingness to accept supervision and cooperate with others and attitude towards work), which warrant continued employment;

Suitability and security standards are fully met by the employee;

Needs of the service, which includes consideration of such factors as:

Availability of other candidates and their relative skill levels;

The benefits of hiring new employees who could be expected to enhance the currency of the language usage, provide fresh understanding of the cultural and political environment of the target area, and/or provide fresh programming ideas.

Programming and staffing needs and anticipated future changes (e.g., increase or decrease in staff levels; changes in types of skills needed) the ability of the employee to meet these needs.

Based on these criteria, the Service Chief will make a recommendation as to whether the employee should or should not be offered long-term employment (and therefore, sponsorship), and forward this recommendation to the Division Chief. The Division Chief will review the recommendation and forward it with his or her own written recommendation and cover sheet to the Visa Coordinator, Office of Personnel, who will forward it to the Director of the Voice of America.

The VOA Director shall determine, with the concurrence of the Director of Personnel, whether to offer an appointment without time limitation and sponsorship. Once a final determination is reached, the employee is notified in writing of the decision. If he/she is not offered an appointment without time limitation, the employee must be advised of his/her opportunity to have the decision reconsidered by the Director of VOA.

#### 825.5 Change in Visa Status

a. After (1) Broadcasting has determined that it is necessary and proper to retain the exchange visitor in its employ for an indeterminate period, a Labor Certification is requested and (2) a favorable recommendation for a waiver has been submitted to the INS, Broadcasting will then petition on behalf of the exchange visitor for the appropriate preference immigrant status. The Office of Personnel is designated to execute such petitions on behalf of Broadcasting.



b. Non-U.S. citizens, regardless of their visa status, are employed under a limited excepted (GG) appointment. Broadcasting's intervention to obtain a change in visa status in no way obligates Broadcasting to employ permanently any non-U.S. citizen.

## 826 ROTATIONAL ASSIGNMENT (VOICE OF AMERICA ONLY)

### 826.1 Purpose

a. In order to attract and maintain the optimum overseas audience, VOA must maintain current idiomatic language capability and understanding of the cultural environment of the target areas.

b. In support of the above, broadcasters for selected language services will be assigned to rotational positions within VOA for pre-determined periods in order to:

- (1) enhance the currency of the language service;
- (2) provide the service with fresh understanding of the cultural, social, and political environment of the target area, and
- (3) establish and maintain friendly, mutually beneficial relations with foreign countries and/or radio networks.

### 826.2 Designation of Rotational Positions

a. VOA Division Chiefs, as appropriate, may recommend to the VOA Program Director, a number of their International Radio Broadcasting (IRB) positions as "rotational," within the existing allotment.

(1) Division Chiefs will recommend designating individual positions as "rotational" as they are vacated.

(2) Positions designated as "rotational" will not be filled by individuals other than on time limited non-renewable appointments.

b. Because of situations which may handicap recruitment in certain overseas areas, rotational assignments will not be appropriate in all VOA language services.

c. "Rotational" positions will be reserved for individuals whose appointments to VOA as IRB's are time limited, with the mutual understanding that at the end of a pre-determined period (of between 13-36 months) their appointment will terminate without renewal.

d. The Office of Personnel will control positions identified by language services as "rotational."

e. In unusual cases, such as where recruitment sources are cut off, the interests of VOA may warrant re-designation of "rotational" positions. In such instances, the Division Chief will submit in writing justification for recommending removal of the "rotational" identifier from the position

to the Director of Personnel or designee. Personnel will make a recommendation to the VOA Program Director, whose decision will be final.

#### 826.3 Rotational Assignment - Recruitment

a. Rotational assignments to language service positions will be coordinated through overseas posts as part of agreements with:

- (1) foreign governments
- (2) foreign commercial networks
- (3) individuals

b. The Office of Personnel will work with the VOA Program area divisions in identifying adequate lead time to ensure a "pipeline" recruitment process which supplies a continual flow of candidates for "rotational" positions. Contracts signed in advance will be subject to the successful completion of the required security and medical clearances.

c. Personnel will coordinate all pre-appointment communication with candidates for "rotational" positions regarding conditions of their appointments at VOA. Personnel will secure written acceptance and understanding of the limited nature of the appointment from each candidate before the appointment is effected.

d. Candidates for "rotational" positions must pass the appropriate examinations for civil service employment administered under the auspices of Personnel by examiners and at test sites authorized by Personnel. The exams will be evaluated at VOA before an offer of employment may be made.

e. The Office of Personnel will coordinate with the language services appropriate orientation for individuals at VOA on rotation at least 30 days before their arrival.

#### 826.4 Rotational Assignment - Expiration of Appointment

a. The appointment of a broadcaster in a rotational position may be terminated based on performance, conduct, or needs of the service at any time during the appointment.

b. Approximately 90 days before expiration of a "rotational" appointment, Personnel will remind the incumbent in writing of the impending expiration of the appointment so that he/she may begin preparation for departure.

c. The appointments of employees in the "rotational" program will not be extended. Only in rare circumstances, when the Division Chief has certified in writing that the language service will be seriously impaired by the loss of the employee, will Personnel make a review of the case, and it may recommend to the Program Director that the employee be appointed to a vacant non-rotational position.

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PART V-A PERSONNEL (DOMESTIC), 800 SPECIAL CATEGORIES OF PERSONNEL  
Section 840

TEMPORARY EMPLOYMENT OF U.S. CITIZENS AS AUTHORIZED BY PUBLIC LAW 80-402,  
AS AMENDED

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Section 840

TEMPORARY EMPLOYMENT OF U.S. CITIZENS AS AUTHORIZED BY PUBLIC LAW 80-402,  
AS AMENDED

841 AUTHORITY -

a. Section 801(5), Public Law 80- 402 provides that Broadcasting may ". . . employ persons on a temporary basis without regard to the civil service and classification laws, when such employment is provided for by the pertinent Appropriation Act. . ."

b. Such temporary employment has been provided for in each appropriation act covering the information program since 1949. The amount appropriated for such employment is included in the yearly appropriation act. Thus, the maximum amount Broadcasting may spend collectively in any fiscal year for employment of U.S. citizens domestically and/or overseas on a temporary basis outside the normal Civil Service rules is governed by the appropriation act of the current fiscal year. This includes employment by contract or purchase order.

c. Section 804(1) of Public Law 80-402 provides the same authority for employment of non-U.S. citizens (aliens) without a monetary limitation.

842 DEFINITION - Temporary employment is defined as an appointment limited to a period not to exceed one year.

#### 843 POLICIES

a. Wherever possible, civil service and other established regular processes will be used to appoint persons to fill temporary as well as continuing positions in Broadcasting.

b. The special authority for temporary employment contained in P.L. 80-402 and Broadcasting's Appropriation Act will not be used to evade such established processes, but may be used to appoint persons on a temporary basis whenever the established processes do not meet the requirements of Broadcasting.

c. Broadcasting's authority for temporary employment is unlimited by its own terms with respect to functions that may be performed by appointees thereunder and with respect to circumstances under which appointments may be made. The authority is circumscribed only by the dollar limitation and the requirement that the employment be temporary.

d. In the interests of orderly administration, criteria for temporary employment under Broadcasting's authority are provided in the examples below.

(1) Employment of a person for a temporary period during which civil service eligibility is being established or civil service certification for appointment is being obtained. Such an appointment will not be made unless there is reasonable expectation that the person can establish civil service eligibility for appointment during the period of temporary employment. The person will be terminated if he/she fails to qualify during the period of temporary employment.

(2) Temporary employment of persons qualified to work on urgent projects when priority requirements do not provide sufficient time to follow

normal civil service procedures for appointment and regular full-time staff is not available for the work.

(3) Temporary employment of specialist or persons with unusual skills needed on an urgent basis to perform services on priority projects when their qualifications are too highly specialized or unique to be evaluated through normal civil service examinations and qualified regular full-time staff is not available for the work.

(4) Temporary employment of persons to staff short-term projects when persons available through normal civil service processes are not available for temporary employment.

(5) Other circumstances of urgent need and/or unavailability of qualified persons through normal processes, as determined by the Director.

e. No single appointment for any one individual will extend beyond one year.

f. Each specific instance involving use of this temporary employment authority must have the prior approval of the Director or designee.

844 PROCEDURES - In all cases in which it is proposed that this temporary employment authority be used, the following procedures will apply:

#### 844.1 Initial Appointment

a. The head of the organizational element proposing the temporary employment of an individual under this authority will submit to the Director, Office of Personnel a Standard Form 171 or other detailed biographic and qualifications data, together with a complete statement of proposed duties and a statement concerning the individual's specific qualifications for the position.

b. The Director, Office of Personnel will review the case in terms of the policies listed in paragraph 843 and determine if the need can be met through normal civil service processes, either by the use of such processes for the individual proposed, or in obtaining other qualified individuals.

c. If the Director, Office of Personnel determines that a qualified person is not available through established civil service processes, and that the proposed action is in accordance with the policies outlined above, he/she will forward the file to the Director or designee with a recommendation for approval.

d. If the Director, Office of Personnel finds that the policy criteria have not been met, he will recommend disapproval by the Director or designee.

e. Upon approval by the Director or designee, the file will be returned to the Director, Office of Personnel who will advise the requesting official and take steps to initiate necessary clearances and to process the appointment. The nature of action will be "Excepted Appointment

(Temporary NTE )", the authority will be "Section 801(5), Public Law 402, 80th Congress," and "(Limitation Funds)" will be entered in the appropriation block after the allotment number.

#### 844.2 Renewal of Appointment

a. More than one temporary appointment for the same person may be approved by the Director or designee, but if the aggregate of such appointments totals more than one year of service, each additional temporary appointment will be reviewed by the Director or designee to determine the necessity for such continued employment.

b. The head of an Office proposing to retain the services of a person employed under this temporary authority beyond one year will submit a justification for the continued employment to the Director of Personnel. The justification must demonstrate clearly the necessity for retaining the employee, must certify that the work to be performed is not of a continuing character and must set a definite time limit, which in no case will exceed one year, during which the temporary work assignment will be completed. The request and justification must be submitted sufficiently in advance of the proposed effective date of the appointment to allow time for consideration of the request and processing of the appointment (if approved) prior to the proposed effective date. The Director, Office of Personnel will review the request and justification in terms of the policies and requirements of this section and submit the request and justification with his or her recommendations to the Director or designee. Upon approval or disapproval by the Director or designee, the Office of Personnel will notify the head of the Office of the decision and process any appointment which is approved.

c. Employment of the same person under a series of temporary appointment which will aggregate more than two years of service will not be approved except in the most exceptional circumstances. Any temporary appointment that will continue the employment of a person for more than two years must have the personal prior approval of the Director.

#### 845 CLASSIFICATION AND COMPENSATION

##### 845.1 General Classification Plan

a. Positions to be filled through use of this authority for temporary employment are not subject to the Classification Act of 1949, as amended, and are allocated to an exempted schedule (GG) and are assigned grade levels patterned after those for Classification-Act positions ,GS-1 through GS-15.

b. Substantially the same standards and guides are used in allocating positions to grade levels in the exempted schedule as are used for Classification-Act positions.

c. Job descriptions are required by Broadcasting for administrative purposes and will be prepared and submitted as for other positions.

##### 845.2 Rates of Pay

- a. Basic Rates of Compensation are the same as those for comparable grades in the general schedule.
- b. Determining Rates of Pay - In general, the rules for determining rates of pay are substantially the same as those for Classification-Act employees (MOA V-A-230).
- c. Within-Grade Increases are not provided by law, but the exempted schedule provides for successive steps within an exempted schedule grade, and within-grade increases may be given, in the same manner as within - grade increases are given to other employees, to persons appointed under this authority who attain eligibility for such increases (MOA V-A-235).
- d. Additional Compensation - Employees appointed under this authority are eligible for overtime, night and holiday pay under the same terms and conditions as other employees (MOA V-A-240).
- e. General Compensation Restrictions - Employees appointed under this authority are subject to the same general compensation restrictions as other employees (MOA V-A-250).

#### 846 CONDITIONS OF SERVICE

- a. In general, persons appointed under this authority serve under the same terms and conditions as other temporary employees of Broadcasting.
- b. They may not be detailed nor permanently transferred or assigned to the work of a position in the competitive service.
- c. They are subject to the performance-rating plan of Broadcasting. (MOA V-A-450).
- d. They are not eligible for Federal Employees Group Life Insurance unless they were appointed without a break in service or after a separation of three days or less, following service in which they were insured (MOA V-A-501).
- e. They are not covered by the Civil Service Retirement Act unless they retain eligibility for coverage by reason of continuous previous service under the Act (MOA V-A-502).
- f. They are covered by Social Security (FICA) unless they are under Civil Service Retirement (MOA V-A-503).
- g. They may be eligible for unemployment compensation benefits if other terms and conditions are met (MOA V-A-504).
- h. They are covered by the Federal Employees Compensation Act (MOA V-A-505).
- i. They are not eligible for Federal Employees Health Benefits unless they were appointed without a break in service or after a separation of

three days or less following service in which they were enrolled under the Health Benefits Program (MOA V-A-507).

j. They are subject to rules of conduct (MOA V-A-550).

k. In general, the rules and procedures on discipline apply (MOA V-A-560).

#### 847 HOURS OF DUTY AND LEAVE

a. Temporary appointees under this authority ordinarily will be given a regular tour of duty (full-or-part time) in accordance with the rules and conditions described in MOA V-A-600.

b. Temporary appointees with a regular tour of duty are eligible for annual, sick and other leave benefits described in MOA V-A-600.

#### 848 SEPARATION

a. In general, a temporary employee under this authority may be terminated at any time at the discretion of Broadcasting.

b. The termination of a temporary employee under this authority, upon the expiration of his/her appointment, will be documented on a Notification of Personnel Action, Form SF-50.

c. Upon receipt of notice of the separation or resignation of an employee, or upon expiration of the temporary appointment, the Office of Personnel will take necessary action to complete the separation and issue the Notification of Personnel Action, Form SF-50.

849 RECORDS AND REPORTS - An official personnel folder will be established for each appointee and will include a completed resume or Application for Federal Employment; an OF-8, Position Description, or similar document; an SF-61, Oath of Office; and a copy of each Form SF-50, Notification of Personnel Action, issued. Other personnel records and files will be maintained as for other employees.



**Title:** V-A BAM 848 Phased Retirement Policy

**Policy Tracking #:** OHR-15-01

**Effective Dates:** March 4, 2015

**Originating Office:** Office of Human Resources, x7502

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**(a) PURPOSE:**

(1) Phased Retirement is a human resources tool that allows many retirement-eligible full-time employees to work part-time schedules while beginning to draw retirement benefits. This new tool will enable the Agency to provide unique opportunities to employees while increasing access to the decades of institutional knowledge and experience that they can provide.

(2) Phased Retirement provides benefits to both participating employees and the Agency. It allows an employee who already meets specific age and service requirements to work 50 percent of the time (part-time), and receive 50 percent of his or her annuity while so employed as a precursor to full retirement.

(3) Phased Retirement encourages and promotes the transfer of knowledge and skills from one employee to other staff members through the mentoring or training of the employee(s) who will be filling the positions or taking on the duties of more experienced retiring employee(s) or other learning activities that would allow for the transfer of knowledge and skills from one employee to others.

**(b) AUTHORITY & SCOPE:**

(1) Authority.

(i) [5 U.S.C. 8336a](#);

(ii) [5 U.S.C. 8412a](#);

(iii) [Pub. L. 112-141, Section 100121](#); and

(iv) [5 C.F.R. Part 848](#).

(2) Scope. This phased retirement policy applies to all offices of the Federal Government supervised by the Broadcasting Board of Governors (collectively, “the Agency”).

**(c) POLICY:**

(1) Eligibility to participate in phased retirement.

(i) Phased retirement is not an employee entitlement. Agency interests must be served to warrant the Agency’s approval of an application. The Agency has the discretion to approve some, all, or none of the phased retirement applications received from

employees. Entry into phased retirement is strictly voluntary on the part of the employee and it requires mutual agreement between the employee and the Agency.

(ii) Only individuals covered under the Civil Service Retirement System (CSRS) and the Federal Employees Retirement System (FERS) are eligible for participation in phased retirement. Individuals covered by a Foreign Service retirement system (FSRDS or FSPS) and are not authorized to participate.

(iii) An individual must have been employed on a full-time basis for not less than the 3-year period preceding the effective date of his or her entry into phased retirement status. Eligibility for phased retirement differs for those employees who are covered under the Civil Service Retirement System (CSRS) and those under the Federal Employees Retirement System (FERS), as follows:

(A) CSRS employees must have at least 30 years of service and have attained at least age 55 or have at least 20 years of service and have attained at least age 60.

(B) FERS employees must have at least 30 years of service and have attained at least their Minimum Retirement Age (MRA), between ages 55-57, or have at least 20 years of service and have attained at least age 60.

(iv) Employees excluded from phased retirement include employees who qualify for retirement under special retirement provisions, e.g., law enforcement officers and firefighters, as specified in [5 CFR § 831.1711](#).

(v) Members of the Senior Executive Service who otherwise meet the criteria can be considered eligible for participation unless otherwise excluded.

(vi) The Agency may restrict the positions, grades, and/or geographic areas in which employees are eligible for participation in phased retirement.

## (2) Time Limitation.

(i) The Agency requires that a specific termination date, not-to-exceed one year from the effective date, be established before it will approve a phased retirement application. An employee may be approved for another period of phased retirement only if prior to the initial termination date, the phased retiree reapplies and obtains a new approval under the same procedures in place for initial approvals. Applications for new approvals should be submitted no later than 30 calendar days prior to the existing termination date. An approval following an initial approval also will contain a termination date not-to-exceed one year from its effective date.

(ii) If a phased retirement reaches its termination date and has not been replaced by a new approval, the employee's phased retirement terminates and he or she is automatically converted to full retirement.

(iii) The total amount of time an employee may serve in phased retirement normally will not exceed two years. Any exceptions must be approved by the Chief Executive

Officer/Agency Director in consultation with the Director of OHR and head of the organization involved.

(3) Work Schedule.

(i) Phased retirees must have an established part-time work schedule and may not work on an intermittent basis. The schedule need not have the same number of hours per week within a given pay period (consistent with Agency flexible or compressed work schedules), but the schedule for each biweekly pay period must be half-time, i.e. 40 hours. A phased retiree may participate in the Agency's flexible or compressed work schedule program on the same basis as any other part-time employee.

(ii) A phased retiree may not be assigned work hours in excess of his or her fixed part-time work schedule except under the very limited circumstances described in OPM regulations. For further guidance contact Office of Human Resources (OHR). Any such assignments must be approved in advance, by the head of the office involved in consultation with the Director of OHR, i.e., the Directors of the Voice of America, the Office of Cuba Broadcasting, the Director of the Office of Technology Services and Innovation, or the Chief Executive Officer/Agency Director for offices within the IBB.

(iii) If a phased retiree works an approved flexible work schedule that permits him or her to earn credit hours, those credit hours may be applied to another workday, workweek, or biweekly pay period. Phased retirees are limited to 40 hours of work in each biweekly pay period, except under very limited circumstances. Therefore, any credit hours resulting from work in excess of 40 hours would have to be applied to a future pay period.

(iv) Phased retirees ordinarily will work only the basic hours in their established part-time schedule and thus will not be performing overtime work. However, in the rare case that a phased retiree works in excess of 40 hours per week or 8 hours per day, he or she will be eligible to receive compensatory time off or overtime under the same provisions applicable to other part-time employees and in accordance with law.

(4) Mentoring.

(i) At least 20 percent of a phased retiree's working hours must be expended in mentoring activities.

(ii) Determinations as to which employees receive training, mentoring, or similar learning benefits from a participant in phased retirement must be made in accordance with the principles of equal employment opportunity and any requirements for competition when:

(A) the training would convey a competitive advantage to the employees involved; and

(B) not all interested employees can be given the opportunity to benefit.

For example, if the phased retiree's duties are at a higher grade level than some or all of the employees involved, the opportunity must be competed in accordance with applicable merit promotion policies and procedures.

(iii) The following priorities should be used in considering which employees are mentored or trained by a phased retiree:

- (A) Improve individual performance in current job activities;
- (B) Prepare individuals for immediate Agency needs; and
- (C) Prepare individuals for long-range Agency needs.

Within the context of these priorities, mentoring/training/learning decisions are made on the basis of:

- (A) Relative degree of need for performance in current position;
- (B) Relative potential for advancement;
- (C) Likelihood that the applicant's knowledge, skill, performance, or attitude will be improved by training;
- (D) Ability of the employee to pass on to others what is learned through the training;
- (E) Length of time the organization expects to benefit from employee's new learning;
- (F) Previous opportunities to take advantage of training; and
- (G) Employee's interest and efforts in improving self through training.

(2) Pay and Benefits During Phased Retirement.

(i) Salary and Annuity. An employee electing phased retirement continues to work as an employee of the Federal Government but under a part-time work schedule. At the same time, the employee receives annuity benefit equal to a fraction of the annuity that would have been paid had the employee fully retired. Currently, this means employees will be receiving half of their pay and approximately half of their annuity, because the only working percentage allowable by regulation is 50%.

The example below is for a CSRS employee with 35 years and 9 months of service. CSRS Phased Retirement Income		
	Annual	Monthly
Current Salary \$68,275 x 50%	\$34,137	\$2,844.75
Current Annual Annuity \$45,296.30 x 50%	\$22,648	\$1,877.00
Total Employee Income in Phased Retirement	\$56,785	\$4,731.75



The example below is for a FERS employee with 35 years and 9 months of service. FERS Phased Retirement Income		
	Annual	Monthly
Current Annual Salary \$68,275 X 50%	\$34,137	\$2,844.75
Current Annual Annuity \$23,868 X 50%	\$11,934	\$ 994.50
Total Employee Income in Phased Retirement	\$46,071	\$3,838.75

(ii) Pay. Employees who elect phased retirement continue to work at the currently available working percentage of 50 percent of a full-time work schedule, and their gross pay per pay period will reduce by half. Gross pay from the Agency continues to be subject to the employee's withholdings such as FEHB, FEGLI, FEDVIP, FLTCIP, TSP, Medicare tax, Federal tax, State tax, Civil Service Retirement System (CSRS) deductions, Federal Employees Retirement System (FERS) deductions, etc. The FEHB and FEGLI premiums are the same amount that is withheld from an employee working a full-time work schedule.

(iii) Holiday Pay. A phased retiree is treated as a part-time employee for the purposes of holiday pay. A part-time employee is entitled to a paid holiday when the holiday falls on a day when he or she would otherwise be required to work or take leave. If a holiday falls on a non-workday, a part-time employee is not entitled to an "in lieu of" holiday.

(iv) Federal Employees Health Benefits (FEHB) and Federal Employees Group Life Insurance (FEGLI). For FEHB and FEGLI purposes, an employee in phased retirement status is treated the same as when he or she was working full-time. This means that an employee in phased retirement status will pay the employee share of the FEHB premium as if he or she were a full-time employee, not a part-time employee. If an employee in phased retirement status dies in service, the Basic insurance amount would be their full-time salary rate and, if elected, the Additional Optional life insurance would be a multiple of his or her full-time salary rate.

(v) Leave. An employee in phased retirement status will accrue annual and sick leave in the same manner as other part-time employees. All employees in phased retirement status will have at least 20 years of service and therefore will be accruing leave at the rate of 1 hour of annual leave for each 10 hours in a pay status and 1 hour of sick leave for each 20 hours in a pay status. An employee in phased retirement status with a 50% working percentage who works 40 hours per pay period will earn 4 hours of annual leave and 2 hours of sick leave per pay period.

(vi) Thrift Savings Plan. An employee in phased retirement status will also be able to continue to contribute to the Thrift Savings Plan as an employee. Withdrawal options from the Thrift Savings Plan for separated employees will not be available to the

employee during phased retirement status because the employee has not separated from Federal service.

(vii) FERS Annuity Supplement. A FERS Employee in Phased Retirement Status is not eligible for the FERS Annuity Supplement. If applicable, the FERS Annuity Supplement may be paid after an employee in phased retirement status fully retires and begins receiving a composite annuity.

(viii) Employment Status.

(A) Employees in phased retirement status are permanent employees on a part-time work schedule who are also paid an annuity. They do not separate from federal employment in order to participate in phased retirement. They are career federal employees with the same rights as other employees.

(B) Reemployed annuitants are individuals who have separated from federal service for retirement who subsequently return to Federal employment. They continue to receive their full annuity benefit during their reemployment but their salary is offset by the amount of annuity attributable to the period of reemployment. Reemployed annuitants serve at the will of the agency and can be separated from employment at any time.

(ix) Buyout. An employee leaving phased retirement to separate and enter full retirement may be eligible for a VSIP consistent with the agency's VSIP authority and any eligibility criteria in 5 U.S.C. Chapter 35, subchapter II, and 5 CFR part 576.

(x) Voluntary Early Retirement. An employee who accepts an offer of voluntary early retirement is not eligible for phased retirement.

(xi) Disability. An employee in phased retirement status cannot retire on disability. If an employee in phased retirement becomes disabled and would like to retire on disability, the employee would need to request to return to full-time status and then apply for disability retirement.

(3) Phased Retiree Positions and Supplemental Staffing. The Agency cannot back fill a position occupied by an employee participating in phased retirement on a full-time basis because the phased retiree would continue to encumber the current position until fully retired. The Agency could, however, fill the position on a part-time basis so that the total time of both employees equals 80 hours per pay period, or, if funding allows, establish an additional position with a Full-time or Part-Time work schedule.

**(d) PROCEDURES AND PRIMARY RESPONSIBILITIES:**

**(1) Approval Process.**

(i) Before submitting an application to participate in the program, employees should also discuss their interest with their supervisor and explore how their phased retirement might serve the organization's interest and what specific responsibilities would be assigned.

(ii) Interested employees should also contact the OHR Benefits section to discuss the rules and benefits of phased retirement and obtain annuity estimates.

(iii) Requests to participate in phased retirement will be evaluated based on the extent to which they serve the Agency's ability to ensure the continuity of Agency operations, preserve important institutional information through mentoring and/or training replacement staff or other learning activities that would allow for the transfer of knowledge and skills from one employee to others during a transition period.

(iv) See Attachment A for an application form, which can also be obtained from OHR.

(v) Applications must be addressed and submitted directly by the employee to the OHR Director and state:

(A) The specific functions and duties to be performed and organizational objectives to be achieved during the requested period of phased retirement; and

(B) The proposed beginning and termination dates of the requested period of phased retirement.

(vi) Applications should also include a completed [Phased Employment/Phased Retirement Status Election Form SF-3116](#).

(vii) Applications will be forwarded by OHR to the employee's immediate supervisor for his/her written recommendation as to whether or not the application should be approved. The recommendation must certify that at least 20 percent of a phased retiree's working hours will be expended in mentoring, training, or other learning activities that promote the transfer of knowledge and skills from one employee to other staff members and address the following criteria that will be used to evaluate applications:

(A) Importance of the functions to be performed by the employee to the organization's and Agency's mission;

(B) Importance to the organization of providing a transition period, including impact of not having a period of transition and why such a transition period is the best available means of avoiding such an adverse impact;

(C) Ability of the organization to accommodate having the individual work on a half-time rather than full-time basis, e.g., will the employee's change in work schedule affect the work unit's ability to meet goals and objectives, can the necessary work be accomplished in 20 hours a week, will operational needs require the employee to work in excess of a 50% work schedule, and can another employee or new hire assume the work?

(D) Employee's willingness and ability to meet the requirements of the responsibilities to be performed as demonstrated by his or her:

(1) demonstrated level of expertise in those functions, including a record of fully successful or better performance in carrying out the functions;

(2) demonstrated conduct and effectiveness in developing and maintaining productive relations with other staff members; and

(3) demonstrated interpersonal and communication skills and other ability needed to transfer their knowledge to others in the form of documentation, briefings, mentoring, training, or other learning activities.

(viii) If a supervisor recommends approval of a phased retirement application, he or she must include, on a separate document to be shared with the employee, a specific description of the organizational objectives to be achieved and the functions and responsibilities to be performed during the period of phased retirement including the person(s) to be trained or mentored or otherwise be recipients of the knowledge being transferred, any proposal to place someone else in the phased retiree's position during the transition, how the supervisor will measure whether objectives are being achieved, and the supervisor's recommended beginning and termination dates of the period of phased retirement. OHR will provide guidance to the supervisor in determining which employees will be mentored, trained, or otherwise be recipients of the knowledge being transferred to ensure consistency with EEO and competitive requirements noted above.

(ix) The immediate supervisor will forward her or his recommendation to the employee's second-level supervisor, who must review the application and state the extent to which he or she agrees with the immediate supervisor's recommendation and include any other relevant comments.

(x) Applications must be recommended for approval or disapproval, in consultation with the OHR Director, by the head of the organization involved, i.e. the Director of the Voice of America, the Director of the Office of Cuba Broadcasting, the Director of the Office of Technology Services and Innovation, or the Chief Executive Officer/Agency Director for other Agency offices within IBB.

(xi) If more applications are received than the Agency can support, the Agency will pursue approval for those that best meet the criteria stated above as determined by the Chief Executive Officer/Agency Director.



(xii) Once approved, the employee and the Agency will sign a written phased retirement agreement containing all the relevant elements discussed above.

(xiii) The Agency will submit Phased Retirement Election forms of employees it supports for participation in the program to the Office of Personnel Management (OPM) along with their Retirement Application forms. Employees will be notified as soon as possible of the Agency's and OPM's decision.

(2) Evaluation of Program. Supervisors will review the benefits of phased retirement agreements using the evaluation criteria stated above at the end of each year to determine whether the agreement is benefiting the organization and Agency. The Supervisor will provide a copy of the evaluation and the recommendation as to whether another agreement should be approved to the employee's second-level supervisor for his or her concurrence. A copy of the evaluation will be forwarded to OHR to assist the Agency in determining whether to approve another agreement and in its evaluation of the overall phased retirement program.

(3) Termination of Participation.

(i) Participating employees may terminate their participation in phased retirement at any time. Absent other action, and employee's election to terminate participation in phased retirement will result in the employee being automatically converted to full retirement. However, at the employee's request, with the concurrence of the head of the organization involved in consultation with the OHR Director, i.e. the Director of the Voice of America, the Director of the Office of Cuba Broadcasting, the Director of the Office of Technology Services and Innovation, or the Chief Executive Officer/Agency Director for other Agency offices within IBB, such an employee may be returned to full-time employment (non-retiree) status. Employees may request termination of their participation in the program by submitting Part 2 of the [Phased Employment/Phased Retirement Status Election Form SF-3116](#) to the OHR Director.

(ii) When the termination date of an employee's participation in phased retirement is reached, one of the following four actions will occur. The employee will:

(A) Enter full retirement (This will happen automatically unless one of the actions described in items B, C, or D, below, occurs.);

(B) Return to regular full-time employment with the prior approval of the Agency;

(C) Transfer to another agency as a phased retiree or return to regular employment upon transfer within three days of the expiration date, subject to the gaining agency's approval; or

(D) Enter into a new phased retirement agreement, with a new termination date, with the Agency prior to the expiration date of the current agreement.

(4) Appeals. A decision not to approve an employee's participation in Phased Retirement or to deny an employee's request to return to regular employment is not an appealable adverse action under 5 U.S.C. Chapter 75.

**(e) DEFINITIONS:**

(1) Phased retiree means a retirement-eligible employee who:

- (i) With the concurrence of Agency officials, enters phased retirement status; and
- (ii) Has not entered full retirement status.

(2) Phased employment means the less-than-full-time employment of a phased retiree.

(3) Phased retirement status means that a phased retiree is concurrently employed in phased employment and eligible to receive a phased retirement annuity.

(4) Phased retirement period means the period beginning on the date on which an individual becomes entitled to receive a phased retirement annuity and ending on the date on which the individual dies or separates from phased employment.

**(f) EFFECTIVE DATE AND APPROVAL:**

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MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART V-A PERSONNEL (DOMESTIC), 800 SPECIAL CATEGORIES OF PERSONNEL  
Section 850

RESTRICTIONS ON EMPLOYMENT OF RELATIVES

851 General Policy

852 Definitions

853 Exceptions

854 Relatives Assigned to the Same Office

855 Contracting for Relative's Services

Section 850

RESTRICTIONS ON EMPLOYMENT OF RELATIVES

851 GENERAL POLICY

In order to prevent either the fact or appearance of nepotism that might assist the employment or further the career of any individual related to an Broadcasting employee or official on detail to Broadcasting who is categorized as a "public official", no such public official may appoint, or advocate the appointment, employment, promotion or advancement of his or her relatives.

852 DEFINITIONS

- a. "Public official" for the purpose of this section, is anyone employed by Broadcasting, under any type of appointment, who by law, rule, regulation or delegation has appointment or promotion authority within his or her organization, or authority to recommend employees for appointment or promotion. Thus, any supervisor,

regardless of grade level, who has authority to appoint or promote, or to recommend the appointment or promotion of employees under his or her supervision, is a public official. Similarly, a personnel or placement officer who has authority to appoint or promote or to recommend the appointment or promotion of employees is a public official.

- b. "Relative" means father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister.
- c. "Advocate" for the purpose of this section means a referral to a subordinate of a relative for employment or advancement consideration. A referral for consideration, in this context, is any action, even though short of an actual recommendation, that reveals an interest in securing or facilitating a person's consideration for appointment, employment, promotion or advancement. Examples of referrals for consideration are the transmittal of an application to a personnel or line official, providing a letter of introduction to an appointing official, or the like.

#### 853 EXCEPTIONS

- a. A relative of a public official employee who is a candidate for appointment to the Career Foreign Service through the competitive examination process may be excepted from this policy. Under such circumstances, a public official may properly reply to a written or oral employment inquiry about the qualifications and suitability of a relative, provided the employee refrains from advocating employment of the relative.
- b. A relative who is a preference eligible if (1) his or her name is within reach for selection from an appropriate certificate of eligibles and (2) an alternative selection cannot be made from the certificate without passing him or her over and selecting a person who is not a preference eligible. Under such circumstances, a public official may properly reply to a written or oral employment inquiry about the qualifications and suitability of a relative who has applied for employment in Broadcasting, provided the employee refrains from advocating employment of the relative.

#### 854 RELATIVES ASSIGNED TO THE SAME OFFICE

When relatives are assigned to the same office, one member of a family may not exercise immediate supervision over another member of the family, nor serve as a rating or reviewing officer on the performance evaluation of a relative, nor have a working relationship which gives the appearance of direction and control over the work or career of a relative.

#### 855 CONTRACTING FOR RELATIVE'S SERVICES

Except in very unusual circumstances it is Broadcasting policy to prohibit contracting with relatives of Broadcasting employees. However, relatives of Broadcasting employees who have unique qualifications, such as proficiency in a language may serve as purchase order vendors in those unique specialties when there is no other source for the service and they have been approved in writing by the Broadcasting Procurement Executive.

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PART V-A PERSONNEL (DOMESTIC), 800 SPECIAL CATEGORIES OF PERSONNEL  
Section 860

MOTOR VEHICLE OPERATORS

861 Regulations and Procedures  
861.1 U.S. Government Regulations and Authorities  
861.2 Procedures

862 Responsibilities of the Office of Personnel  
862.1 Physical Fitness  
862.2 Adverse Actions

863 Delegation of Authority to Transmitting Station Managers

Section 860

MOTOR VEHICLE OPERATORS

861 REGULATIONS AND PROCEDURES

861.1 U.S. Government Regulations and Authorities - As required by the Federal Property and Administrative Services Act of 1949. The purpose of these regulations and procedures is to ensure safe operation of Government-owned motor vehicles for official purposes.

861.2 Procedures - Administrative rules and procedures on motor vehicle operations including issuance, renewal, and revocation of U.S. Government Motor Vehicle Operator's Identification Card (Standard Form 46) are published in MOA IV-750. Except as stated in paragraph 862, the Office of Administration will issue, renew, and revoke SF-46s.

862 RESPONSIBILITIES OF THE OFFICE OF PERSONNEL

#### 862.1 Physical Fitness

a. Personnel is responsible for scheduling medical examinations for candidates being processed for employment as motor vehicle operators, for employees proposed for promotion or reassignment to motor vehicle operator positions, and, upon request by the Office of Administration for employees who are being considered for assignment to operator positions.

b. Personnel is responsible for reviewing the Physical Fitness Inquiry for Motor Vehicle Operators (Standard Form 47) completed by candidates for incidental operator positions and employees whose SF-46s are being renewed.

(1) If the completed SF-47 contains no "yes" answers, Personnel approves the candidate's or employee's physical fitness and informs the Office of Administration.

(2) If the completed SF-47 contains any "yes" answers, Personnel arranges for a medical examination. If the examination is conducted by a private physician, Personnel forwards the report to the Department of State Medical Service or the Public Health Service, as appropriate, and advises the Office of Administration of the medical finding.

862.2 Adverse Action - Personnel is responsible for taking adverse actions when warranted in accordance with the provisions of Section 930.118 of the Office of Personnel Management regulations. Adverse actions will be carried out in accordance with rules in MOA V-A 560. However, when warranted by the facts in a particular case, Personnel may determine that reassignment, disability retirement, or some other non-disciplinary action is appropriate, rather than an adverse action.

863 DELEGATION OF AUTHORITY TO TRANSMITTING STATION MANAGERS - At Broadcasting establishments in the United States the responsibilities of Personnel described in paragraph 862.1 above are delegated to the Transmitting Station Manager subject to notification of the Office of Administration of the actions taken.



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PART V-A PERSONNEL (DOMESTIC), 800 SPECIAL CATEGORIES OF PERSONNEL

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PART V-A PERSONNEL (DOMESTIC), 900 PERSONNEL RECORDS, FILES AND REPORTS  
Section 910

RESPONSIBILITIES, POLICIES, AND PROCEDURES

911 Purpose and Coverage

912 Responsibilities

- 912.1 The Office of Personnel
- 912.2 The Office of Security
- 912.3 The Financial Office

913 Contents of Official Personnel Folders (OPF) and Employee Performance Files (EPF)

914 Access to Official Personnel Folders and Employee Performance Files

- 914.1 Persons Authorized Access to Official Personnel Folders - Without The Consent of the Employee
- 914.2 Persons Authorized Access to Employee Performance Files - Without the Consent of the Employee
- 914.3 Persons Authorized Access to Official Personnel Folders and Employee Performance Files - With Written Consent of the Employee
- 914.4 Access By The Individual Employee

915 Requests for Information from Personnel Records

916 Materials Submitted by Employees For Their Official Personnel Folders

917 Disposition of Records

918 Maintenance of Non-Official Personnel Records

SECTION 910

## RESPONSIBILITIES, POLICIES AND PROCEDURES

### ?911 PURPOSE AND COVERAGE

The following instructions supplement regulations published in 5 CFR 293 by assigning responsibilities within Broadcasting and prescribing Broadcasting policies and procedures on access to personnel files by managers, supervisors, employers of other federal agencies, and the general public. These instructions apply to files, records and reports on General Schedule, Wage System, and GG personnel, and Senior Executive Service personnel. Instructions applicable to overseas Foreign Service personnel are contained in MOA V-B 900.

### 912 RESPONSIBILITIES

912.1 The Office of Personnel is responsible for all personnel records, reports, and files, with the exception of those listed in 912.2 and 912.3 below.

912.2 The Office of Security is responsible for maintaining files of investigative reports and all other reports dealing with personnel security and physical security.

912.3 The Financial Office is responsible for leave, retirement, health benefits, and group life insurance records.

913 Contents of Official Personnel Folders (OPF) and Employee Performance Files (EPF) - In accordance with 5 CFR 293, Broadcasting maintains two employee files - the Official Personnel Folder and Employee Performance File.

- a. The Official Personnel Folder is considered the official permanent Government folder. The OPF will contain such documents as the SF-50, Notification of Personnel Action regarding appointments, reassignments, and adverse actions; health benefits and life insurance forms and beneficiary designations; training records; awards; and official travel orders and amendments thereto.
- b. The Employee Performance File is generally a non-permanent record containing Performance Appraisal Reports, and other performance related documents. In addition to the copies maintained in the OPF, copies of records of training and awards will be included in the EPF for merit promotion purposes.
- c. The EPF contains Performance Appraisals for non-SES employees for the most recent three years including the performance plans (requirements and standards) on which they were based. A non-SES employee's Performance Appraisal and supporting documentation pertaining to a recommendation for reduction in grade or removal from employment that is based on unacceptable performance but not effected due to improved performance, will be removed from the EPF after one year of acceptable performance. At least one Performance Appraisal of acceptable performance (See MOA V-A 440 and 450 for

definition of acceptable performance) should be in the EPF to document the improved performance.

- d. For SES employees, the EPF contains Performance Appraisals for the most recent five years unless a break in service of more than 30 days occurs.
- e. Action to remove or reduce in grade based on performance is maintained in a separate file and is part of OPM/GOVT.-3, Privacy Act System of Records. However, copies of this material may also be maintained in the EPF.

914 ACCESS TO OFFICIAL PERSONNEL FOLDERS AND EMPLOYEE PERFORMANCE FILES - It is Broadcasting's responsibility to hold the contents of personnel records and files in confidence in accordance with OPM's Privacy Act regulations and to release Official Personnel Folders (OPF) and Employee Performance Files (EPF) or information therein only to the parties, and under the restrictions, set-out below. All persons are required to sign the Access Disclosure Sheet attached to the inside cover of each Official Personnel Folder and Employee Performance File when granted access to those files for any reason, except that employees of the Office of Civil Rights, and the Office of Personnel are not required to sign the Access Disclosure Sheet.

The Official Personnel Folder and Employee Performance File are systems of records as defined by the Privacy Act, and are subject to that Act, and OPM, and Broadcasting regulations implementing the Act. They are part of OPM's Government-wide Privacy Act system of records, "OPM/GOVT.-1, General Personnel Records" and "OPM/GOVT.-2, Employee Performance File System Records."

914.1 Persons Authorized Access to Official Personnel Folders - Without the Consent of the Employee

- a. Director of Broadcasting
- b. Chief of Staff, BBG
- c. Staff members of the Office of Personnel, who work with the files.
- d. Employee's immediate supervisor or higher level supervisors in the chain of command through the element head, but only for such management determinations as may be necessary to carry out legitimate personnel management functions; Selecting Officials in the merit promotion process.
- e. Executive or Administrative Officers, in carrying out required administrative functions but limited to records of employees assigned to their areas of responsibility, and provided the disclosures are made in the presence of a personnel officer or personnel assistant.
- f. Attorneys in the Office of the General Counsel (GC); investigative agents of the Office of Security or other federal agencies;

Director, Office of Civil Rights and authorized EEO investigators (not EEO Officers) (OIG) for special inspections approved in writing by the Director or Director of Administration; all of the above as required in the performance of official duties or for specific cases assigned.

- g. Members of the Board of Examiners of the Foreign Service (BEX), but only for those officers applying for entry in the Foreign Service; members of the Foreign Service Grievance Board for those cases referred for action.
- h. Medical officers in the Office of the Deputy Assistant Secretary for Medical Services, Department of State, but limited to "medical records," if any, in the individual's file.
- i. Persons designated by court order or as required by law, but only after consultation with, and approval by the Office of General Counsel.
- j. Such other individuals who may from time to time demonstrate a "need-to-know" as determined by the Director, Office of Personnel and providing the disclosure is in the presence of a personnel officer or personnel assistant.

#### 914.2 Persons Authorized Access to Employee Performance File - Without the Consent of the Employee

- a. Persons authorized access to Official Personnel Folders listed in para. 914.1 except "h."
- b. Members of the Performance Review Board and Executive Resources Board.

#### 914.3 Persons Authorized Access to Official Personnel Folders and Employee Performance Files - With Written Consent of the Employee

- a. EEO officers (excluding investigators) and EEO Counselors, in the presence of a personnel officer or personnel assistant.
- b. Representative(s) of the employee or former employee, or to any other person who has notarized written consent, and the disclosure is made in the presence of a personnel officer or personnel assistant.

#### 914.4 Access by the Individual Employee

- a. Providing the disclosures are made in the presence of a personnel officer or personnel assistant, an employee may have unrestricted access to his or her Official Personnel Folder or Employee Performance File. Employees have a responsibility to ensure that their official personnel records are complete and up-to-date. To this end, employees are encouraged to examine their official personnel records at least once a year.

- b. The employee may not checkout his or her personnel file from the appropriate personnel office file room, nor may the employee remove materials from the file. Any employee requesting access to his or her file, requesting copies of documents therein, or requesting that documents be added or removed from the file, must make such requests through the personnel office. All employee access to individual files must be in the presence of a personnel officer or personnel assistant.

915 REQUESTS FOR INFORMATION FROM PERSONNEL RECORDS - Information from an employee's personnel records may not be disclosed to persons other than authorized federal officials without the employee's consent, except that:

- a. Certain facts concerning employment may be given to prospective employers, credit establishments and local or state taxing authorities, when the request is made in writing or in person with proper identification, for legitimate reference checks or confirmation of employment. Information concerning an employee's present and past grade and annual salary (including performance awards or bonuses, incentive awards, meritorious or Distinguished Executive Ranks and allowances and differentials), present and past position titles and occupational series, position descriptions, identification of critical and non-critical job elements, performance standards (not appraisals) so long as they do not reveal an employee's appraisal, and present and past duty stations is public and may be released on request without permission of the employee. In addition to this information, the prospective employer of a government employee or former employee may be provided as a routine use under the Privacy Act the employee's tenure, Civil Service status, and if separated from Broadcasting, the date and nature of action shown on the SF-50.
- b. When an employee is being considered for detail or assignment to another Federal agency or to an international organization, his or her OPF or EPF may be reviewed by an official of that Agency when authorized by the employee in writing.
- c. See MOA III 560 for instructions regarding other requests and reporting of disclosures under the Privacy Act of 1974.

916 MATERIALS SUBMITTED BY EMPLOYEES FOR THEIR OFFICIAL PERSONNEL FOLDERS - An employee may at any time submit material relating to performance and experience for inclusion in his or her OPF and EPF. This may include additional information concerning work or substantive letters of commendation. Rebuttals or statements regarding work performance referred to in performance evaluation reports should be included as part of the performance appraisal report. No material will be included in an employee's file without the knowledge of the employee concerned. Before the material is filed, the employee must sign or initial the document and forward it to his or her servicing personnel officer for inclusion in the file.

Generally, quotes from letters of commendation and appreciation should be incorporated by rating officers in an employee's performance appraisal

report. Only the most significant letters, which describe performance going well beyond what is customary and expected of an employee in the normal exercise of duties, should be submitted by employees for inclusion in EPFs. If the material is returned by the personnel officer with the recommendation that it be included in the performance appraisal, the employee should discuss this option with his/her supervisor.

917 DISPOSITION OF RECORDS - When an employee transfers to another Federal agency, terminates, is separated, retires, or dies, the Official Personnel Folder will be reviewed and the permanent records will be forwarded to the transferring agency or the National Personnel Records Center.

- a. For appointees to the Senior Executive Service, performance records less than five years old must be transferred to the gaining agency or forwarded to the NPRC. In cases where an SES employee accepts a Presidential appointment and chooses to continue to be covered by the provisions of SES, Performance Appraisals will be retained for this period of absence from an SES position until the employee accepts a non-SES position or returns to an SES position.
- b. For all other employees, the losing agency will include in the Official Personnel Folder performance ratings of record and the performance plans on which the ratings are based which are 3 years old or less, before transferring to the gaining agency or forwarding to the NPRC. All performance ratings more than 3 years old and other performance related records will be removed by the losing agency.

#### 918 MAINTENANCE OF NON-OFFICIAL PERSONNEL RECORDS

- a. All official, permanent personnel records and files will be kept and maintained by the Office of Personnel. Individual supervisors may retain a copy of the current annual Performance Appraisal on employees supervised as long as the employee remains in the unit. When the employee transfers or terminates, the supervisor's copy of the Performance Appraisal must be destroyed.
- b. Offices are authorized to retain the following non-official personnel records: job descriptions; personnel action forms; service record cards; employee locator cards; letters of commendation and other correspondence; material related to employment, experience, training, special qualifications and skills; salary and leave records; letters of warning and other documentation of disciplinary action. These records are to be maintained and used to prepare requests for personnel actions, to provide convenient access to information about employees in view of the office's physical separation from the Office of Personnel. When the employee separates from Broadcasting or transfers to another Office, these non-official personnel records will be destroyed or forwarded to Personnel for screening and disposal. Any request for information from these records should be referred to the personnel office for response. All records of this nature are subject to the provisions of the Privacy Act.

International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

Material within this Manual of Operations and Administration may no longer be current. To ensure having the most current policy or procedure, please contact the Agency office responsible for the subject matter, e.g., information about performance appraisal, staffing, or compensation should be directed to the Office of Human Resources. For assistance in determining which office to contact, please contact Cathy Brown or Renee Tyrance-Gauff of the Analysis and Administration Division on (202) 203-4664 or feel free to email this staff at cabrown@bbg.gov or crgauff@bbg.gov.

MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART V-A PERSONNEL (DOMESTIC), A1100 SENIOR EXECUTIVE SERVICE  
SECTION 1100

SENIOR EXECUTIVE SERVICE

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1103 Executive Resources Board (ERB)

- 1103.1 Membership of the ERB
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- 1104.1 Membership of the PRB
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SECTION 1100

SENIOR EXECUTIVE SERVICE

1101 AUTHORITY

Title IV of the Civil Service Reform Act of 1978 (5 USC 3131) established the Senior Executive Service (SES), effective July 13, 1979, "to ensure that the executive management of the Government of the United States is



responsive to the needs, policies and goals of the nation and otherwise is of the highest quality."

## 1102 POLICIES AND PROCEDURES

### 1102.1 Appointment and Positions

a. SES appointments cover those positions in GS-16, 17 or 18 of the General Schedule or in Level IV or V of the Executive Schedule, including equivalent positions in other personnel systems, except those in the Foreign Service, which are not required to be filled by an appointment by the President by and with the advice and consent of the Senate, and which meet managerial/supervisory criteria at the highest levels in Broadcasting and which the Director has designated as SES positions in accordance with OPM guidelines.

#### b. SES Positions

(1) Designating Type of SES Position - There are two types of SES positions, career reserved and general. The OPM must approve the change of an established position from career reserved to general, or from general to career reserved; may review designations of Broadcasting career reserved and general positions, and may direct Broadcasting to re-designate positions from general to career reserved if the OPM finds the position was not designated in accordance with OPM guidelines.

(a) Career reserved positions include positions the duties of which involve day-to-day operations, without responsibility for or substantial involvement in the determination or public advocacy of the major controversial policies of the Administration or of Broadcasting or scientific, highly technical or professional positions where the duties and responsibilities of the specific position are such that it must be filled by a career appointee to ensure impartiality or the public's confidence in impartiality, of the Government; or other positions requiring impartiality, or the public's confidence in impartiality as determined by the Director in light of the mission of Broadcasting. Career reserved positions may be filled only by career appointees. The Office of Personnel Management (OPM) establishes a minimum number of career reserved positions in the SES government-wide, and establishes a minimum number for Broadcasting.

(b) General positions means positions other than career reserved positions, and may be responsible for or substantially involved in the determination or public advocacy of the major controversial policies of the Administration or of Broadcasting. General positions may be filled by any of the four types of SES appointments (career, non-career, limited term, or limited emergency).

#### (2) Establishing SES Positions

(a) The heads of independent services and offices are responsible for submitting requests to establish Senior Executive Service positions to the Office of Personnel. These requests will include: a position description which details the managerial responsibilities and

organizational environment which would support classification at the SES level; and a recommendation on whether the position should be designated SES General or SES Career-Reserved.

(b) The Director of Personnel will forward the element's request to the Executive Resources Board (ERB) with a recommendation on whether the position should be established at the SES level and on whether it should be designated SES General or SES Career-Reserved. This recommendation will be supported with a written evaluation statement which compares the responsibilities of the requested position to those of previously established SES positions.

(c) The ERB will consider the request and forward a recommendation to the Director.

(d) The Director will consider the request, indicate approval or disapproval, and return it through the ERB to the Director of Personnel for appropriate action. In the case of approvals, the Director will sign a statement in the remarks section of the Position Description (OF-8) designating the position as SES and indicating whether it is SES General or SES Career-Reserved.

(c.) The qualification standards for each SES position are proposed by the Director or Office Head of the position, reviewed by the Director, Office of Personnel and approved by the Executive Resources Board (ERB), and the Director of Broadcasting.

d. SES Appointments - There are four types of appointments to the Senior Executive Service:

(1) Career Appointments are granted to individuals who are selected for SES positions through the merit staffing process and whose executive qualifications are subsequently approved by a Qualifications Review Board convened by the Office of Personnel Management (OPM). A career appointee attains permanent tenure following a one-year probationary period from the date of the initial appointment; may transfer to other government agencies, may be removed from SES for less than Fully Successful performance, but may not be involuntarily reassigned or removed during the first 120 days of the appointment of a new Director or of the SES member's non-career supervisor except as provided in paragraphs 1102.4a and 1102.6c(3) of this Section. Career appointments may be made to both career reserved and general SES positions. Individuals who joined the SES at its inception and those who converted in accordance with Section 2104 of the Foreign Service Act of 1980 also received a career appointment but were not required to serve a probationary period.

(2) Non-career Appointments are not made through the merit staffing process, and OPM does not review the managerial qualifications of the appointee, but the appointee must meet the qualifications of the position. There is no time limit on a non-career appointment. Non-career appointments may be made only to general SES positions. The number of non-career appointment authorities is allocated by OPM, but by law, cannot exceed 25 percent of the SES positions in Broadcasting. A non-career appointee does not acquire status within the SES and may be

terminated at any time. Appointments may be designated "Non-career (Indefinite)" if the appointee elects to be covered only by the Social Security retirement system rather than by the Civil Service retirement system applicable to new civil service appointees.

(3) Limited Term Appointments are nonrenewable appointments which are made with prior OPM approval for up to three years to a general SES position only. The duties of the position expire at the end of the limited term appointment. Limited term appointments are made without the use of merit staffing procedures; however, the appointee must meet the qualifications requirements for the position. A limited term appointment does not confer status within the Senior Executive Service, and Broadcasting may terminate the appointment at any time. The appointment ends automatically at the end of three years if the appointment has not been terminated earlier.

(4) Limited Emergency Appointments are nonrenewable appointments which are made with prior OPM approval for up to 18 months to a general SES position which must be based on a bona fide, unanticipated, urgent need. Limited emergency appointments are made without the use of merit staffing procedures; however, the appointee must meet the qualifications requirements for the position. A limited emergency appointment does not confer status within the SES, and Broadcasting may terminate the appointment at any time. The appointment ends automatically at the end of 18 months if the appointment has not been terminated earlier.

#### 1102.2 Responsibilities

a. The Director of Broadcasting is responsible for designating Broadcasting positions for staffing by members of the Senior Executive Service, for determining method of filling SES vacancy, for selection of appointee from applicants or reassignment of SES members for SES positions, for selection of SES Candidates, for assigning the rating of record and determining annual bonuses and cash awards for SES members, for nominating SES members for the Presidential rank awards, for disciplining and removing SES members, and for the overall administration and management of Broadcasting's Senior Executive Service.

b. The Executive Resources Board is responsible for advising and making recommendations to the Director on policies, procedures, administration and management including position management of the Senior Executive Service. The Board also reviews and may support or submit its own recommendations to the Director to supplement recommendations of the Performance Review Board.

c. The Performance Review Board is responsible for reviewing the annual Performance Appraisal Report of all SES members, and making recommendations to the Director which are routed through the Executive Resources Board concerning each executive's appraisal and rating and grouping ratings by performance level (Outstanding, Highly Successful, Fully Successful, Minimally Satisfactory and Unsatisfactory). The Board prepares recommendations for performance awards including individual percentages, and rank awards.

d. The Director, Office of Personnel is responsible for receiving OPM approval for SES appointments, for reviewing qualification standards and position descriptions for each SES-designated position, and for ensuring that the laws and OPM regulations affecting the SES are carried out in Broadcasting. The Director, Office of Personnel, will serve as an Advisory Member to the Executive Resources Board.

e. Directors and Office Heads are responsible for setting up qualifications standards for each SES position under their supervision, for submitting qualifications standards to the ERB and the Director for approval, for timely completion and submission to the Performance Review Board (PRB) of the annual performance appraisal of each SES member on their staff (see MOA V-A 1130 on performance appraisal).

#### 1102.3 Basic Compensation, Performance Awards, and Annual Leave

a. Basic compensation for each SES pay level is adjusted annually by the President (see MOA V-A 237.2). The Director will set the pay rate of each member appointed to the SES at one of the basic levels. This pay level may be adjusted not more than once annually by the Director based upon recommendations made by the Executive Resources Board after review of the SES members' annual performance appraisal report or when reassigning an SES member to another SES position. Pay setting upon initial appointment is considered a pay adjustment. Adjustments to basic pay may be made by increasing the pay to a higher SES level, or by decreasing the pay to the next lower level. To be eligible for a performance award, an SES member must be a career appointee and have at least a Fully Successful rating in the most recent rating of record. An SES member also may be nominated for the Meritorious or Distinguished Executive awards (see MOA V-A 1137).

b. The total amount of performance awards paid during a fiscal year may not exceed 3 percent of the aggregate payroll for SES career appointees as of the end of the fiscal year in which the award payments are made. The amount of a performance award paid to an individual career appointee may not be less than 5 percent nor more than 20 percent of the appointee's rate of basic pay as of the end of the performance appraisal period. Broadcasting must submit the proposed distribution of performance awards, the proposed total amount of awards, and the aggregate payroll for SES career appointees as of the end of the fiscal year in which the award payments are made, to OPM for review and approval prior to payment of awards, but after approval by the Director. Only 5 percent of government-wide SES members may receive the rank of Meritorious Executive and receive one-time lump-sum payments of up to \$10,000, and only 1% may be designated Distinguished Executive and receive one-time lump sum payments of up to \$20,000. No SES member may receive basic pay plus performance awards and rank pay in excess of the pay rate for Executive Level I in effect at the end of the fiscal year but the excess shall be paid as a lump sum at the beginning of the next fiscal year, subject to the same annual limit.

c. An SES member may accumulate and carry over from year to year up to 720 hours annual leave.

d. An SES member who, as of the first day of the first pay period beginning after October 13, 1994, has accumulated annual leave in excess of 720 hours is entitled to retain that leave as a personal leave ceiling. The leave shall be credited to the employee and shall be subject to reduction in the following manner; The credit leave shall exclude - any leave restored to the employee under 5 USC 6304(d); and Any annual leave advanced to the employee under 5 USC 6302(d) that has not yet been earned. Annual leave credited to an employee in excess of 720 shall be subject to reduction until the employee's accumulated leave is equal to or less than 720 hours. USC 6304(c). Broadcasting has notified affected employees and will maintain records on the accumulated leave credited to each employee.

#### 1102.4 Reassignment, Transfer and Sabbaticals of SES Executives

a. Career SES executives may be reassigned to another SES position only upon 15 days advance notice in writing of the reassignment unless the career member agrees in writing to a shorter notice period. No involuntary reassignment of career SES members may be made within 120 days of appointment of a new Director or of a new non-career supervisor of that employee except with respect to:

(1) a disciplinary action which was initiated against the career member prior to the new appointment; or

(2) an Unsatisfactory performance appraisal rating of record.

b. SES members may elect to transfer to another agency but may not be transferred involuntarily.

c. The Director may grant sabbaticals for up to 11 months during any 10-year period for SES career executives for purposes of study or work experience which would contribute to the employee's development and effectiveness to Broadcasting. Employees on sabbatical retain their salary and benefits.

1102.5 Executive Development Programs - Broadcasting has established executive development programs for the development of SES candidates and for the continuing development of SES members (see MOA V-A 1120). It is Broadcasting's policy to enhance its executive management capabilities at the senior level by developing and maintaining a SES group of highly competent, career and non-career managers and executives. SES candidates will be selected through merit selection procedures with review and approval of SES candidates made by the Executive Resources Board. Opportunities will be provided for all SES candidates and members to continue their development through formal training programs and varied work assignments.

#### 1102.6 Removal from the SES, Reduction in Pay

a. Charter Members - If appointed as a career SES member on July 13, 1979, such an employee is a charter member. The executive is not subject to a probationary period, and if the charter SES member is removed from the SES for Unsatisfactory or consistently Minimally Satisfactory performance as an SES member, the executive has the guaranteed right back

to a position no lower than GS-15 with permanent retention of his or her SES salary. The salary of a charter member of the SES may never be reduced below the salary at which he or she converted to SES.

b. Non-career and Limited appointees may be removed from the SES or from the federal service at any time. The appointee must be notified in writing prior to the effective date of the removal. Limited emergency, limited term and non-career appointees have no placement rights except as noted in 1111.2c(5) and no appeal rights to the MSPB.

c. Career SES members are entitled to 15 days advance notice in writing if their basic pay is to be reduced. A reduction in basic pay may occur no more frequently than once a year, for no more than one rate at a time. Career SES members may be removed from the SES as follows:

(1) For Misconduct - Career SES members may be removed from the federal service for misconduct, neglect of duty or malfeasance in office, or failure to accept a directed reassignment (see subparagraph (3) below); the executive has appeal rights to the Merit Systems Protection Board (MSPB); and must be given 30 days advance notice.

(2) For Performance - A career appointee shall be either reassigned within the SES, or removed from the Senior Executive Service at the discretion of the Director, for receiving one Unsatisfactory performance appraisal rating of record. The Director shall remove a career appointee from the SES after the executive has received two annual performance appraisal ratings of record of Unsatisfactory within five consecutive years, or if the career appointee has been given two annual performance appraisal ratings of Minimally Satisfactory or lower within three consecutive years, under the performance appraisal system (see MOA V-A 1130). The career executive must be given 30 days' advance notice and shall be entitled to an informal hearing at the MSPB at least 15 days before the effective date of the removal, shall be advised of the basis for the action, and shall be notified of his or her placement rights to a GS position (if any); and when applicable, will be advised of the appointee's eligibility for immediate retirement under 5 USC 8336(h).

(3) A career appointee may not be involuntarily removed within 120 days after appointment of a new Director, or of his or her immediate non-career supervisor who has the authority to remove the career appointee except when:

(a) a disciplinary action was initiated against the career appointee prior to the new appointment; or

(b) the career appointee has received two Unsatisfactory performance ratings of record in any period of five consecutive years or two annual performance ratings of record of Minimally Satisfactory or Unsatisfactory within three consecutive years; or

(c) action had been initiated to remove the career appointee after one Unsatisfactory performance rating of record.

(4) Removal During Probation for Performance - A career SES member who was appointed from a civil service position (career or career conditional or equivalent as determined by OPM) who is removed from the SES during probation is entitled to be placed in a Civil Service position at GS-15 or above of equal tenure to that held at the time of SES appointment for which the employee qualifies.

#### 1103 EXECUTIVE RESOURCES BOARD (ERB)

1103.1 Membership of the ERB - The Executive Resources Board (ERB) will have a chairperson and up to three members who are selected by the Director of Broadcasting and serve until the member's departure from Broadcasting or until membership is terminated by the Director. The Chairperson of the ERB will be appointed by the Director of International Broadcasting. The Director, Office of Personnel will serve as an Advisory Member to the ERB. The ERB for the BBG will have a total of 3 members, all of whom will be current Board members of the BBG.

1103.2 Responsibilities of the ERB - The Board will have broad authority to consider and make recommendations to the Director on all senior level appointments, including conducting the merit staffing process for initial SES career appointments, considering the qualifications of each qualified candidate for an SES position, and making written recommendations to the Director of Broadcasting or the Chairman of the BBG on the eligible candidates and identifying the best qualified candidates. Determinations and recommendations made by the ERB will be by a majority vote of the members.

#### 1104 PERFORMANCE REVIEW BOARD (PRB)

1104.1 Membership of the PRB - For both Broadcasting and the BBG each Performance Review Board (PRB) will be composed of a panel with three or more members, and must have a majority of career SES members. A representative of Personnel will serve as the Executive Secretary to each PRB without voting privileges. The members of the Broadcasting PRB will be selected annually by the Chairperson of the Executive Resources Board (ERB). The members of the BBG (PRB) will be selected annually by the Chairman of the BBG. The names of members for each PRB will be published in the Federal Register.

1104.2 Responsibilities of the PRB - Each PRB is responsible for reviewing the performance appraisals and ratings of SES members; making a written recommendation to the Director and the Chairman concerning each executive's appraisal and rating; grouping ratings by performance level (Outstanding, Highly Successful, Fully Successful, Minimally Satisfactory, and Unsatisfactory); and preparing recommendations for performance awards including percentages and rank awards.

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PART V-A PERSONNEL (DOMESTIC), A1100 SENIOR EXECUTIVE SERVICE  
Section 1110

MERIT STAFFING, RECRUITMENT AND APPOINTMENT FOR CAREER SES POSITIONS AND  
SES CANDIDATES

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Section 1110

MERIT STAFFING, RECRUITMENT AND APPOINTMENT FOR CAREER SES POSITIONS AND  
AS SES CANDIDATES

1111 COVERAGE AND POLICY

1111.1 Coverage

a. Procedures in this section of the MOA are for effecting career, non-career, limited term and limited emergency SES appointments.

b. The SES career staffing procedures in paragraph 1115 must be followed when filling SES career reserved positions and when making career appointments to SES general positions.

c. Foreign Service Overseas Specialists who wish to become career members of the Senior Executive Service may apply for SES positions under the competitive staffing procedures (contained in paragraph 1115) but must include in their application a statement indicating their willingness to resign from the Foreign Service and convert to SES and the applicable retirement system.

1111.2 Policy

a. As provided for in 5 U.S.C. 3131, it is the policy of Broadcasting to appoint career executives to fill Senior Executive Service positions to the extent practicable, consistent with effective and efficient implementation of Broadcasting's policies and responsibilities; to enable the Director to reassign senior executives to best accomplish Broadcasting's mission; to protect senior executives from arbitrary or capricious actions; 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.

b. It is also the policy of the Personnel to conduct a systematic search for qualified individuals, including minorities and women, when filling a career SES position.

There is no requirement that the individual be a current employee or have competitive status.

c. The Director will determine whether a vacant SES position is to be filled by reassignment of a SES member, by transfer of an SES member from another Federal Agency, by reinstatement of a former employee or other federal agency SES member, by detail of an SES member, by detail of a non-SES employee to the position for a period not to exceed 120 days, by appointment of a SES candidate, or by using the merit staffing procedure outlined in paragraph 1115 below. Exceptions to merit staffing may be used by the Director under the following circumstances.

(1) Reassignment Within Broadcasting

(a) The voluntary or involuntary reassignment of a career SES member may be made without competition if the SES member meets the established mandatory qualifications standards, and receives at least 15 days notice in writing. As appropriate in his/her judgment, the Director may reassign a career SES member without consulting the Executive Resources Board (ERB). A career SES member normally may not be involuntarily reassigned within 120 days after an appointment of a new Director, or within 120 days after appointment of the career appointee's immediate supervisor who is a non-career appointee.

(b) The Director may adjust the pay level of the SES member at the time of reassignment to reflect the increased level of responsibility of the new position, as long as the member has not received an adjustment within the last 12 months.

(2) Reassignment of Non-career SES Members - Non-career SES members may be reassigned at any time but only to an SES general position.

(3) Detail - A career SES member or a non-SES career employee may be detailed to any SES position in Broadcasting for which he or she meets the mandatory qualifications standards for a period not to exceed 120 days. Details in excess of 120 days should be approved in advance by the ERB. Details in excess of 240 days must be approved by OPM. The detail of a non-SES employee to an SES position should be approved in advance by the ERB. A non-career SES member or a non-career non-SES employee may not be detailed to a career reserved position.

(4) Non-Career SES Appointment The Director may give an individual a non-career SES appointment to an SES general position provided the appointee meets the qualification requirements of the position to which appointed and the appointment does not exceed Broadcasting's allotment for non-career appointments.

(5) Limited Emergency or Limited Term Appointment - The Director may give a non-SES individual a limited emergency or limited term appointment to a general SES position if the appointee meets the qualifications standard for the position and the action has the approval of the ERB. 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 48 months, the individual has served more than 36 months, in

the aggregate, under any combination of such types of appointment. Use of this authority must be approved on a case-by-case basis by the Office of Personnel Management (OPM). If the individual proposed for this action is currently a employee serving under a career or career-conditional appointment, he or she is entitled upon termination of the SES appointment to be placed in a position comparable to the one held immediately prior to the SES appointment if the SES appointment is terminated for reasons other than misconduct, neglect of duty, or malfeasance.

d. In identifying SES candidates, and whenever possible in filling vacant SES career positions, the merit staffing process will be used and administered so that fair and open competition occurs and the requirements of applicable laws and regulations are met; selection will be made without discrimination for any non-merit reason including religion, age, color, race, sex, national origin, marital status or plans, creed, political affiliation, or physical handicap; veteran preference will not be a factor in filling SES positions.

e. The initial appointment of an SES career appointee will become final only after the individual has served a one year probationary period (with the exceptions noted in 1102.1d-(1)).

#### 1112 RESPONSIBILITIES

1112.1 The Director gives the final approval to policies and procedures governing staffing and appointment to SES positions, selection of SES candidates for executive development, of the method to be used in filling the SES position, and of the individual to be selected for appointment to an SES position.

1112.2 Executive Resources Board (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:

a. approving qualifications standards and evaluation criteria for each SES position as established by the pertinent Director or Office head.

b. establishing selection systems for SES candidates and for SES career appointees.

c. making recommendations in writing to the Director on the selection of SES candidates and the appointment of SES members.

The ERB is also responsible for projection of executive needs, for policies and procedures for the SES candidate selection system, for reviewing applications of those certified for SES positions and providing written recommendations to the Director, and assuring adherence to affirmative action in the merit staffing and SES candidate selection programs.

The ERB may delegate to the Office of Personnel such activities as deemed necessary.

1112.3 Directors and Heads of Offices are responsible for providing positive support to the SES merit staffing plan, anticipating personnel needs and changes on a long-range basis and alerting the Office of Personnel as early as possible, initiating requests for filling vacancies in sufficient time to allow for merit staffing, establishing areas of recruitment, establishing mandatory and desirable qualifications and evaluation criteria for each SES position in their elements, and making recommendations to the ERB concerning candidates for SES appointments.

1112.4 Employees are responsible for keeping aware of SES vacancies and of SES candidate executive development opportunities for which they might meet qualifications requirements and submitting the required forms and information if they are interested in being considered.

1112.5 Director, Office of Personnel is responsible for those functions delegated by the ERB, and for:

- a. advising and assisting officials in carrying out their responsibilities under the SES Merit Staffing Plan;
- b. advising the Director on whether a position should be filled through the Merit Staffing Plan or by means of an exception to the process;
- c. advising Review Panels and training members in the techniques and procedures involved;
- d. assuring the selections meet legal and regulatory requirements, making final commitments, and arranging entrance on duty;
- e. providing OPM with necessary documentation for certification of a potential career SES appointee's executive qualifications;
- f. anticipating personnel changes and turnover that may occur in the work force, and developing long-range preparation for prompt replacements;
- g. handling inquiries on the merit staffing procedures for SES vacancies and SES candidate executive development opportunities;
- h. documenting merit staffing actions in filling vacant SES positions and selecting SES candidates; and
- i. serving as the central coordinating point through which all SES staffing actions are processed.
- j. provides any necessary staff support to the ERB and the Review Panels.

#### 1113 RECRUITMENT SOURCES

1113.1 Reassignment A career or non-career SES member may be non-competitively 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. 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 in Broadcasting 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 three years or less except that the appointee may not serve in one or more positions in Broadcasting under such appointment in excess of three years. Generally, the ERB reviews the proposed reassignment before the action is taken.

1113.2 Transfer A career or non-career member of the SES may be non-competitively transferred from another Federal Agency to fill a vacant position in Broadcasting for which the individual meets the qualifications standards except that a non-career SES member may transfer only to an SES general position. The ERB reviews the proposed transfer before any action is taken.

1113.3 Detail A career or non-career member of the SES or a non-SES employee may be detailed to an SES position for a period not to exceed 120 days for which he or she meets the mandatory qualifications standards. The ERB must approve any detail in excess of 120 days. A non-career SES member or a non-career non-SES employee may not be detailed to a career reserved position.

1113.4 Reinstatement An individual with SES reinstatement eligibility may be non-competitively selected for any position in the SES, for which the individual meets the qualification standards. SES reinstatement eligibility is limited to career executives who have successfully completed a one year probationary period in the SES or were initially converted to the SES 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. A career SES member who is appointed by the President to any civil service position outside the SES and who leaves the position for reasons other than misconduct, neglect of duty, or malfeasance, is entitled by law to be reinstated in the SES on the condition that the executive apply to the OPM within ninety (90) days after separation from the Presidential appointment. The ERB reviews the proposed reinstatement before the action is taken.

1113.5 SES Candidate Executive Development Program - An individual who successfully completes the SES Candidate Executive Development Program and obtains the resulting certification of his or her executive qualifications by the OPM's Qualification Review Board may be appointed to an SES position without further competition provided that initial competition into the SES Candidate Executive Development Program was in accordance with OPM merit staffing procedures and executive development requirements. No further ERB review is required prior to appointment.

#### 1114 QUALIFICATIONS STANDARDS AND EVALUATION CRITERIA FOR SES POSITIONS

##### 1114.1 Qualifications Standards

a. Qualifications standards must be established for each SES position. When an existing position is substantially altered or when a new position

is established, qualification standards must be developed. While the basic responsibility for developing the standards remains with the Director and through him or her to the ERB, the qualification standards are developed initially by the Director or Office Head and Personnel.

b. There are two types of qualification standards: Mandatory Qualification Standards (those standards of executive/managerial knowledge and technical/professional skills, knowledge and ability required for successful performance of the duties and responsibilities of the SES position); and Desirable Qualification Standards (additional specific job qualification standards which contribute to successful performance in an SES position).

c. The standards must be practical, job related, applied to all applicants equally and impartially, and must test the relative capacity and fitness of the applicant for the position. The standards must be specific enough to allow identification of qualified applicants and also enable qualitative distinctions to be made among that group. The standards are listed in vacancy announcements for SES positions and Executive Development Opportunity Announcements for SES candidates.

d. 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. Both mandatory and desirable qualifications are identified for executive/managerial requirements and professional/technical requirements. The specification of these requirements must be clearly related to the scope and depth of prior experience, rather than a certain number of years of experience, service at a particular grade level, or a minimum educational requirement. The standards may not include any criteria prohibited by law or regulation, e.g., religion, age, color, race, sex, national origin, marital status or plans, creed, or political affiliation.

e. The qualification standards for both career reserved and general positions are not affected by the type of appointment authority used to fill the position.

1114.2 Evaluation Criteria are based on the skills, knowledge, and abilities required for the SES position. Evaluation criteria are established for each position by the Director or Office Head and Personnel. Evaluation criteria are based on the Mandatory and Desirable Qualification Standards and are used by the Review Panel to evaluate applicants.

#### 1115 MERIT STAFFING OF SES POSITIONS

The following merit staffing procedures must be used in filling SES career reserved or general positions unless the Director determines that one of the other appointment sources noted in paragraph 1113 will be utilized. All selections and reassignments must be properly documented.

1115.1 Recruitment - SES vacancies are announced for a minimum of 15 days through published vacancy announcements. The announcement includes information on the position, the SES pay and benefits, the qualification standards (both Mandatory and Desirable) for the position, the evaluation procedures to be used, probationary period required, area of recruitment, how to apply and to request additional information, opening and closing dates, and an equal employment opportunity statement. Personnel will assure, as much as practicable, that all groups of qualified individuals within the area of recruitment are notified of competitive SES vacancies. Personnel forwards copies of vacancy announcements to federal agencies and to the Office of Personnel Management (OPM) to allow notification to the general public. The U.S. Employment Service offices are provided with copies for distribution to persons outside the Federal service. The Office of Civil Rights also receives copies of vacancy announcements and ensures distribution to minority and women employees who may be potential applicants.

#### 1115.2 Evaluation of SES Applicants

##### a. Review by Personnel

(1) Personnel initially reviews all applications for experience indicating mandatory qualifications standards have been met. All applicants meeting the mandatory qualifications standards are referred for further consideration. Personnel notifies applicants who do not meet the established requirements.

SES candidates who meet the technical/professional qualifications of the SES position for which appointment is proposed and have been certified by the OPM Qualification Review Board are automatically referred to the ERB along with the best qualified group for any SES position for which they apply.

(2) If there are 10 or more qualified applicants, Personnel will set up a Review Panel and provide the following documents and information to the Review Panel:

--A list of qualified applicants;

--a current SF-171, "Application for Federal Employment, "OF-612 or resume for each qualified applicant; --the approved Mandatory and Desirable Qualification Standards;

--evaluation criteria based on required skills, knowledge, and abilities;

--each applicant's self-appraisal of management skills, long-range career goals, and qualifications; --appraisals of management skills from current and former supervisors;

--copy of latest performance appraisal report for non-Broadcasting applicants; and

--performance files of Broadcasting employee applicants.

(3) If there are nine or fewer qualified applicants, a Review Panel is optional at the discretion of the Director or Office Head. If a Panel is not convened, Personnel will refer all qualified applicants on a Selection Certificate in alphabetical order to the ERB via the Director or Office Head.

b. Review by Review Panel

(1) Purpose and Composition of the Review Panel - The Review Panel is an ad hoc panel convened to review applicants for competitive vacancies and to identify the best-qualified group to be referred for appointment consideration. The Panel is composed of at least one career SES member and at least two other individuals of SES equivalent rank knowledgeable of the position, occupation, organization, etc. The Review Panel membership is approved in writing by the appropriate Director or Office Head.

(2) The Best-Qualified Group - The best-qualified group is that group of applicants identified by the review panel in accordance with the evaluation criteria as possessing superior qualifications for the SES position when compared to other applicants. Generally, the best-qualified group will include five but no more than seven applicants.

(3) Review Process - Each panel member first reviews all of the applicant files independently and determines the highly qualified group and the qualified group. Then the panel members discuss each applicant's qualifications and place each by consensus in either the highly qualified group or the qualified group. The panel may then (a) designate the highly-qualified group as the best-qualified group if it meets the requirements described in paragraph (2) above, or (b) review the highly-qualified group, repeating the review and discussion until an appropriate best-qualified group has been identified.

(4) Selection Certificate and Documentation - The names of the best qualified candidates are placed on a Selection Certificate in alphabetical order. The panel prepares a brief memorandum for each candidate on the Selection Certificate explaining why it made its determination. The panel refers the Selection Certificate together with the explanatory memoranda to the appropriate Director or Office Head.

c. Director or Office Head Action on Selection Certificate - The Director or Office Head considers the qualifications of the candidates certified, makes written recommendations, and forwards the certificate package and recommendations to the ERB for review.

d. Executive Resources Board (ERB) Action on Selection Certificate - The ERB members read the applicant files and may make further qualification inquiries, as required in the judgment of the ERB. The ERB prepares a written recommendation on the final selection to the Director, and forwards its written recommendation, the Certificate and memorandums from the Review Panel and the appropriate Director or Office Head to the Director. When any candidate certified is not recommended by the ERB for selection, the ERB will document its reasons in terms of the



qualification standards and include this documentation in its submission to the Director.

1115.3 Selection by the Director - After review of the Selection Certificate and the recommendations, the Director makes the final decision on the selection, and notifies Personnel, through the Chairperson of the ERB, of his or her selection.

1115.4 OPM Approval of Qualifications - Before appointing an individual who is not a current career SES member or who does not have reinstatement eligibility, Personnel must obtain OPM Qualifications Review Board (QRB) approval of the individual's executive/managerial qualifications. The following documents are submitted to the OPM, in triplicate, to obtain their approval: the SF-1390, "Executive Personnel Transaction Form"; a copy of the qualifications standards; an SF-171, OF-612, or resume; a reference or performance appraisal on the candidate; and a brief written evaluation of the proposed appointee's background emphasizing the demonstrated executive 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 approval. SES candidates are submitted for QRB certification upon completion of their candidate program, and do not require additional certification unless an OPM established expiration date has lapsed.

1115.5 Applicant Inquiries - Any applicant may request information concerning the procedures and operations of the Merit Staffing Process. This request must be submitted in writing to Personnel. Upon request, the following information is made available to applicants:

- a. Whether the applicant was placed in the best qualified group or in the qualified group by the Review Panel and during which review process.
- b. Whether he or she was on the Selection Certificate.
- c. The name of the successful applicant.
- d. Full information regarding the nature of the procedures used in recruiting and selecting candidates for the particular position.

1115.6 Merit Staffing Documentation - Personnel is responsible for the maintenance of all records in connection with the Merit Staffing Process. The following documentation will be retained by Personnel.

a. Documentation on qualification standards are retained for the life of the position; if the standards are changed during the life of the position, both the old and the new information is retained. This requirement includes:

(1) Documentation of the job analysis, including the mandatory (critical) and desirable elements of the job and skills, knowledge, abilities, and other qualifications required to perform these elements, and

(2) The qualifications standards for the position.

b. Documentation pertaining to the filling of a competitive vacancy in the SES is retained for a period of two years from the date of appointment. This documentation includes:

- (1) a copy of the vacancy announcement;
- (2) a list of organizations and addresses to which the vacancy announcement was distributed and distribution rationale;
- (3) the initial disqualification of candidates not meeting the Mandatory Qualification Standards;
- (4) the selection procedures applied including the evaluation criteria used by the Review Panel;
- (5) the Review Panel's written evaluation concerning each candidate referred to the ERB, and the recommendation(s) by the appropriate Director or Office Head;
- (6) the written recommendations concerning each candidate made by the ERB to the appointing authority, documentation on the elimination of any candidates by the ERB, and
- (7) any complaints or appeals to the ERB and the ERB's findings.

#### 1115.7 Review and Appeals Procedures

a. Review on grounds of improper procedures:

(1) When an applicant believes that the procedures were not properly applied, he or she first discusses the complaint with Personnel. If an applicant still has a complaint, he or she may submit a written request for review through the Director, of Personnel to the ERB. This appeal must be filed within 15 calendar days of notification of the action taken on the application.

(2) The request for review should briefly state the reason(s) for the request and the procedures which the applicant believes were not sufficiently noted in the evaluation process.

(3) The ERB then reviews the request and the relevant material in the recruitment action. The ERB notifies the applicant 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 formal appeal.

b. Appeal on grounds of discrimination or violation of merit principle - Complaints or appeals based on alleged discrimination because of religion, age, color, race, sex, national origin, marital status or plans, creed, political affiliation, or physical handicap are resolved under Broadcasting's equal employment opportunity appeals procedures. Complaints or appeals to the Merit System Protection Board (MSPB) may be appropriate for alleged violation of merit principles.

c. There is no appeal by applicants to OPM for specific evaluation actions taken by the ERB or selection actions taken by the appointing official.

#### 1116 SELECTION OF SES CANDIDATES

1116.1 Recruitment - When the Director determines that there is a need to develop an SES Candidate for future consideration for SES vacancies, the Director will instruct Personnel to initiate competitive recruitment for SES Candidates. Personnel will distribute an Executive Development Opportunity Announcement throughout the Government for a period of 30 days. All Federal employees GS-15 and higher and Foreign Service equivalent (FS-1) are eligible to apply. Applicants submit an SF-171, OF-612, or resume, a self appraisal of management skills, a memorandum from the applicant describing his or her long range career goals and how the applicant meets the mandatory requirements of the position advertised, and the names of three current and/or former supervisors who have knowledge of the applicant's background.

The Executive Development Opportunity Announcement will include information on the SES Candidate Executive Development Program, will list the mandatory and desirable qualifications for the SES target positions, will include the evaluation and the selection procedures to be followed, as well as the area of recruitment, opening and closing dates, and an equal employment opportunity statement. Personnel will assure, as much as practicable, that all groups of qualified individuals within the area of recruitment are notified of the SES candidate opportunity.

A copy of each Executive Development Opportunity Announcement will be sent to the Office of Civil Rights to ensure distribution to minority and women employees who may be potential applicants. Copies will also be sent to federal agencies and to the appropriate OPM SES Officer to allow notification to the federal employees.

#### 1116.2 Evaluation of Applicants for the SES Candidate Program

a. Personnel will screen the applications and determine that all the required forms have been submitted and that the applicant meets the mandatory qualifications, both managerial and technical, of the SES position.

If there are ten or more fully qualified applicants Personnel will set up a Review Panel. The Review Panel will consist of three senior officials who do not supervise the target position . Personnel will provide the panel with the following materials for each applicant: the SF-171, OF-612, or resume, the self-appraisal of management skills, each applicant's memorandum describing his or her long range career goals and how he or she meets the mandatory requirements, appraisals from three current and/or former supervisors of each applicant's management skills, and the Official Personnel Folder containing performance appraisals for employees.

If there are nine or less fully qualified applicants, the applicants' files are referred directly to the ERB. No review panel will be convened.

b. If there are ten or more fully qualified applicants the Review Panel will determine the best qualified group in the manner discussed in paragraph 1115.2b(2) and (3) above.

c. The names of the best qualified applicants as determined by the Review Panel will be placed on a Selection Certificate in alphabetical order and given to the Executive Resources Board (ERB). The Review Panel will also prepare a brief memorandum on each applicant appearing on the Selection Certificate explaining why the applicant was included on the certificate.

d. Executive Resources Board (ERB) may personally interview each of the applicants on the selection certificate, as required in the judgment of the ERB, and will prepare written recommendations of the final selection to the Director.

1116.3 Selection - The Director will make the final decision on selection after reviewing the Selection Certificate and the written recommendations of the ERB, and will notify the Director, of Personnel through the Chairperson of the ERB, of the final selection.

1116.4 Notification and Documentation by Personnel - Director of Personnel will notify the successful applicant of his or her selection as an SES candidate, and will inform all other applicants of the results of the process.

1116.5 Designation As An SES Candidate - Each successful applicant will receive a letter from the Director of Personnel advising of his or her selection as an SES candidate. A copy of the letter will be placed in the SES candidate's Official Personnel Folder. The letter will inform the SES candidate of his or her SES advisor and advise the SES candidate of the requirement to complete an Individual Development Plan. The SES candidate's immediate supervisor will also receive a copy of the letter.

International Broadcasting Bureau  
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MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART V-A PERSONNEL (DOMESTIC), A1100 SENIOR EXECUTIVE SERVICE  
Section 1120

SES EXECUTIVE DEVELOPMENT PROGRAMS

1121 Policy

1122 Responsibilities

- 1122.1 Executive Resources Board (ERB)
- 1122.2 Director, Office of Personnel
- 1122.3 Career Senior Executive Service Members
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- 1122.5 SES Candidates
- 1122.6 SES Members Who Are Advisors of SES Candidates

1123 Executive Development Program for SES Candidates

Section 1120

SES EXECUTIVE DEVELOPMENT PROGRAMS

1121 POLICY

- a. It is Broadcasting's policy to enhance its executive management capabilities at the senior level by developing and maintaining an SES group of highly competent, career and non-career managers and executives. After being competitively selected, opportunities will be provided for all SES candidates and SES members to continue their development through formal training programs and varied work assignments.
- b. The Executive Development Program will focus primarily upon work related experience designed to continue the development of senior executives, and to develop SES candidates so they are capable of

assuming executive duties and responsibilities upon appointment to an SES position.

- c. The Executive Development Program is designed to meet organizational needs for managerial improvement and increased work performance; to help SES members keep up-to-date in professional, technical, managerial, social, economic and political areas; to meet the individual needs of SES members for intellectual and personal growth and development and to participate in Office of Personnel Management (OPM) or White House sponsored special programs and activities for SES members.
- d. The Executive Development Plan for SES candidates will include enrollment in the Office of Personnel Management's (OPM) Senior Executive Service Candidate Development Program, preparation of an Individual Development Plan (IDP), and assignment of an advisor/mentor to oversee the progress of each participant.
- e. One method of executive development for career SES members is the granting of up to an eleven month sabbatical for an SES career member. The Executive Resources Board (ERB) will act on executive sabbaticals approved by the Director, Office of Personnel.

## 1122 RESPONSIBILITIES

1122.1 The Executive Resources Board (ERB) is responsible for the overall planning and management of the Executive Development Program for SES members and for SES candidates, assigning an SES advisor to each participant in the SES Candidate Executive Development Program, for reviewing and approving the Individual Development Plan for each SES member and SES candidate before it is implemented, for making the final decision on releasing unsuccessful candidates from the SES Candidate Executive Development Program, for approving the successful completion of the SES Candidate Executive Development Program, and authorizing certification of those candidates who have successfully completed the program, for approving executive sabbaticals, and for reviewing and evaluating the Executive Development Program on an annual basis and incorporating evaluation results into planning for future program operations.

1122.2 Director, Office of Personnel is the Coordinator with the OPM for SES candidate executive development, will advise career SES members and their supervisors of available formal training, OPM or White House sponsored special programs or activities, and of other development opportunities that become available during the course of the year; recommend career SES members for executive sabbaticals; evaluate the progress of participants in the SES Candidate Executive Development Program and keep the ERB informed of progress; recommend to the ERB the release of participants from the SES Candidate Executive Development Program whose progress is not satisfactory, recommend the ERB approve the successful completion of the Executive Development Program by individual SES candidates and request ERB authorization to request Qualification Review Board Certification from the OPM for individuals who have successfully completed the SES Candidate Executive Development Program,

and receive OPM certification by its Qualification Review Board for successful SES candidates.

1122.3 SES Members Who Are Advisors of SES Candidates are responsible for assisting his or her SES candidate in preparing an Individual Development Plan (IDP), for meeting quarterly with the SES candidate and submitting reports to the Chairperson of the ERB and the Director of Personnel on the progress of the SES candidate.

#### 1123 EXECUTIVE DEVELOPMENT PROGRAM FOR SES CANDIDATES

- a. Each SES candidate will receive formal training through the Office of Personnel Management's SES Candidate Development Program, and developmental assignments. Within 30 days after notification of selection as an SES candidate, the employee will complete his or her Individual Development Plan (IDP) in conjunction with his or her supervisor and the SES member assigned to the Candidate as advisor. Upon approval of the IDP by the Executive Resources Board (ERB), the SES candidate will proceed with implementation of the training outlined in the IDP, which will be designed to develop the managerial competencies required in the target SES position. The IDP will identify the development needed by the SES candidate and describe how developmental assignments and management education will be used to meet the development needs of the SES candidate.
- b. The OPM program for SES candidates will consist of a three-week Executive Development Seminar at one of OPM's seminar centers, and four one-week seminars. The three-week seminar will provide participants an expanded view of the executive role and the external forces and realities impacting on their programs and themselves. The one-week seminars will include presentations by key legislative, top administration, and state or local officials as well as representatives from the private sector and academia, and will provide an awareness of broad program issues and policies important to Federal executives in general.
- c. Each SES candidate will complete at least six months of developmental work assignments during the 18 months of the training program. Each SES candidate will be given at least two developmental work assignments, one of which must be outside Broadcasting. Developmental work assignments could include assignment to an overseas position for a short period of time, to a Congressional oversight or appropriation committee or subcommittee, to a task force or to Radio Free Europe/Radio Liberty or Radio Free Asia , an assignment which provides exposure to program and management issues which cut across Broadcasting lines. Each SES candidate will include suggested developmental assignments in his or her IDP, and at least two assignments will be approved or set up by the ERB.
- d. The progress of each SES candidate will be monitored periodically during the Executive Development Program. At least quarterly, the SES candidate will meet with his or her SES advisor. The SES advisor will discuss progress of the candidate with the Director of

Personnel. The Director of Personnel will provide the ERB with periodic reports on SES candidates.

- e. SES candidates who do not demonstrate sufficient progress during the Executive Development Program, as determined by the SES advisor and the Director of Personnel will be removed from the program with the approval of the Executive Resources Board, (ERB). The Director of Personnel will recommend removal to the ERB. Upon approval of the ERB, the SES candidate will be notified in writing that he or she has been removed from the program. A copy of the removal letter will be placed in the employee's Official Personnel Folder.
- f. SES candidates who complete the Executive Development Program will be certified by the OPM Qualification Review Board. The OPM Qualification Review Board will certify the SES candidate's executive qualifications. When certified, the SES candidate may be appointed to SES managerial positions without further merit selection process for executive qualifications (further competition based on technical qualifications may be required).

The Director of Personnel will request approval from the ERB to get OPM certification of the SES candidate's managerial competency when the SES candidate has completed the Executive Development Program. Only the Office of Personnel may request approval from the OPM Qualification Review Board.



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MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART V-A PERSONNEL (DOMESTIC), A1100 SENIOR EXECUTIVE SERVICE  
Section 1130

PERFORMANCE MANAGEMENT SYSTEM  
SES PERFORMANCE APPRAISAL/PERFORMANCE AWARDS AND RE-CERTIFICATION

This section is the performance management system for Senior Executive Service members. Other regulations relating to covered employees are located as follows: Awards Program, MOA V-A 570; Reduction-in-force, MOA V-A 1140; Personnel Records, Files and Reports, MOA V-A 900; Senior Executive Service, MOA V-A 1100; and Merit Staffing, Recruitment and Appointment for Career SES Positions and SES Candidates, MOA V-A 1110.

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Senior Executive Service Re-Certification Form

Section 1130

PERFORMANCE MANAGEMENT SYSTEM FOR SENIOR EXECUTIVE SERVICE

1131 GENERAL

1131.1 Applicability - These regulations apply to all officers who are members of the Senior Executive Service (SES) as defined in paragraph (2) of Section 3132(a) of Title 5, U.S. Code. 1131.2 Authority - These regulations are established pursuant to Chapter 43 of Title 5, U.S. Code, and 5, Code of Federal Regulations, Part 430.

1131.3 Implementation - The performance appraisal provisions of this section are implemented with the rating period beginning July 1, 2001.

1131.4 Objectives - The objectives of the performance management system for senior executives are to:

- a. Expect excellence in senior executive performance and hold executives accountable for results;
- b. Provide for the establishment and communication of individual and organizational goals and expectations that are consistent with the goals and performance expectations in the agency's strategic planning initiatives;
- c. Provide for the systematic evaluation of senior executive performance using measures that balance organizational results with customer, employee or other perspectives;
- d. Provide for the accurate evaluation of employee performance on the basis of specific performance elements and requirements;
- e. Provide for on-going communication of goals and expectations and periodic reviews of employee's performance;
- f. Help employees recognize their strengths and weaknesses and initiate steps to assist employees who are rated below the Fully Successful level to improve their level of performance;
- g. Ensure that employees recognize that the performance appraisal system is both fair and equitable;
- h. Use performance results as a basis for pay, awards, development, retention, removal or to make other personnel decisions relating to senior executives; and
- i. Prohibit the forced distribution of levels of ratings for senior executives.

#### 1131.5 Definitions

- a. Annual Summary Rating - The overall rating level that an appointing authority assigns at the end of the appraisal period after considering the Performance Review Board's recommendations. This is the official rating.
- b. Appointing Authority - The Director, International Broadcasting Bureau (IBB) or his/her designee is the Appointing Authority for IBB employees. The Broadcasting Board of Governors (BBG) is the Appointing Authority for BBG staff senior executives.
- c. Appraisal Period - The established period of time for which a senior executive's performance will be appraised and rated. The annual appraisal period for SES executives is July 1 to June 30 (unless the appraisal period is extended in accordance with Section 1134.1 below).

d. Balanced Measures - An approach to performance measurement that balances organizational results with the perspectives of distinct groups, including customers and employees.

e. Critical Element - A key component of an executive's work that contributes to organizational goals and results and is so important that unsatisfactory performance of the element would make the executive's overall job performance unsatisfactory. At least two critical elements must be established for all employees covered by this plan.

f. Initial Summary Rating - An overall rating level the supervisor derives from appraising the senior executive's performance during the appraisal period and forwards to the Performance Review Board.

g. Performance - The accomplishment of the work described in the senior executive's performance plan.

h. Performance Appraisal Process - The review and evaluation of a senior executive's performance against performance elements and requirements.

i. Performance Management System - The framework of policies and practices established by an agency for planning, monitoring, developing, evaluating, and rewarding both individual and organizational performance and for using resulting performance information in making personnel decisions.

j. Performance Requirement - A statement of the performance expected for a critical element. (This was formerly defined as performance standard. It may also be known as performance expectations.)

k. Periodic Progress Review - A review of the senior executive's progress in meeting the performance requirements. At least one progress review is required during the performance appraisal cycle. A progress review is not a performance rating.

l. Re-certification - A process completed every three years whereby it is determined if a SES career appointee has demonstrated the excellence needed to meet the goals of the Senior Executive Service as set forth in 5 USC 3131.

m. Senior Executive 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 established for the senior executive.

n. Strategic Planning Initiatives - Agency strategic plans, annual performance plans, organizational workplans and other related initiatives.

#### 1131.6 Administrative Responsibilities

##### a. Performance Review Board (PRB)

(1) The Performance Review Board (PRB) is responsible for advising and making written recommendations to the Director, IBB and the Broadcasting

Board of Governors through the Executive Resources Board (ERB) concerning executive performance appraisals and ratings; preparing recommendations for performance awards and individual percentages to be awarded, and rank awards; and for making recommendations on re-certification for SES career appointees. (See also Section 1137.)

(2) The PRB will be composed of a panel with three or more members. A representative of Personnel will serve as Executive Secretary to the PRB without voting privileges. The members will be selected by the Director, IBB (for IBB senior executives) and the Chairman of the BBG (for BBG senior executives). The names of members will be published in the Federal Register. Appointment to the PRB will be done in a manner to ensure consistency, stability, and objectivity in reviewing performance appraisals.

(3) When appraising a career appointee's performance or recommending a career appointee for a performance award, more than one-half of the PRB members must be SES career appointees.

b. Executive Resources Board (ERB) - The Executive Resources Board (ERB) is responsible for reviewing and supporting the PRB recommendations or making its own supplementary written recommendations, as appropriate, to the IBB Director and the BBG Chairman concerning performance awards and individual percentages to be awarded, and rank awards. The ERB's recommendations will not alter, nor be substituted for, those of the PRB. (See also Section 1137.) The ERB is also responsible for advising and making recommendations on individual members' pay adjustments and removal from the SES.

c. The IBB Director and the BBG Chairman are responsible for assigning the annual summary rating for SES members, for determining the annual bonuses and cash awards for SES members, for nominating SES members for the Presidential rank awards, and for the overall management and administration of the Senior Executive Service.

d. Office Directors, along with the IBB Director, are responsible for ensuring those employees under their supervision complete performance elements and requirements, mid-year reviews, and appraisals in accordance with these regulations and guidelines.

e. Rating and Reviewing Officers and Rated Employees are responsible for ensuring that performance elements and requirements, mid-year reviews, and appraisals are completed in accordance with these guidelines and that the appropriate deadlines are met for completion and submission of SES performance ratings.

f. Office of Personnel - The Director, Office of Personnel is responsible for:

(1) Developing the performance management system including re-certification, for the Senior Executive Service, including regulations, forms and instructions;

(2) Administering the SES performance management system and re-certification process by informing management and employees about the objectives, policies, and procedures of the appraisal system and ensuring compliance by monitoring submissions;

(3) Periodically evaluating the effectiveness of the performance management system and making appropriate modifications;

(4) Providing training and counseling to employees and supervisors regarding performance management and appraisals; and

(5) Assisting Rating Officers in obtaining appraisals of the performance of employees detailed or assigned to other agencies or to international organizations.

#### 1132 OVERVIEW OF SES PERFORMANCE APPRAISAL SYSTEM

1132.1 Appraisals of Performance in the Senior Executive Service shall be based on both individual and organizational performance, taking into account such factors as:

a. Results achieved in accordance with the Government Performance and Results Act of 1993;

b. Customer satisfaction and employee perspectives;

c. The effectiveness, productivity, and performance quality of the employees for whom the senior executive is responsible;

d. Meeting affirmative action, equal employment opportunity and diversity goals and complying with the merit system principles set forth in section 2301 of title 5, United States Code;

e. Strong and effective leadership;

f. Facilitating a positive workplace that fosters diversity, innovation, initiative, open and honest communication and teamwork among employees and peers;

g. Planning and assigning work, delegating responsibilities, providing guidance, motivating employees and developing their potential, utilizing efficient management, administrative, and personnel practices;

h. Providing timely, fair, complete, and useful performance appraisals on subordinates and taking steps to reward or improve employee performance; and

i. Other indicators of the effectiveness, productivity and performance quality of the employees for whom the senior executive is responsible.

#### 1132.2 Planning and Communicating Performance

a. Identifying Performance Elements and Establishing Performance Requirements

(1) Each senior executive must have a performance plan that describes the individual and organizational expectations for the appraisal period and sets the requirements against which performance will be evaluated. The performance plan must be consistent with the goals and performance expectations in the agency's strategic planning initiatives.

(2) Supervisors must develop performance plans in consultation with senior executives. Performance elements and requirements must be verbally communicated to the Rated Employee on or before the beginning of each rating period, and must be prepared on the performance appraisal form, with a copy provided to the Rated Employee, normally within 30 days of the beginning of the appraisal period. Subsequent revisions become effective upon decision by the Rating Officer after consultation with the Rated Employee.

#### b. Performance Elements

(1) Performance plans must describe only the critical elements of the senior executive's work. A minimum of two critical elements must be established for each SES position. Performance plans for all senior executives must include the critical performance element that is included as Element Number One (1) on the Performance Appraisal Report form.

(2) To ensure a common understanding of the expected performance, substantive participation by the Rated Employee in the establishment of performance elements and requirements is required. The Rated Employee may participate by providing draft performance elements and requirements, commenting on draft elements and requirements, meeting with the Rating Officer to discuss and develop performance elements and requirements, or any other appropriate means. However, the Rating Officer, as supervisor, prevails in the event of a disagreement concerning performance elements and requirements ultimately established.

#### c. Performance Requirements

(1) The purposes of performance requirements are to give Rated Employees guidance on what they are expected to do; provide a benchmark against which the Rating Officers can make objective assessments of performance; and increase understanding between the Rating Officer and Rated Employee of the basis on which the appraisal will be made.

(2) At a minimum, a performance requirement must be developed at the Fully Successful level for each performance element. Performance requirements at other rating levels are encouraged but not required. These are the standards against which the senior executive's performance will be appraised. The absence of a written performance requirement does not preclude the assignment of a rating at that level. The requirements established at the Fully Successful level should reflect the consequences of the work outcome to the organization and its mission, and permit the accurate evaluation of job performance. Requirements should be realistic and reasonable.

### 1132.3 Monitoring Performance

a. Rating Officers must monitor each senior executive's performance during the appraisal period and provide feedback to the senior executive on progress in accomplishing the performance elements and requirements described in the performance plan. Supervisors must provide advice and assistance to senior executives on how to improve their performance.

b. Rating Officers and Rated Employees are encouraged to review and discuss the Rated Employee's performance throughout the rating period. Rating Officers and Rated Employees must hold at least one progress review during the rating period, preferably at the mid-point. At a minimum, senior executives must be informed about how well they are performing against performance requirements. During this discussion, modifications of performance elements and/or performance requirements may be made. Any modifications of performance elements and requirements must be documented in writing and incorporated into the final performance appraisal form. The dates of all discussions also should be indicated on the appraisal form.

#### 1132.4 Appraising Performance

a. At the end of the appraisal period, the Rating Officer must assign a level of achievement on the performance appraisal form for each performance element, unless the employee has had no opportunity to demonstrate performance on the element.

b. The Rating Officer must record the level of achievement on the performance appraisal form. A narrative justification is required for all Outstanding levels of achievement, which clearly describes the extent to, and manner in which the employee exceeded the established requirement. No narrative justification is required at the Fully Successful or Highly Successful levels, provided that the previously established requirements clearly describe the expectations of the assigned level.

If a Highly Successful level of achievement is assigned to an individual element having only a Fully Successful established requirement, a narrative justification is required. A narrative description of performance must be provided at all levels upon the employee's request.

c. Levels of Achievement - There are five levels of achievement for each performance element from which the Rating Official may choose:

(1) Outstanding - Performance of rare high quality which clearly and consistently far exceeds the Fully Successful requirement to an outstanding degree in terms of such factors as meeting goals and exhibiting leadership, as well as quality, quantity, timeliness and extent of supervision required, or exceeds the Highly Successful requirement if one is provided.

(2) Highly Successful - Performance of unusually good quality which clearly and consistently exceeds the Fully Successful requirement to a significant degree in terms of such factors as meeting goals and exhibiting leadership, as well as quality, quantity, timeliness and



extent of supervision required, or meets the Highly Successful requirement if one is provided.

(3) Fully Successful - Performance, which clearly and consistently meets the Fully Successful requirement in terms of such factors as meeting goals and exhibiting leadership, as well as quality, quantity, timeliness, and extent of supervision, required.

(4) Minimally Satisfactory - Performance of poor quality which falls noticeably below the Fully Successful requirement in terms of such factors as meeting goals and exhibiting leadership, as well as quality, quantity, timeliness and/or extent of supervision required, or meets the Minimally Satisfactory requirement if one is provided.

(5) Unsatisfactory - Performance of very poor quality which is unacceptable and falls well below the Fully Successful requirement in terms of such factors meeting goals and exhibiting leadership, as well as quality, quantity, timeliness, and/or extent of supervision required, or falls short of the Minimally Satisfactory requirement if one is provided.

d. Initial Summary Rating - The Rating Officer must also assign a summary rating of the Rated Employee's overall performance, which is the written initial summary rating. Summary adjectival ratings are limited to the five outlined below and may not be modified.

(1) Outstanding - For a summary rating of Outstanding, an employee's performance must have been rated as Outstanding on all elements.

(2) Highly Successful - Except as noted, for a summary rating of Highly Successful, the employee's performance on all elements must have been rated as at least Highly Successful. A summary rating of Highly Successful still may be appropriate if performance on one but not more than one element is rated Fully Successful, provided performance on other elements is rated at least Highly Successful and the Rating Officer concludes that (a) the element was relatively less important than other elements and (b) required only a small portion of the time of the employee and (c) that performance on that element was offset by performance on two or more other elements.

(3) Fully Successful - For a summary rating of Fully Successful, the employee's performance on all elements must have been rated as at least Fully Successful.

(4) Minimally Satisfactory - A summary rating of Minimally Satisfactory is appropriate if the employee's performance has been rated as Minimally Satisfactory on one or more elements.

(5) Unsatisfactory - A summary rating of Unsatisfactory is required if the employee's performance on one or more elements has been rated as Unsatisfactory.

e. Higher Level Approvals

Directors may require review and approval of their subordinate managers' proposed ratings for overall reasonableness, difficulty and strictness of application, consistency between organizations and consistency with organizational performance, and to ensure that only those employees whose performance exceeds normal expectations are rated at levels above Fully Successful.

f. Rated Employees

(1) After the Rating Officer has completed the initial summary rating and signed the performance appraisal form, the Rating Officer will give the Rated Employee the initial summary rating and will notify the employee of his/her right to respond in writing and to request a higher level review before the rating becomes final.

(2) Rated Employees are encouraged to provide written comments in the Rated Employee section of the performance appraisal form and to respond to the initial summary rating. The Rated Employee signs the form and returns it to the Rating Officer with his or her comments for transmittal to the Reviewing Officer, if one is requested, and to the PRB. Completion of this section should not automatically be construed as a rebuttal of the performance appraisal.

(3) The Rated Employee may also request a higher level review, unless there is no one at a higher level, prior to review of the Performance Review Board (PRB). The Rated Employee's response must be provided to both the official making the higher level review and the PRB.

g. Reviewing Officers

(1) Except as stated in 1132.4e, no Reviewing Officer will be required for SES ratings except in cases where the Rated Employee requests a review. In those cases the Reviewing Officer normally will be the Rating Officer's supervisor.

(2) If there is a Reviewing Officer, the Rating Officer and the Rated Employee must receive a copy of the Reviewing Officer's comments and recommendations after the Reviewing Officer has completed his/her section of the performance appraisal form. The Rated Employee may then add additional comments. The Reviewing Officer and Rated Employee's comments will become part of the record and will be included in the materials sent to the PRB.

(3) After the review is completed, the performance appraisal form will be transmitted to the Performance Review Board through the Director of Personnel.

1132.5 Performance Review Board - The Performance Review Board must review the initial summary rating, the senior executive's response to the initial rating, and the higher level official's comments, if any. It can conduct further review or investigation as it finds necessary, and, by a majority, must make a written recommendation to the appointing authority about each senior executive's annual summary rating. The Performance

Review Board then forwards the appraisal form and written recommendations to the appropriate appointing authority (IBB Director or BBG Chairman).

1132.6 Annual Summary Rating - After considering any PRB recommendations, the appropriate appointing authority assigns in writing the annual summary rating of the senior executive's performance. This rating is the official rating.

#### 1133 DESIGNATION OF RATING AND REVIEWING OFFICERS

a. The Rating Officer must be the Rated Employee's supervisor, except under very unusual circumstances that must be fully explained.

b. No Reviewing Officer will normally be required, except as noted in 1132.4e. or in cases where the Rated Employee requests a review. In such cases, the Reviewing Officer will usually be the Rating Officer's supervisor.

c. If a question arises concerning who shall serve as the Rating or Reviewing Officer, the Associate Director for Management shall decide, after coordination with the Director, IBB.

#### 1134 PREPARATION OF PERFORMANCE RATINGS

##### 1134.1 Appraisal Periods

a. Annual Appraisals - Annual appraisals cover the period July 1 through June 30 of each year, unless the rating period is extended in accordance with paragraph 1134.1d. below. They must be prepared and submitted through the Office of Personnel to the Performance Review Board no later than September 1 of each year. An annual appraisal period may be terminated in accordance with paragraph b(3) below.

##### b. Duration of Appraisal

(1) Any employee assigned to a SES position must receive at least one written annual summary rating. Such a rating must be prepared at the end of the appraisal period and cover a minimum of 90 calendar days under the same performance elements and requirements.

(2) Interim and transferred ratings given during an appraisal period shall not supersede an annual summary rating assigned for a previous rating period.

(3) Except as provided in (1) above, a performance appraisal period may be terminated in any case where an adequate basis exists on which to appraise and rate a senior executive's performance.

##### c. Interim Ratings

(1) Interim ratings must be prepared for any period of assignment that covers at least 90 calendar days but less than a full rating year. Interim ratings must be prepared upon the departure of a Rating Officer or when an executive changes positions if he or she has served for the

minimum appraisal period. However, by law, no performance appraisal may be prepared for a career SES appointee within 120 calendar days after the beginning of a new Presidential administration. Interim ratings must be considered in determining the next annual summary rating.

(2) If the Rated Employee has received one or more SES interim ratings during the annual rating period, including appraisal information or ratings from other Federal agencies, such ratings must be considered in determining the employee's initial summary rating at the end of the rating period. The following factors should be considered in making this determination:

(a) Relative difficulty of the performance elements and requirements in both the current and previous position(s);]

(b) Performance of the employee throughout the appraisal period and any recent improvement or deterioration in performance; and

(c) Length of time covered by the interim rating(s).

d. Extensions of Appraisal Periods - If the Rated Employee has not been in his or her current SES position for at least 90 calendar days or if a new Rating Officer has been assigned within the last 90 calendar days and no interim SES ratings were received, the rating period must be extended to provide a minimum appraisal period on which an annual summary rating can be prepared. If the Rated Employee received at least one interim SES rating covering the minimum 90 day appraisal period, the Rating Officer may prepare an annual summary rating based on the interim rating(s). The appraisal period generally can not be extended beyond September 30 to provide an annual summary rating to be used as a basis for performance pay purposes.

e. Performance on Details and Temporary Assignments Within BBG/IBB - When senior executives are detailed or temporarily reassigned and the detail or temporary assignment is expected to last 90 calendar days or longer, the gaining organization must provide the senior executive with written critical elements and performance requirements. The gaining organization must appraise the senior executive's performance in writing. This appraisal must be considered in deriving a senior executive's next annual summary rating.

f. Performance on Details Outside BBG/IBB - When senior executives are detailed outside of BBG/IBB, the Rating Officer must make a reasonable effort to obtain appraisal information from the outside organization, which shall be considered in deriving the executive's next annual summary rating.

(1) If an executive has served in BBG/IBB for at least 90 calendar days, the executive must be rated. The rating shall take into consideration appraisal information obtained from the borrowing organization.

(2) If an executive has not served in BBG/IBB for 90 calendar days, but has served for the minimum appraisal period outside the organization, the

Rating Officer must make a reasonable effort to prepare a rating using appraisal information obtained from the borrowing agency.

g. Transfer of Rating - If a SES employee moves to a new agency or to a new organizational element within BBG/IBB, at any time during the appraisal period, his or her current annual summary rating must be transferred as described in MOA V-A 910. In addition, the losing supervisor must prepare an interim rating if the employee has served for the minimum appraisal period in the position he or she is vacating. This rating is not considered to be the initial summary rating. The transferred rating must be considered by the gaining supervisor or Agency when deriving the next initial summary rating.

1134.2 Format of Performance Ratings - All performance ratings must be prepared on the current SES Performance Appraisal Form (IBB-0006).

1134.3 Confidentiality and Disclosure of Performance Ratings - Performance appraisals must be treated confidentially, consistent with the Privacy Act. Access to appraisals is restricted to persons who have a legitimate need to know. (See MOA V-A 910.)

1134.4 Inadmissible Comments - A number of factors must not be included in the performance rating by any of the participants in the rating process (Rating Officer, Reviewing Officer or Rated Employee) in any part of the report:

a. Reference to race, color, religion, sex (except for title of address, first names or personal pronouns), national origin, age, political affiliation, marital status, or reference to spouse or family.

b. Mention of the specific nature of a disability or medical problem, such as a physical handicap, alcoholism, or drug abuse. Alcoholism and drug abuse, including efforts at rehabilitation, are considered medical problems to be diagnosed only by medical personnel and should not be specifically discussed in any performance rating. Reference may be made to a disability or medical problem only to the extent that it affects job performance.

c. Mention of initiation or participation in grievance procedures.

NOTE: This list does not include all inadmissible comments. The Office of Personnel should be consulted in questionable situations.

#### 1135 SUBMISSION AND DISPOSITION OF PERFORMANCE APPRAISAL RATING FORMS

a. No more than three copies of the Performance Appraisal Form may be prepared. The original copy of the completed form with the initial summary rating must be submitted by the Rating Officer or Reviewing Officer, as appropriate, to the Performance Review Board, through the Director or Personnel. The Rated Employee must receive a copy of the initial summary rating. The Rating Officer retains a copy. All copies must show the signatures of all parties.

b. Under the Privacy Act, the retention by the originating office of a copy of the initial summary rating will be restricted to those circumstances outlined in MOA V-A 900.

c. After the annual summary rating is assigned by the appropriate appointing official (IBB Director or BBG Chairman), the original copy of the completed rating will be placed in the employee's official performance file and will be retained there for five years. The Executive Secretary to the PRB will send a copy of this completed performance appraisal rating form to the Rated Employee.

d. If an employee moves to another Federal agency at any time during the appraisal period, the performance ratings of record of the past five years and the most current performance plan must be transferred to the gaining agency. If an employee has served a minimal appraisal period, an interim rating must be prepared on the same form as the most current performance plan. This interim rating must be taken into consideration by the gaining agency when determining the next annual summary rating.

#### 1136 USE OF PERFORMANCE APPRAISALS

The performance appraisals should be used as a basis for the following:

a. Career Development and Training - Appraisals of performance often highlight a need for further development, either through classroom or on-the-job training, to improve employee effectiveness. Supervisors and employees should follow normal procedures to request training.

b. Retention, Reassignment, or Removal

(1) An annual summary rating of Fully Successful or above shall provide the basis for retention in the Senior Executive Service.

(2) An annual summary rating of Unsatisfactory must result in reassignment within the SES, and may result in removal from SES.

(3) Any Senior Executive who receives two Unsatisfactory annual summary ratings in any period of five consecutive years must be removed from the SES.

(4) Any Senior Executive who twice in any period of three consecutive years receives an annual summary rating of Minimally Satisfactory or Unsatisfactory must be removed from the Senior Executive Service.

(5) If an annual summary rating is below the Fully Successful level, efforts will be made to assist the employee in improving his/her performance including formal, and/or on-the-job training, counseling, and/or closer supervision:

c. Performance Awards - Any career appointee receiving an annual summary rating of at least Fully Successful may be given a performance award.

d. Adjusting Base Pay - Performance appraisals may be used as a basis in recommending base pay adjustments.

## 1137 PERFORMANCE AND RANK AWARDS

### 1137.1 Performance Awards

a. Authority - To encourage and reward excellence in performance by career appointees in the Senior Executive Service, 5 USC. 5384 authorizes the Director to make lump sum cash payments to deserving executives.

#### b. Guidelines and Limitations

(1) Only career appointees in the SES as of the end of the rating period, regular or extended, are eligible for consideration for performance awards. The executive's most recent annual summary rating must have been Fully Successful or higher.

(2) The total amount of performance awards paid during a fiscal year may not exceed (a) ten percent of the aggregate career SES basic pay as of the end of the fiscal year prior to the fiscal year in which the award payments are made, or (b) twenty percent of the average annual rates of basic pay to career SES appointees at the end of the fiscal year prior to the fiscal year in which the award payments are made.

(3) The performance award will be a lump-sum payment in addition to, but not part of, basic pay. It must be at least 5% but may not exceed 20% of the executive's basic SES pay as of the end of the performance appraisal period.

(4) The total of an employee's basic salary and performance or rank awards and any other payments listed in 5 CFR 530.202 may not in any one calendar year exceed the pay rate then payable for Executive Level I. However, the amount in excess of that limit shall be paid to that individual in a lump sum at the beginning of the following calendar year, subject to the same annual limit.

#### c. Procedure - See paragraph 1137.3.

d. Documentation - Records of approved performance awards will be placed in the employee's Official Personnel Folder, with a copy in the Employee's Performance File.

### 1137.2 Presidential Rank Awards

a. Authority - To recognize prolonged, high quality accomplishment by members of the Senior Executive Service, 5 USC 4507 authorizes the President to approve the awarding of ranks and accompanying stipends to a select number of senior executives who hold career appointments in the SES. Presidential Rank Awards are reserved for career senior executives who have a record of achievement that is recognized throughout the agency and/or is acknowledged on a national or international level. In reaching the pinnacle of achievement, rank award recipients will also have inspired their employees and earned their customers' respect. Balanced measures (i.e. high performance in GPRA goal attainment, customer satisfaction, and employee perspectives) are key in evaluating executive

accomplishments. Nominees must have a minimum of three years career service at the SES or equivalent level.

b. Types of Awards - Two types of awards are available:

(1) Meritorious Executive - For sustained accomplishment. This award includes a lump-sum payment of 20 percent of the executive's base salary, subject to the total remuneration limitation (see 1137.1 b.).

(2) Distinguished Executive - For sustained extraordinary accomplishment. This award includes a lump-sum payment of 35 percent of the executive's base salary, subject to the total remuneration limitation (see 1137.1 b.).

1137.3 Procedures for Determining Performance Awards, Rank Award Nominations, and Related Personnel Matters with regard to SES Members

Step 1 - Rating Officers

Complete SES performance appraisals and forward to the Office of Personnel by September 1 for transmittal to the Performance Review Board.

Step 2 - Overall Funding Level

The IBB Director and the BBG Chairman, based upon recommendations of the Office of Personnel, the BBG, and the Budget Office, determine the amount of money available to fund performance awards for the applicable fiscal year. The maximum number of performance awards will be determined year by year, subject to budget restraints, but in no case can exceed statutory budget limits.

Step 3 - Performance Review Board (PRB)

Recommendations of the PRB will be determined by a majority vote of the members of the PRB. The PRB:

a. Reviews initial summary ratings and any recommendations, conducts further reviews or investigations as it finds necessary, and makes a written recommendation concerning each executive's initial summary rating;

b. Prepares recommendations to the IBB Director or BBG Chairman for performance awards and individual percentages to be awarded;

c. Prepares recommendations to the IBB Director or BBG Chairman on rank awards; and

d. Forwards all recommendations and appraisals to the IBB Director or BBG Chairman through the Executive Resources Board.

Recommendations on individual performance ratings will be made on the appraisal form. When reviewing a performance rating on a career SES member, the majority of PRB members must be career SES. The supervisor who made the initial summary rating may not participate in the PRB consideration of the SES member's performance. However, the supervisor may be called upon to appear before the PRB during its review of the



rating. When reviewing the performance appraisal of a member of the PRB, that member may not participate. PRB members cannot review their own appraisals or those of their supervisors.

#### Step 4 - Executive Resources Board (ERB)

a. Recommends pay adjustments (subject to OPM limitation of one per year).

b. Prepares recommendations to the IBB Director or BBG Chairman for performance awards and individual percentages to be awarded;

c. Supports PRB recommendations or prepares its own recommendations to the IBB Director or BBG Chairman to supplement those of the PRB for:

- (1) Performance awards and individual percentages to be awarded; and
- (2) Rank awards.

d. Forwards all materials to the IBB Director or BBG Chairman.

#### Step 5 - The IBB Director or BBG Chairman (as appropriate)

a. Assigns the annual summary rating.

b. Approves, disapproves, raises or lowers recommended performance awards.

c. Approves, disapproves, raises or lowers rank award nominations.

d. As appropriate in his/her judgment, may adjust pay, approve performance awards, and nominate for rank awards other than those recommended by either the PRB or the ERB.

e. Approves or disapproves recommendations for pay adjustments, reassignments, or removal from SES.

#### Step 6 - Advising OPM

The IBB Office of Personnel shall submit the distribution of performance awards, the total amount of awards, and the aggregate payroll figures to OPM no later than 14 days after the performance awards are approved.

#### 1137.4 Incentive Awards

All appointees in the SES are eligible for consideration for a cash incentive award if by his or her suggestion, invention, or other personal effort they contribute to the efficiency, economy or other improvement of Government operations or special act or service in the public interest in connection with or related to their official employment. Normally, non-career appointees will not be granted cash awards, to avoid the appearance of political favoritism. Members of the SES are excluded from eligibility for lump sum cash awards for sustained superior job performance under the incentive awards program for overall job performance, but may be granted an incentive award for a special act or

service, invention, or suggestion. Incentive awards should not be used to supplement or circumvent performance awards.

#### 1138 PERIODIC EVALUATION OF THE SES PERFORMANCE APPRAISAL PROGRAM

The SES performance appraisal program will be evaluated by the Office of Personnel at least annually to monitor its effectiveness in meeting the purposes set forth in Section 1131.4 of this plan, and so that any appropriate adjustments and improvements can be initiated. Evaluation will cover performance appraisal and awards described in this plan.

#### 1139 RE-CERTIFICATION

1139.1 Applicability - SES career employees who have been continuously employed in the SES for 156 weeks preceding the end of the re-certification period are subject to re-certification.

1139.2 Authority - Section 506 of the Ethics Reform Act of 1989 (P.L. 101-194); Title 5 USC 3393a; 5 CFR 213, 317, 359, 842.

1139.3 Implementation - Re-certification was implemented in 1991. Subsequent re-certification will take place every third calendar year thereafter.

1139.4 Objective - Re-certification ensures that the performance of career appointees demonstrates the excellence needed to meet the goals of the Senior Executive Service.

1139.5 Plan - See Attachment A.

##### 1139.6 Process

Step 1 - The SES career executive completes name, title, organization, pay rate, the appointee's annual ratings of record for the last three years, and other information in Part I of the Re-Certification form. The annual summary ratings for the three previous rating years, ending on June 30 of the current rating year, will be considered for re-certification.

Step 2 - Part II of the Re-certification form describes criteria for re-certification and is provided for review by the supervisor, the Performance Review Board, and the IBB Director or BBG Chairman.

Step 3 - The supervisor makes a recommendation in Part III and returns the form to the appointee.

Step 4 - The senior executive acknowledges receipt, signs and dates Part IV.

Step 5 - The supervisor forwards the Re-Certification form to the PRB through the Office of Personnel.

Step 6 - The PRB makes its recommendations for re-certification and pay adjustments in Part V. The PRB Chairperson signs Part V.

Step 7 - The PRB forwards its recommendation to the IBB Director or BBG Chairman.

Step 8 - The IBB Director or BBG Chairman indicates in Part VI the recertification determination and a determination on pay adjustment. The form is returned to the Office of Personnel for action.

## Attachment A

### SUBJECT: SENIOR EXECUTIVE SERVICE RE-CERTIFICATION PLAN

#### A. Authority

Under Sec. 506 of the Ethics Reform Act of 1989 (Public Law 101-194), Senior Executive Service (SES) career appointees are subject to re-certification by their agencies. [Title 5 USC 3393a] [5 CFR 213, 317, 359, 842]

#### B. Purpose

SES re-certification ensures that the performance of career appointees demonstrates the excellence needed to meet the goals of the Senior Executive Service.

#### C. Relationship to Annual Performance Appraisal Process

The SES re-certification process and the annual performance appraisal process are complementary but separate. While the annual appraisal looks at how well the executive has met the specific requirements for his or her position for the year, the re-certification process looks at 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 fully judge the performance of an individual in as short a time span as one year since the impact of an executive's activities may not show up until a later time.

#### D. Applicability

1. SES career employees who have been continuously employed in the SES for 156 weeks preceding the end of the re-certification period are subject to re-certification. This period includes any service as a SES non-career or limited appointee. It also includes service in any agency.
2. One or more breaks in SES service of a total of 6 months or less do not interrupt the 156 weeks of continuous employment.
3. SES career appointees who are on extended assignment or absence from their positions at the time of re-certification are subject to re-certification as long as they are officially occupying a SES position at the end of the re-certification period as a career appointee and meet the 156 week length of service requirement.
4. This re-certification plan does not apply to SES non-career appointees, SES limited appointees, or former SES career appointees who took Presidential appointments at Executive Level V or higher with Senate confirmation and elected to retain SES benefits.

#### E. Re-certification Period

1. The initial re-certification period ended on June 30, 1991, coincident with the end of the annual performance appraisal period. Subsequent re-

certification shall take place every third calendar year thereafter. June 30 shall serve as the date for calculating the 156-week employment period.

2. If an individual is re-certified in another agency and then transfers to BBG/IBB during the calendar year, the individual is not subject to re-certification.

3. If an individual transfer from another agency during the calendar year and no re-certification decision was made in that agency, a re-certification decision must be made by BBG/IBB. All necessary relevant information on the executive's performance during the re-certification period, in addition to performance appraisals completed, will be requested of the executive's previous agency.

#### F. Standard for Re-certification

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 re-certification period that he or she has achieved excellence in:

a. Planning for, substantially advancing, and attaining individual and organizational goals and objectives that are consistent with the goals and performance expectations in the agency's strategic planning initiatives and 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/or

c. Providing strong leadership to enhance the development, utilization and achievements of subordinate personnel, including achievement of equal employment opportunity goals.

#### G. Re-certification Recommendation and Determination Procedures

1. Recommendation by the Supervising Official

a. Prior to making a recommendation, supervising officials request a written statement of accomplishments from the executive in relation to the standard for re-certification.

b. The supervising official of the career appointee shall submit to the Performance Review Board, a recommendation whether the career appointee's performance justifies re-certification as a senior executive (form provided). The recommendation shall be based on the executive's overall performance during the re-certification period in relation to the standard for re-certification in paragraph F, including consideration of such factors as the following:

(1) The appointee's SES performance ratings for the three (3) preceding years. SES career appointees do not necessarily have to have received annual summary ratings above Fully Successful to be re-certified, nor do Fully Successful annual summary ratings guarantee re-certification.

(2) 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 re-certification period should be considered, even though some of the achievements recognized may have occurred before the re-certification period. Also to be considered are awards received after the re-certification period, but before the re-certification determination, if the award recognizes performance that took place during the re-certification period.

(3) 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 vs. newly appointed executive, when evaluating the extent to which an executive participates in developmental activities.

(4) Other relevant qualitative factors which include significant accomplishments on task forces or boards outside of program responsibilities; reputation in field of expertise as reflected by speaking engagements and publications; SES pay increases when they are specifically related to performance.

c. The factors identified above should be used as a measure of whether the standard for re-certification has been met in relation to the written performance elements for the career appointee's senior executive position. Supervising officials may not make a recommendation solely on the basis of performance ratings.

d. If there is no current immediate supervisor of 90 calendar days or longer, the next level supervisor will make the determination if he/she meets the 90-day criteria. If there is no second level supervisor, the Associate Director for Management will make the determination.

If none of the above meet the 90-day criteria, the re-certification recommendation will be delayed until a supervisor has acted in that

capacity for 90 days. If such a delay would result in deferring the re-certification decision beyond the calendar year in which it is required by statute and regulation, the current supervisor shall attempt to contact the appointee's previous supervisors who served in that capacity during the three (3) year re-certification period, and make a determination based on their input.

e. If the supervising official recommends re-certification, no written justification is required. However, a recommendation proposing conditional re-certification or no re-certification shall include a narrative justification. The narrative should specify those aspects of the standard for re-certification cited in paragraph F that have not been met. Supervising officials should contact Office of Personnel for technical advice and assistance prior to preparing such a narrative.

f. The appointee shall be given a copy of the recommendation. He/she shall be requested to acknowledge receipt of the form, and advised of the right to submit to the Performance Review Board (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 F. The statement of accomplishments provided to the PRB may be the same as that provided in paragraph a. above, or amended at the executive's discretion.

g. The re-certification form and any appropriate written documentation (i.e. the executive's statement of accomplishments if provided to the supervising official; a narrative justification for a recommendation other than to re-certify) shall be forwarded to and reviewed by the Performance Review Board when the annual performance appraisal review is completed.

## 2. Recommendation by the Performance Review Board

a. 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 re-certification.

b. After receiving the recommendation of the supervising official and any information provided by the career appointee under paragraph G-1-a, the Board shall submit to the IBB Director or BBG Chairman a recommendation whether the appointee should be re-certified, conditionally re-certified, or not re-certified.

c. 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.

d. If the Board proposes to recommend conditional re-certification or no re-certification, the appointee shall:

(1) 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.); and

(2) have the opportunity to appear before the Board prior to the forwarding of the recommendation to the IBB Director or BBG Chairman. The appointee shall be given 5 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.

e. If the Board recommends re-certification, 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 re-certification, it may also recommend that the appointee's rate of basic pay be reduced to the next lower ES pay rate. The IBB Director or BBG Chairman will consider the recommendations for pay level increases or decreases of both the PRB in the re-certification process as well as the ERB in the performance appraisal process. The PRB recommendations may be documented on the re-certification determination form, but will be considered at the same time as the ERB recommendations (i.e. during the performance appraisal process).

f. In addition to its recommendation, the Board shall provide the IBB Director or BBG Chairman with the recommendation from the supervising official and any information received from the appointee under 1-a, 2-c or 2-d of this paragraph.

g. A copy of the re-certification determination form reflecting the Board's final recommendation shall be forwarded to the appointee.

### 3. Determination by the IBB Director or BBG Chairman

a. The IBB Director or BBG Chairman shall determine whether the appointee shall be re-certified, conditionally re-certified, or not re-certified.

b. If the IBB Director or BBG Chairman determines that the appointee's performance warrants re-certification, he/she will record the decision on the re-certification determination form along with the appropriate annotation if a positive pay rate change is decided upon.

c. Written reasons must be provided for any recommendation or decision to conditionally re-certify or to not re-certify 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 IBB Director or BBG Chairman may concur with the PRB and the supervising official without providing additional reasons if he or she agrees with the reasons provided.

d. If a decision to conditionally re-certify or not re-certify 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 re-certify, the Director or BBG Chairman will provide the executive an opportunity to make a presentation in writing and/or in person before taking further action.



e. Determinations will not be based on a prescribed distribution of how many or what percentage of executives will be re-certified, conditionally re-certified, or not re-certified.

#### H. Re-certification Determinations

##### 1. Decision to Re-certify

a. If the Director or BBG Chairman determines that the appointee's performance warrants re-certification, the appointee shall continue in the SES.

b. The appointee's rate of basic pay may not be reduced at the time of re-certification.

c. 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.

##### 2. Decision to Conditionally Re-certify

a. If the IBB Director or BBG Chairman determines that the appointee's performance warrants conditional re-certification, the appointee:

(1) Shall be notified in writing and provided the completed re-certification determination form and necessary supporting documentation.

(2) Shall remain a career appointee in the SES.

(3) Shall be subject to continuing close review of the appointee's performance by the supervising official in coordination with the Executive Resources Board (ERB).

(4) Shall be subject to a performance improvement plan developed by the supervising official, subject to the approval of the ERB, and provided to the appointee within 30 days of his/her notification of conditional re-certification. 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 to performance requirements the executive is required to attain during the period. Periodic progress review discussions shall be held and documented.

(5) May be reduced to the next lower ES pay rate, if the Director or BBG Chairman so determines, once 12 months have elapsed since the appointee's last pay adjustment.

(6) May not appeal to the Merit Systems Protection Board, as the law does not provide such a right.

b. At the end of the 12 months following conditional re-certification, the agency shall make a new re-certification determination. The process for making the new determination shall be the same as for the initial re-

certification decision, including review and recommendation by a Performance Review Board.

(1) The individual shall be retained in the SES if re-certified, and shall have any reduction in ES pay level made under paragraph H-2-a-(5) restored as of the beginning of the first pay period following re-certification when 12 months have elapsed since the pay reduction.

(2) The individual shall be removed from the SES if not re-certified at the end of the 12-month period following the conditional re-certification.

### 3. Decision Not to Re-certify

a. If the IBB Director or BBG Chairman determines that the appointee's performance does not warrant re-certification or conditional re-certification, the appointee shall be removed from the SES in accordance with 5 CFR 359 and MOA V-A 1140.

b. 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. c. The notice shall include the completed re-certification determination form and advise the appointee of:

(1) The basis for the action.

(2) The appointee's placement rights provided under 5 CFR 359.701-705. 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 10 calendar days before the effective date of the action.

(3) The appointee's right to appeal to the Merit Systems Protection Board, 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.

(4) The effective date of the removal from the SES.

(5) 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).

d. Removal from the SES as a result of not being re-certified may not be made effective within 120 days after:

(1) The appointment of a new agency head; or

(2) The appointment of the career appointee's most immediate supervisor who is a non-career appointee and has the authority to remove the career appointee.

### I. Re-certification Plan Consultation, Approval, and Distribution

1. In accordance with regulations, BBG/IBB developed the re-certification procedures described in this plan in consultation with its SES career appointees.

2. This plan is approved by the Office of Personnel Management.

3. Copies of the approved plan, and any subsequent changes, will be provided to all SES appointees.

#### J. Training

Before the beginning of each re-certification determination process, executives who supervise career SES appointees, and PRB members, will be given training on the objectives and procedures of the re-certification process. Also, during this same time period, the Office of Personnel will inform SES career appointees about the re-certification plan provisions.

#### K. Records

Re-certification documentation shall be maintained in the appointee's Employee Performance Folder (EPF) for 5 years from the date of the re-certification determination. (If an individual is conditionally re-certified, documentation for the final re-certification determination shall be maintained for 5 years from the date of the conditional re-certification.) 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.

#### L. Reports and Evaluation

IBB will report to the Office of Personnel Management (OPM) such information, and take such corrective action as OPM may direct as a result of its oversight and evaluation responsibilities.

SENIOR EXECUTIVE SERVICE RE-CERTIFICATION CY \_\_\_\_\_

Name of Executive: Position Title and Organization:

Re-certification Period

Current Pay Rate: ES-\_\_\_\_\_ FROM: TO:

I. To be provided by the SES Member under consideration for re-certification.

Annual SES Performance Ratings of Record

2001 \_\_\_\_\_ 2002 \_\_\_\_\_

2003 \_\_\_\_\_

Performance Rating Level Performance Rating Level Performance Rating Level

Awards and Other Recognition (Not limited to government awards. Must have been awarded during the three-year re-certification period, or prior to re-certification determination, but for performance during re-certification period.)

Developmental Activities (e.g., training, education, self-development)

Other Relevant Qualitative Factors (e.g., accomplishments, service on boards or task forces)

## II. Standard for Re-certification

The career appointee must perform at the level of excellence expected of a senior executive. Excellence means that the executive had demonstrated over the re-certification period that he or she has achieved excellence in:

a. Planning for, substantially advancing, and attaining individual and organizational goals and objectives that are consistent with the goals and performance expectations in the agency's strategic planning initiatives and 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.
- d. Making significant technical, scientific, or professional contributions.

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.
- c. Providing strong leadership to enhance the development, utilization and achievements of subordinate personnel, including achievement of equal employment opportunity goals.

The following recommendations/decisions are based on an assessment of the executive's overall Performance during the re-certification period in relation to the above Standard for Re-certification stipulated in law, regulation, and agency written procedures and include consideration of the executive's performance ratings, awards and other recognition, developmental activities, and other relevant factors related to performance during the period.

III. Supervising Official's Recommendation:

Re-certify \_\_\_\_\_ Conditionally Re-certify \_\_\_\_\_ Not Re-Certify \_\_\_\_\_

If the above recommendation is to conditionally re-certify or not re-certify, I have attached the required written justification specifying the standard for re-certification not met and other relevant supporting documentation.

Supervising Official's Signature and Title: Date:

IV. Executive's Acknowledgment 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 official's recommendation and DO NOT wish to submit a statement of accomplishments to the Performance Review Board.

Executive's Signature:  
Date:

V. Performance Review Board (PRB) Recommendation:

Re-certify \_\_\_\_\_ Conditionally Re-certify \_\_\_\_\_ Not Re-certify  
\_\_\_\_\_

Recommend pay rate adjustment to ES - \_\_\_\_\_ No pay rate  
adjustment recommended \_\_\_\_\_

Appearance Before the PRB if Recommendation to Conditionally Re-certify  
or Not Re-certify

Yes \_\_\_\_\_ Date \_\_\_\_\_ Declined appearance (documentation  
attached) \_\_\_\_\_

PRB Chairperson's Signature:

Date:

VI. IBB Director or BBG Chairperson Decision:

Re-certify \_\_\_\_\_ Conditionally Re-certify \_\_\_\_\_ Not Re-certify  
\_\_\_\_\_

Pay rate adjustment to ES- \_\_\_\_\_ No pay rate adjustment \_\_\_\_\_

IBB Director's or BBG Chairman's Signature: Date:

International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

Material within this Manual of Operations and Administration may no longer be current. To ensure having the most current policy or procedure, please contact the Agency office responsible for the subject matter, e.g., information about performance appraisal, staffing, or compensation should be directed to the Office of Human Resources. For assistance in determining which office to contact, please contact Cathy Brown or Renee Tyrance-Gauff of the Analysis and Administration Division on (202) 203-4664 or feel free to email this staff at cabrown@bbg.gov or crgauff@bbg.gov.

MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART V-A PERSONNEL (DOMESTIC), A1100 SENIOR EXECUTIVE SERVICE  
Section 1140

REMOVAL FROM THE SENIOR EXECUTIVE SERVICE

1141 GENERAL

1141.1 Applicability - The following regulations and procedures apply to all career appointees in the Senior Executive Service (SES) except a re-employed annuitant holding any type of appointment under the SES.

1141.2 Authority - These regulations and procedures are established pursuant to Subchapter V of Chapter 35 of title 5, United States Code and Title 5, Code of Federal Regulations, Part 359.

1141.3 Restrictions - The following restrictions apply to removals from the SES except under a reduction-in-force.

A career appointee may not be removed involuntarily within 120 days after appointment of a new Director, or of his or her immediate non-career supervisor who has the authority to remove the career appointee except when:

- a. a disciplinary action was initiated against the career appointee prior to the new appointment; or
- b. the career appointee has received two Unsatisfactory performance ratings of record in any period of five consecutive years or two annual performance ratings of record of Minimally Satisfactory or Unsatisfactory within three consecutive years; or
- c. action had been initiated to remove the career appointee after one Unsatisfactory performance rating of record.

#### 1141.4 Definitions

a. Career appointee - An individual in a SES position whose appointment to the position or previous appointment to another SES position was based on approval by the OPM of the executive qualifications of such individual. Individuals who joined the SES at its inception, and those who converted in accordance with Section 2104 of the Foreign Service Act of 1980 are also career appointees although serving a probationary period or approval by OPM of qualifications was not required.

b. Final Rating - The rating of record assigned by the Director after considering the recommendations of the Performance Review Board (PRB) in accordance with MOA V-A 1130.

c. Formal Rating - A written record of the appraisal of each critical and non-critical requirement and the assignment of an overall summary rating level in accordance with MOA V-A 1130.

d. Less than Fully Successful Rating - A final rating of Minimally Satisfactory or Unsatisfactory.

e. Probation/Probationary Period - The one year probation required by 5 USC 3393(d) upon initial career appointment to the SES.

f. Reduction in Force - The elimination or modification of a position due to a reorganization, a lack of funds or curtailment of work, or any other factor which may result in the release of an employee from his/her competitive level.

g. Unacceptable Performance - Performance which falls below the Fully Successful level of performance.

#### 1141.5 Responsibilities

a. The Director or BBG Chairman is responsible for:

- (1) making all decisions on removal from the SES.
- (2) determining whether a reduction in force (RIF) is necessary, the specific jobs to be abolished, and the effective date of the RIF;
- (3) approving placement offers or separation actions for surplus and displaced SES appointees; and
- (4) certifying to the Director, OPM, when no suitable vacancy exists for an SES appointee released from his/her competitive level and for whom OPM is then obligated to make placement efforts.

b. The Executive Resources Board (ERB) is responsible for:

- (1) Reviewing and making recommendations on all removal proposals forwarded for decision by the Director; and



(2) ensuring that removal actions are conducted in accordance with OPM regulations and policies.

c. The Director of Personnel, is responsible for:

(1) preparing retention registers;

(2) preparing for consideration by the ERB and the Director or BBG Chairman formal proposals on all removal-related matters, based on recommendations from Service/Office heads, including whether to eliminate SES positions, directed reassignments, transfer of function, RIF and/or referral for OPM placement of incumbents;

(3) providing staff support for conducting a RIF; and

(4) notifying SES appointees in writing of any proposed removal action.

#### 1142 REMOVAL OF CAREER APPOINTEES DURING PROBATION

##### 1142.1 Exclusions

The following are excluded from coverage under this section:

a. Removal when the action is initiated by Special Counsel under 5 USC 1206 (g); or

b. Removal when the appointee was covered under 5 USC 7512 for adverse action purposes immediately prior to appointment in the SES (see 5 CFR 752 and MOA V-A 560).

##### 1142.2 Removal During Probation for Less Than Fully Successful Performance

a. A career appointee serving in a probationary period may be removed from the SES at the discretion of the Director, for unacceptable performance at any time during the probationary period. Unacceptable performance is performance which falls below the Fully Successful level. Such a removal action need not be based on a final rating. If, however, removal is based on a formal rating, the rating must be prepared to satisfy all requirements of the SES performance appraisal system described in MOA V-A 1130, including an opportunity for a higher level review and review and recommendation by the Performance Review Board (PRB).

b. The Director of Personnel will provide the appointee with written notification prior to the effective date of the action. The notification must state:

(1) Broadcasting's conclusions as to the inadequacies of the appointee's performance;

(2) Whether the appointee has placement rights in accordance with Section 1146 on Guaranteed Placement and, if so, identify the position to which the appointee will be assigned; and

(3) Show the effective date of the action.

c. A career SES appointee who was appointed from a civil service position (career or career conditional or equivalent as determined by OPM) who is removed from the SES during probation, except for misconduct, is entitled to be placed in a Civil Service position at GS-15 or above of equal tenure to that held at the time of SES appointment for which the employee qualifies. Affected employees may be eligible for discontinued service retirement if they meet minimum requirements.

#### 1142.3 Removal During Probation for Conduct

a. A career SES member may be removed from the federal service during the probationary period for misconduct, neglect of duty, malfeasance, or failure to accept a directed reassignment or to accompany a position in a transfer of function.

b. The Director of Personnel will provide written notification to the appointee at least one day prior to the effective date of the action. The notification shall state:

(1) The basis for the removal action (including the act(s) of misconduct, neglect of duty, or malfeasance if those factors are involved); and

(2) Show the effective date of the action.

#### 1142.4 Removal During Probation for Conditions Arising Before SES Appointment

a. A career SES member may be removed from the SES during the probationary period for an action based on conditions arising before the SES appointment.

b. The Director of Personnel will provide advanced written notification to the appointee stating the specific reasons for the proposed removal. The SES appointee will be given a reasonable period of time (not to exceed 30 days) to reply.

c. The Director of Personnel will provide the SES appointee with final written notification of Broadcasting's decision stating the reasons for the action and the effective date. This notification will be given to the SES appointee at or before the time the action will be made effective.

#### 1142.5 Exceptions to Restrictions

a. In addition to exceptions cited in 1141.3, removal from the SES under Sections 1142.3 and 1142.4 may be made effective within 120 days after the appointment of a new Director or of a new non-career supervisor of the probationary appointee in the following situations:

(1) A disciplinary action when there is a reasonable cause to believe that the career SES appointee has committed a crime for which a sentence of imprisonment can be imposed; or

(2) A disciplinary action when the circumstances are such that retention of the career SES appointee may pose a threat to the appointee or others; may result in loss of or damage to Government property; or may otherwise jeopardize legitimate Government interests.

b. When Broadcasting invokes an exception to the 120-day restriction, under (1) or (2) above, Broadcasting shall include in the notice to the career SES appointee the reason(s) for invoking the exception and give the appointee a reasonable period of time, not less than 7 days, to respond regarding the propriety of the use of the exception. Additionally, Broadcasting will give the appointee written notice of decision on the propriety of the use of the exception at or before the time the action will be effective. The appointee may be placed in a non-duty status with pay for such time as necessary to effect the action.

#### 1142.6 Appeals

Removal actions under Section 1142.2 through 1142.4 are not appealable to the Merit Systems Protection Board (MSPB).

#### 1143 REMOVAL OF CAREER APPOINTEES FOR LESS THAN FULLY SUCCESSFUL EXECUTIVE PERFORMANCE

The Director or BBG Chairman will remove a career appointee from the SES after an appointee has received two final ratings of Unsatisfactory within five (5) consecutive years, or the appointee has been given two final ratings of less than Fully Successful within three (3) consecutive years. (See MOA V-A 1130.)

A career appointee shall be either reassigned within the SES, or removed from the SES at the discretion of the Director or BBG Chairman for receiving one Unsatisfactory performance appraisal rating of record.

1143.1 Procedures - The Director of Personnel will provide the career appointee with written notification at least 30 calendar days before the effective date of the action. The notification will advise the appointee of:

- a. The basis for the action;
- b. The appointee's placement rights in accordance with Section 1146 (Guaranteed Placement) the position to which the appointee will be assigned shall be identified either in this advance notice or in a supplementary notice to be issued no later than 10 calendar days before the effective date of the action;
- c. The appointee's right to request an informal hearing from the MSPB;
- d. The effective date of the removal action; and
- e. When applicable, the appointee's eligibility for immediate retirement (see 5 USC 8336(h)).

1143.2 Informal Hearing - A career appointee being removed from the SES is entitled, upon request, to an informal hearing before an official designated by the MSPB. The appointee must submit such a request directly to the MSPB. This request may be made at any time after the appointee has received the notice but must be made no later than 15 days before the effective date of the action. Broadcasting will not delay the removal action because of the granting of an informal hearing.

1143.3 Appeals - A removal action of a career SES appointee for less than Fully Successful performance is not appealable to the MSPB under 5 USC 7701.

#### 1144 REMOVAL OF NON-PROBATIONARY CAREER APPOINTEES FOR CONDUCT

Career SES appointees may be removed from the federal service for misconduct, neglect of duty or malfeasance in office, or failure to accept a directed reassignment; the appointee has appeal rights to the Merit Systems Protection Board (MSPB); and must be given 30 days advance notice.

Removal for conditions arising before appointment to the SES is subject to regulations for taking an adverse action under the SES.

An appointee removed for conduct has no entitlement to a position outside the SES.

#### 1145 REMOVAL OF CAREER APPOINTEES AS A RESULT OF REDUCTION IN FORCE (RIF)

It is Broadcasting's policy that when an SES position must be eliminated, or so modified that it no longer warrants being included in the SES, every attempt will be made to reassign the incumbent to another SES position within the same competitive area in Broadcasting before instituting reduction in force procedures. Further, in accordance with 5 USC 3395, Broadcasting's reduction in force procedures will be competitive, and retention determinations will be based primarily on current performance.

##### 1145.1 Competitive Procedures

During a period of budgetary constraint, reorganization, etc., it may be necessary to abolish SES positions, and effect a reduction in force. Before initiating a reduction in force, Broadcasting will establish a retention register of all career SES appointees including appointees serving a probationary period. The last three final ratings of record, all Presidential Rank Awards, and length of service in the SES will determine who will be released in a RIF. SES career appointees will be ranked and will appear on the register in order of retention. Ranking does not determine which SES positions will be abolished. It is a means of retaining employees in the SES who have demonstrated, through performance, the ability to achieve the goals of Broadcasting at the executive level.

##### 1145.2 Ranking

a. Credit for Performance - Performance in the SES will be the primary basis for ranking employees on a retention register. Performance in non-SES positions will not be credited for retention purposes. An SES career appointee will be given credit for the last three annual SES ratings of record received during the three year period prior to the date of issuance of specific reduction in force notices. The value assigned to each annual performance rating of record will be:

(1) Forty points for a performance rating of Outstanding (Level 5) in the most recent rating year. Thirty points for a performance rating of Outstanding for the second year and twenty points for a performance rating of Outstanding for the third year.

(2) Twenty five points for a performance rating of Exceeds Fully Successful (Level 4) in the most recent rating year. Twenty points for a performance rating of Exceeds Fully Successful for the second year and fifteen points for a rating of Exceeds Fully Successful for the third year.

(3) Twelve points for a performance rating of Fully Successful or Satisfactory (Level 3) in the most recent rating year. Ten points for a Fully Successful rating for the second year and eight points for a Fully Successful rating for the third year.

(4) Zero points for each performance rating of Minimally Successful.

Performance ratings that were due before the date of specific RIF notices but were not officially approved by the Director until on or after the date of the notices will not be used to determine service credit. If a rating is missing, the value of the most recent SES rating will be assigned. If a career appointee has not received three annual SES ratings of record during the three-year period or has not been in the SES for a three-year period, credit will be given for an assumed rating(s) of Fully Successful (Level 3) to bring the career appointee's ratings up to three. If a career appointee had more than three annual ratings during the three-year period, the most recent ratings will be used.

Section 653 of the FY-99 Omnibus Appropriations Legislation provides protection to career executives involuntarily separated due to RIF or transfer of function. Such executives may use annual leave to remain on the rolls, if the time in a pay status would enable the executive to qualify for discontinued service retirement, or qualify for health benefits in retirement.

b. Rank Awards - An SES career appointee awarded a Presidential Rank Award prior to the date of issuance of specific reduction in force notices will receive a credit of fifteen points for the Meritorious Executive and twenty points for the Distinguished Executive which will be added to performance.

c. Performance Awards - An SES career appointee who was awarded performance pay in the three years prior to the issuance of specific reduction in force notices will receive a credit of five points for each

year in which it was awarded. Credit will be based on the three most recent years in which Broadcasting awarded performance pay, even if this period does not coincide with the period of performance appraisals in 1145.2a.

d. Service in the SES - Length of service in the SES is calculated from date of career SES appointment (including probationary period), rounded up or down to whole years, to date of establishment of register. A maximum of 20 points, two points for each year up to ten, will be added.

f. Ranking is determined by totaling points from performance ratings, Presidential Rank Awards, performance pay, and service in the SES. Each SES career appointee will be placed on the retention register in numerical order as a result of this ranking. Ties will be broken by length of service in the SES, and then by service computation date. A career appointee who has completed the probationary period will be retained over an appointee who has not completed the probationary period if they both have the same score.

#### 1145.3 Placement of Non-Probationary Career Appointees

##### a. Placement within the SES in Broadcasting:

(1) An SES career appointee who has completed the probationary period, or was not required to serve a probationary period, and who is identified for RIF, must be offered any vacant SES position in Broadcasting for which the appointee meets the minimum technical qualification requirements. If there is more than one vacant position, the Director will decide which position to offer the appointee. If there are no non-probationary SES appointees qualified for a vacant SES position, a probationary SES appointee may be placed in it. If there is no vacant SES position within Broadcasting for which the employee qualifies, the career appointee will be subject to the procedures in (2) below.

(2) An employee whose position has been abolished has the right to displace another SES career appointee who is ranked lower on the retention register and occupies a position for which the individual can meet the minimum technical qualifications. If there is more than one such position, the employee with the lowest retention standing will be released from the SES. A career appointee who displaces another is subject to displacement him or herself if other positions are also identified for abolishment.

b. OPM Priority Placement in the SES - Based upon certification from the Director that an SES position is not available, OPM will attempt to place the SES career appointee who has completed probation for a 45-day period beginning the day the certification is acknowledged by OPM. Should an SES vacancy occur within Broadcasting during this 45-day period for which the SES career appointee is qualified, the vacant position will be offered to the affected career appointee.

(1) OPM Referrals - OPM may formally refer a career appointee to other agencies for a specific SES vacancy or general priority consideration. This referral will not be a part of the regular competitive staffing

process. The appointee must be considered non-competitively by the agency for an SES appointment.

(2) Agency Response

(a) Any objection by the agency to the qualifications of the appointee must be based on the professional/technical qualifications in the standard for the position. An agency may not object to a referral because the individual lacks agency-specific experience if the referral is otherwise qualified.

(b) In order to expedite placement of affected career appointees, agencies shall respond to an OPM referral within the time period prescribed by OPM.

(c) If an agency fails to place a referred career appointee in an SES position because of objection to the appointee's qualifications or because of any other reason, the agency response must be in writing and must be signed by the agency head.

(d) If an agency fails to provide bona fide priority consideration, OPM may order appropriate corrective action.

(e) If a career appointee declines a reasonable offer of placement, Broadcasting may remove the appointee from the SES.

c. Placement other than in the SES - See Section 1146.

#### 1145.4 Reduction in Force Notices

A RIF notice is a personal communication in writing to each individual SES career appointee announcing that he or she will be affected by a RIF action. Broadcasting will normally issue specific notices and will avoid the issuance of general notices whenever possible.

a. Notice Period - Each affected career appointee will receive a written specific notice prior to the effective date of the RIF. Non-probationary appointees must receive the notice at least 45 calendar days prior to the effective date.

b. Content of Notice - The written notice will contain the following:

(1) The specific RIF action to be taken;

(2) The effective date of the action;

(3) The appointee's placement rights within Broadcasting and through OPM if any (see 1146); and

(4) The appointee's appeal rights including the time limit for appeal and the location of the MSPB office to which an appeal should be sent.

#### 1145.5 Appeals

A career appointee may appeal to the MSPB as to whether the RIF complies with Broadcasting's competitive procedures as defined in 1145.1 and 1145.2.

#### 1145.6 Records

The Personnel Office will maintain current records needed to determine the retention standing of Broadcasting's competing employees.

a. The retention registers and related records are open for inspection by a Broadcasting appointee, who is in receipt of a RIF notice, to the extent that they have a bearing on the appointee's situation.

b. Broadcasting will preserve intact all registers and records relating to a RIF for at least two years from the effective date of the action.

#### 1146 GUARANTEED PLACEMENT

The SES career appointee, probationary or non-probationary, affected by a removal for performance action or a RIF action will be placed by Broadcasting in an appropriate position within Broadcasting, or through transfer to an appropriate position in another agency. Any transfer will be mutually acceptable to the appointee and the gaining agency. Such placement will not cause the separation or reduction in grade of any other employee.

##### 1146.1 Placement Rights

a. A career appointee removed for performance reasons or as a result of a RIF action will be placed in a vacant civil service position that is:

(1) a continuing position at the GS-15 or above, or equivalent, that will last at least three months; and

(2) a position for which the appointee meets the qualifications requirements.

b. A probationary appointee, or a non-probationary appointee who at the time of appointment to the SES held a career or career-conditional appointment or an appointment of equivalent tenure in the excepted service (see exclusions in 5 CFR 359.701) is entitled to be placed in a position of tenure equivalent to that held at the time of appointment to the SES. This requirement does not apply, if:

(1) Broadcasting does not have such a position available for which the appointee meets the qualifications requirements; or

(2) Appointee is willing to accept a position having a different tenure.

##### 1146.2 Pay Retention

A career SES appointee removed for performance reasons or resulting from a RIF is entitled to receive basic pay at the highest of:



a. the rate of basic pay in effect for the position in which the appointee is being placed;

b. the rate of basic pay currently in effect for the position that the appointee held in the civil service immediately before being appointed to the SES; or

c. the rate of basic pay in effect for the appointee immediately before removal from the SES.

Future pay adjustments for those appointees receiving basic pay under b. or c. above will be executed in accordance with 5 USC 3594(c)(2).

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PART V-B PERSONNEL (FOREIGN SERVICE), 000 INTRODUCTION  
Section 000

PLAN FOR PART V-B

001 PURPOSE AND AUTHORITY

Part V-B of the Manual of Operations and Administration (MOA) sets forth the policies and procedures for administration of the personnel systems applicable to Broadcasting employees overseas. Personnel administration, as provided in this part of the MOA, is carried out under the applicable laws of the United States, principally those contained in title 5 of the United States Code and in the Foreign Service Act of 1980 (22 U.S.C. 3901et seq.), and implementing Executive Orders, regulations, and directives.

002 CONTENT

MOA V-B Personnel (Overseas) will supplement statutes and regulatory materials by assigning responsibilities within Broadcasting and by establishing regulations, policies, and procedures on matters not covered by statute or regulation and on matters over which statute and regulation give regulatory authority to the BBG. Those regulations, policies, and procedures which apply to both domestic and Foreign Service personnel will be issued separately for inclusion in V-A Personnel (Domestic) and V-B Personnel (Overseas).

004 EFFECT OF DEPARTMENT OF STATE'S FOREIGN AFFAIRS MANUAL (FAM)

Regulations which have been adopted jointly by the Department of State (and which also include other foreign affairs agencies) are contained in the Department of State's Foreign Affairs Manual, Volume 3. Cross references are made to these uniform regulations in Part V-B of Broadcasting's Manual. On all other subjects, the regulations and

procedures appearing in Part V-A and V-B of the MOA apply to Broadcasting personnel rather than the material contained in 3 FAM.

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PART V-B PERSONNEL (FOREIGN SERVICE), 100 PERSONNEL POLICIES AND RESPONSIBILITIES

Section 110

PERSONNEL POLICIES AND RESPONSIBILITIES

111 General Personnel Policies

112 Responsibilities

112.1 Supervisors and Managers

112.2 Employees

Section 110

PERSONNEL POLICIES AND RESPONSIBILITIES

111 GENERAL PERSONNEL POLICIES

a. The objective of the Foreign Service personnel system is to recruit, employ, retain and develop qualified employees who are: aware of the principles, history, and culture of the United States; informed of current concerns and trends in American life. They should also be generally knowledgeable of other nations; affairs, attitudes, cultures, and languages; technically qualified in their area of specialty; and available to service throughout the world as the needs of the Service dictate.

b. Applicants of all backgrounds are recruited from all areas of the country, and the best qualified are selected for employment on the basis of merit, fitness for the work, and willingness to serve anywhere in the world. Employees are selected without regard to race, color, sex, political affiliation, religion, age, national origin, handicapping condition or marital status.

c. All candidates, prior to employment, are subject to a full field security investigation as required by Executive Order 10450 and to a medical examination which will determine their physical fitness for overseas duty (see Section 330).

d. To encourage officers to become language proficient, certain VOA Overseas Specialist officers will receive within-class salary increases for obtaining proficiency in certain languages. (See Section 430)

e. Foreign Service employees will be assigned to positions in the U.S. and overseas under an open assignments system. Under this system employees will be provided with listing of vacancies. Employees will indicate preferences for particular positions and assignments will be made in accordance with employees' preferences, abilities, experience and qualifications; position requirements; and the needs of the Service (See Section 410).

f. Compensation and benefits for Foreign Service employees reflect the unique nature and demands of Foreign Service assignments and working environment and include such specialized provisions as living quarters, allowances, hardship differential, danger pay, home leave and special health and retirement programs. (See MOA V-B Chapters 200 and 500 and 3 FAM 200, 400, and 600.)

g. Foreign Service Overseas Specialists are considered for promotion by Annual Selection Boards in accordance with precepts negotiated with the exclusive bargaining agent, using performance evaluation reports prepared by the employee's supervisor and reviewed by the supervisor's supervisor (see Sections 450 and 460).

h. Foreign Service Officers will generally serve at least one tour of duty in the U.S. during each period of 15 years that they are members of the Foreign Service. Foreign Service employees may not be assigned to duty within the U.S. for any period exceeding eight years unless the Director of Broadcasting approves an extension under special circumstances. (See Section 410.)

i. Training and development opportunities are provided to employees in order to enhance their skills and their knowledge of current developments in American culture and society as well as in relevant professional fields, U.S. Government and Broadcasting policies and procedures (see Section 420).

j. The Office of Personnel will conduct an employee-management relations program, and administer the Foreign Service Grievance System for the resolution of Foreign Service employee complaints and grievances. Employees are free to seek adjustment of any complaint or grievance without fear of interference, coercion, discrimination or reprisal. Employees against whom disciplinary action, separation, or selection out actions are initiated are given all rights prescribed by law, Executive Order, Government regulations, and policies and procedures which have been negotiated with the exclusive bargaining unit. (See MOA V-B Paragraph 513 and 3 FAM 660)

k. Appropriate recognition to employees who make substantial contributions to the efficiency, economy or other improvements in operations and programs is given through the incentive awards program. (See Section 570)

l. Broadcasting acknowledges the great value and unique contributions of its Foreign Service National employees and will recognize and use their skills and talents in carrying out programs overseas in accordance with local law, and regulation (see 3 FAM 900).

m. When reductions in the work force are required for budgetary or other reasons, such reductions will be made by attrition whenever possible. Selection out and reduction in force procedures are only used as last alternatives. If and when reduction in force is necessary, it will be accomplished in an orderly and systematic manner with all employees given fair and equitable treatment in accordance with applicable laws and regulations. Every reasonable effort is made to reassign any employee who might otherwise be separated by reduction in force procedures. (See Sections 797 and 740)

## 112 RESPONSIBILITIES

112.1 Supervisors and Managers are responsible for sound and effective personnel management by: informing employees of personnel policies and procedures; assuring that position descriptions are accurate and up-to-date and that employees are aware of the duties and responsibilities of their positions; making the most effective use of the skills and abilities of employees; assisting employees in improving their work performance and in developing their potential skills through training; preparing candid and fair performance evaluation reports in a timely manner; recognizing outstanding achievement or sustained excellence; recommending prompt and appropriate disciplinary action whenever employee's performance or personal conduct are not satisfactory; and ensuring that employee questions, complains or grievances receive prompt and impartial consideration.

112.2 Employees are responsible for maintaining the high standards of conduct, performance, integrity, reliability and prudence necessary to retain the confidence of the public (both American and foreign) in order to promote and protect the national security of the United States. Employees are also responsible for: carrying out their assigned duties and responsibilities to the best of their abilities; making themselves available for worldwide assignment as the needs of the Service dictate; cooperating with supervisors and colleagues in the efficient conduct of business; pursuing training opportunities provided by Broadcasting-sponsored programs; and complying with all laws, Executive Orders, regulations and rules affecting employment with Broadcasting. (See MOA V-B Section 550 and 3 FAM 620 and 622)

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Section 120

DELEGATIONS OF PERSONNEL AUTHORITY

121 Personnel Authorities Vested in the Director

122 Delegations of Authority

122.1 General Authority to Delegate

122.2 Delegations of Authority to Officials in Washington

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123 General Conditions

123.1 Authorities Delegated to Officials in Washington

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Section 120

DELEGATION OF PERSONNEL AUTHORITY

121 Personnel Authorities Vested in the Director - Director is authorized to approve any type of personnel transaction concerning the Senior Foreign Service, Foreign Service Specialists, and Foreign Service National employee.

a. Executive Order 10477, as amended, and Executive Order 12048 of March 27, 1978, issued pursuant to Reorganization Plan No. 2 of 1977 and Public Law 96-465 which authorizes the Director to exercise certain authorities available by law to the Secretary of State, or under any other provision of law pertaining specifically, or generally applicable, to the Senior Foreign Service, Foreign Service Specialists, and Foreign Service National Employees,



including the authority to prescribe regulations, not inconsistent with applicable laws, incident to the exercise of such authority.

b. Section 804 (1) of the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1474), which authorizes the Director to employ persons on a temporary basis, and aliens within the United States for translation and adaptation in a foreign language or the preparation and production of foreign language programs when suitably qualified U.S. citizens are not available, without regard to Civil Service and classification laws.

c. Annual Authorization and Appropriation Acts which from time to time give the Director certain authorities with respect to Foreign Service personnel.

d. The Foreign Affairs Reform and Restructuring Act of 1998.

## 122 DELEGATIONS OF AUTHORITY

122.1 General Authority to Delegate - Under the Foreign Affairs Reform and Restructuring Act of 1998 and U. S. Code 22, Section 6204, the Director may delegate to subordinate officials authority to take final action on matters pertaining to the employment, direction and general administration of personnel as well as any of the powers conferred by the United States Information and Educational Exchange Act of 1948, as amended, the Mutual Educational and Cultural Exchange Act of 1961, as amended, and the Foreign Service Act of 1980.

122.2 Delegations of Authority to Officials in Washington - Pursuant to the provisions of paragraph 122.1 above authority to take final action on Broadcasting personnel matters has been delegated by the Director of International Broadcasting to the Director, Office of Personnel. These authorities may be redelegated in writing to appropriate officers in Broadcasting and are as follows:

- a. To approve any type of personnel transaction.
- b. To classify positions through Counselor under the Foreign Service Act of 1980.
- c. To request or conduct locality wage surveys and approve wage schedules.
- d. To make certifications of insurance status required under the Federal Employees Insurance program upon separation of an employee.
- e. To administer the oath of office, and any other oath in connection with employment, to new appointees.
- f. To publish advertisements for recruitment of personnel in newspapers when such publication is not prohibited by any applicable law or regulation.

g. To prescribe regulations governing the conduct of employees, in relation to the duties, functions, and obligations of employees of the Foreign Service and the administration of the Foreign Service, and to approve certain described outside activities of employees under the provisions of the Employee Responsibilities and Conduct Regulations (3 FAM 620).

h. To conduct training and development programs, employee-management relations programs, and to administer systems for the resolution of employee grievances.

i. To administer Incentive Awards, Quality or Meritorious Service Increases, and Employee Suggestion Program.

j. To sustain the denial of or grant the within-class increase to Foreign Service Overseas Specialist employees who appeal recommendations by the Selection Board that within-class increases be denied.

k. To restore forfeited annual leave in accordance with PL 93-181, and to certify specific positions to receive the special allowance provided by PL 97-92.

l. To administer the performance evaluation system as required by Sections 602 and 603 of the Foreign Service Act of 1980 and to amend, explain, supplement or remove material in an employee's Official Personnel Folder, including evaluation reports, where it is determined that such action is justified to correct an error or remove or prevent an injustice.

m. To establish and to administer the promotion system for Foreign Service Overseas Specialist employees, to establish precepts for Selection Boards, and to administer promotion and other recommendations made by Selection Boards.

n. To review the list of Foreign Service Overseas Specialist employees who meet the criteria for selection out for performance and for selection out for time-in-class, and remove the names from the list for instances when the Selection Board has made an error, when the evaluation report contains technical errors or inadequate records, or for compassionate or compelling reasons; and to make decisions to select out.

o. To prescribe regulations for separating employees for unsatisfactory performance of duties or for such other cause as will promote the efficiency of the Service, and to propose or to decide disciplinary action for Foreign Service employees.

p. To approve waivers of medical clearance requirements for assignment of Foreign Service employees.

q. Promulgate jointly with other foreign affairs agencies regulations governing personnel (including employee-management relations), travel or transportation or financial allowance matters.

r. To approve travel, transportation of effects, home leave, consultation in the U.S., to grant home service transfer allowances, separate maintenance allowances, educational travel, dependent care grants for spouses, to grant travel per diem or subsistence expenses connected with employee assignment, detail, or temporary duty.

122.3 Delegations of Authority to Officials Overseas - Pursuant to the provisions of paragraph 122.1 above, authority to take final action on personnel matters has been delegated by the Director of International Broadcasting to Broadcasting officials overseas as follows:

a. To Officers in Charge of Transmitting Stations, Affiliate/Marketing Offices and Correspondent Bureaus - Officers in charge of Radio Transmitting Stations, Affiliate/Marketing Offices and Correspondent Bureaus are delegated the authorities listed below with respect to American and FSN employees (including employees of other agencies on formal detail to Broadcasting) serving under their jurisdiction. (See paragraph 123.3 for redelegation of such authorities.)

(1) To authorize and approve travel for purposes of performing temporary duty within the geographic area for which the officer in charge is responsible for. The geographic "area" refers to the country in which the station, Affiliate Offices, or correspondent bureau is located. For correspondents, travel outside the area of assignment may be authorized by the Director of VOA Programs.

(2) IBB radio transmitting station managers may authorize travel outside of their geographic area for rest and recuperation (R&R) and emergency visitation travel of American employees and their eligible family members in accordance with 3FAM.

All other travel that is outside of their country of assignment (except R&R and emergency travel) requires the approval of the Deputy for Engineering Operations. Approval for travel outside the country of assignment must be obtained in advance by email addressed to the Deputy, Engineering Operations Directorate (E/O).

## 123 GENERAL CONDITIONS

123.1 Authorities Delegated to Officials in Washington - The following conditions apply to the delegations of authority to officials in Washington described in paragraph 122.2:

a. The delegations of authority are subject to all applicable provisions of law, and to all instructions, regulations and directives which are in effect, or which may be issued hereafter by Broadcasting, or by any other Government agency having jurisdiction.

A signed copy of each delegation of authority shall be filed in the Office of the General Counsel and with the Records Management Staff.

b. No redelegation of authority can be made unless specifically authorized by law, and by the terms of the delegation.

c. The officers in line of command above the officer to whom authority is delegated shall have the same authority as that contained in the written delegation.

d. An officer acting during the extended absence of a principal to whom authority has been delegated shall have the full authority of that principal in accordance with the following:

(1) A Deputy, Assistant, or other responsible officer formally designated by official personnel action or by official job description or in an Announcement automatically becomes Acting Chief and may exercise authorities of the Chief during his or her absence.

(2) A Deputy, Assistant, or other responsible officer, not included in (1) above, may exercise authorities of the principal when designated in writing by the principal, or by superior authority.

123.2 Authorities Delegated to Officials Overseas - The delegations of authority described in paragraphs 122.3 are subject to the conditions specified in paragraph 123.1a, c and d above.

#### 123.3 Redelegations of Authority by Officials Overseas

##### a. General

(1) No redelegation of authority can be made unless specifically authorized by law, and by the terms of the delegations.

(2) All formal documents recording action taken with respect to personnel under authorities described in paragraph 122.3 must be signed by an official properly designated. No signing power on such documents may be exercised by non-Broadcasting officials.

b. Officers in Charge of Transmitting Stations, the Affiliate/Marketing Offices and Correspondent Bureaus - The authorities described in paragraph 122.3a may also be redelegated in writing to any officer immediately subordinate to the officer in charge to whom he or she regularly delegates comparable authority under appropriate circumstances.

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PART V-B PERSONNEL (FOREIGN SERVICE), 100 PERSONNEL POLICIES AND RESPONSIBILITIES

Section 130

EMPLOYEE DESIGNATIONS AND CATEGORIES

131 Employee Designations and Categories

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Section 130

EMPLOYEE DESIGNATIONS AND CATEGORIES

131 EMPLOYEE DESIGNATIONS AND CATEGORIES

131.1 Career and Non-career Appointments - Employees in the Foreign Service serving under career appointments are defined as career members of the Service. Employees in the Foreign Service serving under limited appointments are either candidates for career appointment or non-career employees in the Service. (Refer to Section V-B 300 for details)

131.2 Overseas Specialist Categories of Employees - These are employees who serve primarily in Overseas Specialist positions overseas and on rotational assignments in the U.S.

a. The Overseas Specialist category includes the following types of appointees:

(1) Senior Foreign Service Officer (Career) (Grades FE-OC)

(2) Senior Foreign Service Officer (Non-Career) (Grade FE-OC). Includes Senior Foreign Service Overseas Specialist Candidate appointments which lead to career status.

(3) Overseas Specialist Officer (Career) (Grades eight through one)

(4) Overseas Specialist Candidate (Non-Career) (Grades eight through one)

b. Functional specialties for Overseas Specialist include:

(1) 200 - General Administration. Includes Executive Assistants.

(2) 330 - VOA Correspondent

(3) 500 - Professional Engineer

(4) 505 - Radio Engineer (Technical)

(5) 507 - Electronic Technician

(6) 512 - Facilities maintenance

131.3 Civil Service Employee Categories - Employees who are in general, permanently assigned to the U.S. and not expected to be available for worldwide assignment are members of the Civil Service. These employees are included in such Civil Service pay categories as General Schedule (GS); Senior Executive Service (SES); Performance Management and Recognition System (PMRS); Federal Wage System (LWG); Wage Board (WB); Non-citizens (GG); and Experts and Consultants (ED, EE, EF or EG

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MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART V-B PERSONNEL (FOREIGN SERVICE), 100 PERSONNEL POLICIES AND RESPONSIBILITIES

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PART V-B PERSONNEL (FOREIGN SERVICE), 200 CLASSIFICATION AND COMPENSATION



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PART V-B PERSONNEL (FOREIGN SERVICE), 200 CLASSIFICATION AND COMPENSATION  
Section 220

CLASSIFICATION OF AMERICAN POSITIONS IN OVERSEAS ESTABLISHMENTS

221 Purpose

222 Responsibilities

222.1 The Director

222.2 The Director of Personnel

222.3 Coding of Position Description

225 Classification Action

225.1 Policy

225.2 Procedures

226 -229 Unassigned

Section 220

CLASSIFICATION OF AMERICAN POSITIONS IN OVERSEAS ESTABLISHMENTS

221 PURPOSE - The classification plan for American overseas positions is designed to provide uniformity in worldwide classification and flexibility for responding at each post; to provide a specific standard for assessing grades of all overseas positions; to achieve an appropriate balance between senior and junior positions and a balanced grade structure for all overseas positions; and to comply with the requirements of Section 501 of the Foreign Service Act of 1980, as amended.

222 RESPONSIBILITIES

22.1 The Director Responsibility for classification of positions has been delegated by the Director of International Broadcasting to the Director, Office of Personnel.

222.2 The Director of Personnel is responsible for approving reorganizations or changes in overseas staffing structures which affect more than one position, before any positions may be reclassified or staffed.

#### 222.3 Coding of Position Description

a. Post Code (Block 2) is the six-digit organizational code, that is, the computer code for the post.

b. Classification Code (Block 3)- The first 3 numbers denote the specialty (occupational code) of the position.

c. Position Title (Block 4) denotes the title of the position.

d. Position Grade (Block 5) is the position pay plan and class.

e. Position Number (Block 6) The letter denotes the position designation, A for Overseas Specialist and is followed by a four-digit number which is a computer code which identifies the type of position.

f. Blocks 7 and 8 - The Office of Personnel initials and dates the position description in these blocks, and completes blocks 2 through 6.

#### 225 CLASSIFICATION ACTION

##### 225.1 Policy

a. Classification of regional positions, VOA Bureaus, Overseas Specialist positions (such as Radio Engineers and Facilities Maintenance and other specialized positions) is determined by the Office of Personnel in accordance with the duties and responsibilities of the position. The position classification is from established OPM classification standards, by evaluation of the standard for the appropriate specialty, by cross-comparison of related position standards and similar positions, and by recognition of the additional elements which contribute to the level of difficulty of performing the work overseas and the special conditions which affect performance at overseas posts.

225.2 Procedures - Copies of position descriptions should be maintained in the headquarters element and in the Office of Personnel.

#### TITLES OF BROADCASTING OVERSEAS POSITIONS

VOA Regional Correspondent

Transmitting Station Manager

Radio Engineer

Deputy Transmitting Station Manager

Transmitter Plant Supervisor

Facility Supervisor

Transmitter Plant Asst. Supervisor

Executive Officer

Last updated 10/12/10

## TITLE 5-B

### HUMAN RESOURCES (FOREIGN SERVICE)

#### PART 230 – RATES OF PAY

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  - 233.2 Equivalent Increase in Salary
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- 235 Within-Class Salary Increases
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  - 235.7 Notification of the Granting of Within-Class Salary Increases
- 236 Unassigned
- 237 Adjustment of Basic Salary Rates of SFS Members
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## TITLE 5-B

### HUMAN RESOURCES (FOREIGN SERVICE)

#### PART 230 – RATES OF PAY

231 Coverage - This Part provides the basic rules for determining the rates of basic pay for BBG Foreign Service Specialists and members of the Senior Foreign Service.

232 Authority - The policies and procedures prescribed in this Section are issued under the authorities contained in the Foreign Service Act of 1980, as amended, and under 5 CFR 531.

233 Definitions - The words and terms used herein are defined as follows:

233.1 Rate of Basic Pay (or Compensation) - is the rate of pay fixed by law or administrative action for a salary class held by a Foreign Service employee before any deductions. The rate of basic pay is the salary fixed by section 403 of the Foreign Service Act of 1980, or the salary fixed incident to an assignment under section 503 of the Act. Basic pay excludes overtime pay, extra pay for night or holiday work, allowances, differentials, and foreign language incentive payments.

233.2 Equivalent Increase - is an increase or increases in an employee's rate of basic pay equal to or greater than the difference between the rate of basic pay for the salary class and step occupied by the employee and the rate of basic pay for the next higher step of that class. Within-class increases are equivalent increases in pay. The following, among others, are not equivalent increases.

- a. An increase in basic pay under Federal statute, if so provided.
- b. An increase made for the specific purpose of correcting a previous pay-setting error.
- c. Payment of a foreign or a territorial post differential, cost of living allowance, danger pay, special incentive differential, or any other allowance.
- d. A meritorious service increase.
- e. A foreign language incentive payment or within-class increase.

233.3 Existing Rate - is the rate of basic pay received immediately prior to the effective date of a transfer, promotion, demotion, or step increase. (See 5 CFR Part 531)

233.4 Highest Previous Rate - is the highest rate of basic pay previously paid to a person while employed in a position in a branch of the Federal Government (executive, legislative, or judicial), a mixed ownership corporation (e.g., the US Postal Service or Postal Rate

Commission), or the government of the District of Columbia (only if first employed by the DC Government prior to October 1, 1987). The highest previous rate must be based on a regular tour of duty at such rate: (1) under an appointment not limited to 90 days or less or (2) for a continuous period of 90 days under one or more appointments without a break in service. If such highest previous rate was earned in a General Schedule or Foreign Service position, it will be increased by any subsequent amendments to the General Schedule or Foreign Service pay schedules. (See 5 CFR Part 531)

233.5 Maximum Rate - is the maximum step rate of basic pay payable for a Foreign Service salary class. The Foreign Service Schedule is available on the US Office of Personnel Management website (OPM.gov).

#### 234 Determining Rates of Pay

234.1 Rates of Basic Pay - The rates of basic pay for employees subject to the Foreign Service Act of 1980, are governed by the salary levels for the respective classes established under that Act.

234.2 When Payable - Basic pay is paid for time worked and for authorized paid absence (e.g., on holidays and for periods of paid leave, compensatory time off, excused absence, or transit time (see 3 FAM 3463) during an employee's regular basic workweek.

#### 234.3 Beginning and Termination Date of Salary

a. Beginning Date – Salary begins on the effective date of appointment, but no salary may be paid until an oath of office has been administered and, when applicable, until SF-61, Appointment Affidavit, and SF-61B, Declaration of Appointee, have been filed. Upon taking the oath of office, and completing all other pre-employment requirements, the employee is entitled to salary from the effective date of employment. (See BAM 5-B 340)

b. Termination Date – Salary terminates on the effective date of service separation established in accordance with BAM 5-B 700.

234.4 New Appointees - The basic salary of Foreign Service appointees will be at the minimum prescribed for the salary class to which appointed, except that:

a. The entrance salary of an appointee who has had previous Federal employment will ordinarily be set at the lowest scheduled rate of basic pay within the rate range of the salary class to which appointed that is no lower than the appointee's highest previous rate. If the highest previous rate falls between two scheduled rates of the class, the appointee may be given the higher rate. If a Foreign Service appointee's previous Federal employment was of such a nature that the skills and abilities from the previous position cannot be transferred to the category to which appointment is being made, the entrance salary may be set at a rate less than the individual's highest previous rate, but no less than the minimum salary rate of the class to which appointed.

b. A Foreign Service appointee may be given a rate of the class to which appointed that is above the minimum when the Director of the Office of Human Resources (OHR), taking into account the appointee's technical and professional qualifications, experience, and the technical and professional requirements of the Service, determines the higher rate to be appropriate.

#### 234.5 Promotion to a Higher Class

a. Any member of the Foreign Service at class 2 or below promoted to the next higher salary class will receive basic pay at the lowest rate of such higher class that exceeds his or her existing rate of basic pay by not less than the amount of a two-step increase within the class from which he or she is promoted. At the time of the promotion, the employee promoted may also be given any higher scheduled rate for his or her class that does not exceed his or her highest previous rate if the OHR Director determines such an additional increase is warranted based on the employee's technical and professional qualifications, performance in the Foreign Service, and the needs of the Service.

b. Any member of the Foreign Service, on promotion into the Senior Foreign Service shall, subject to applicable limits on SFS pay, have his or her SFS pay set at the higher of (1) the minimum pay rate established for the SFS class or (2) a pay rate 6% above the pay rate (including locality pay, but subject to any applicable pay cap) the employee would receive if assigned to Washington, DC at the time of the promotion.

c. The Director of IBB may direct that an employee being promoted, have his or her pay set at the step of the new class that will provide the rate of pay necessary to provide relief on the basis of a grievance or an order by the Foreign Service Grievance Board or a court or administrative body having jurisdiction over the matter.

#### 234.6 Change to a Lower Class

a. An employee who is changed to a lower class (except a change to a lower class by demotion after reduction-in-force referred to in b below) may be paid at the minimum pay rate of the class, or at any scheduled rate of the class that does not exceed his or her highest previous rate. If his or her highest previous rate falls between two scheduled rates of the new class, he or she may be given the higher rate.

b. When an employee is changed to a lower class as a result of a reduction in force action, any reduction in basic pay, to the extent possible, will be kept to the minimum.

#### 234.7 Corrections

a. If, due to a change to a lower class, an employee is placed in a lower rate of pay (paragraphs 234.6a or b above) than the one for which he or she may be eligible, and there is evidence the action was taken in error, the error may be corrected retroactively.

b. If, due to a change to a lower class, an employee is placed in a lower rate of pay than the one for which he or she may be eligible because of limited funds, his or her rate of pay may not be increased later on account of funds becoming available.

234.8 Responsibility for Determining Rates of Pay - The Director of OHR is responsible for making final determinations on rates of pay.

## **235 Within-Class Increases**

### **235.1 Definition**

a. A within-class increase is an advancement to the next higher step within the scheduled rates of a salary class based on length of service, performance rating requirements, and compliance with standards required by law, or for remedial purposes as law, or for remedial purposes as described below.

b. An "equivalent increase in pay" means any increase in pay resulting from: (1) a promotion to a higher class; (2) a regularly scheduled within-class step increase; or (3) one or more salary adjustments that were (a) made since the last equivalent increase in pay, (b) resulted from conversion from one pay system to another, and (c) resulted in a pay increase equal to or greater than the amount of a within-class increase for the class to which the officer was appointed.

c. A remedial within-class increase is a salary increase to provide redress when the Foreign Service Grievance Board or a court or administrative body having jurisdiction over the matter finds that such an increase is justified to correct an error or an injustice which has adversely affected an employee of the Foreign Service.

235.2 Eligibility - Pursuant to section 406 of the Foreign Service Act of 1980, as amended, a Foreign Service employee shall be advanced to the next higher salary step in his or her class at the beginning of the first pay period following completion of 52 calendar weeks of service in steps 1 through 9, and following 104 calendar weeks of service in steps 10 through 13, provided that the employee's performance meets the standards required for the efficient conduct of the work of the Service. Time in an LWOP status is creditable service in the computation of a waiting period for a within-class salary step increase. All Foreign Service employees shall be deemed to meet the performance requirements for a within-class increase except those identified and listed by the most recent Selection Board and approved by the Director of OHR, in accordance with BAM 5-B, Part 460, Exhibit 460C – Precepts for the Foreign Service Specialist Selection Boards (Class 1 and Below).

### **235.3 Within-Class Increases for Language Proficiency**

a. Upon Entrance into the Foreign Service - A Career Candidate in classes 6 through 4 or an Overseas Specialist Candidate in classes 8 through 6 who enters the Service with language proficiency will be paid a higher entrance salary if, within 30 days of entrance on duty in Washington, the employee has achieved the prescribed National Foreign Affairs Training Center (hereinafter referred to as the Institute) tested rating in a primary, primary-alternate, or secondary



language at a Foreign Service post. Entrance on duty within-class increases will not be granted for competence in language when competence in that language was a requirement for employment. Employees serving on non-career limited appointments (e.g., Civil Service employees on excursion tours) are not eligible to receive entrance on duty within-class increases.

b. In Incentive Languages - The languages for which training or proficiency incentives will be paid are identified from time to time by BBG according to needs.

235.4 Delay Beyond Effective Date - A within-class salary increase is effective retroactively to the date it was properly due in cases where:

a. Such increase is delayed beyond its proper effective date solely through administrative error, delay, or oversight; or

b. Such increase is withheld because of an adverse finding of a Selection Board which was based on information later learned to be incomplete or false, and the Director, OHR, revokes the adverse finding; or

c. Such increase is found justified by the Foreign Service Grievance Board or a court or administrative body having jurisdiction over the matter.

235.5 Denial of Within-Class Salary Increase Based Upon a Recommendation of a Selection Board

a. Criteria for Denial - Before a within-class increase will be denied, the following must occur:

(1) The most recent Selection Board must have recommended the denial, and

(2) The Director, OHR, must sustain the recommendation of the Selection Board.

b. Initial Notification - The Director, OHR, will notify those officers whom the Selection Board has recommended be denied within-class salary increases. The notification shall include:

(1) A copy of the Selection Board's memorandum setting forth the reasons for its recommendation; and

(2) Notice that the employee is entitled to reasonable time from receipt of the notification to comment to the Director, OHR, or designee, orally, or in writing, or both, on the reasons why the employee feels the Selection Board's recommendation should not be sustained. The time to respond will not exceed 15 calendar days (or 30 calendar days if the employee is overseas) from the date of the receipt of the notice from the Director, OHR.

c. Decision of the Director, OHR

(1) If the employee responds, the Director, OHR, will consider the response in reaching the decision whether or not to sustain the recommendation of the Selection Board and deny the within-class salary increase.

(2) When the employee requests an opportunity to respond orally, the Director, OHR, or designee, shall hear the employee's response. A designee shall have the authority to recommend a decision on the matter to the Director, OHR. The right of an employee to respond includes reasonable opportunity to make any oral representation which the employee believes might sway the final decision in the case, and the right to a representative of his or her own choosing, but does not include the right of a formal hearing that is adversarial in nature.

(3) The Director, OHR, will provide the employee with written notice of the final decision within 60 calendar days from the date of receipt of the employee's written and/or oral response.

d. Official Documentation - If the decision of the Director, OHR, is to deny the within-class salary increase, a copy of the decision and a copy of the Selection Board's recommendation will become a part of the employee's administrative file.

e. Appeals - The employee may appeal denial through the Foreign Service Grievance procedure (see 3 FAM 4400).

235.6 Denial of Increase in the Public Interest - The Director, OHR, may deny the granting of a within-class salary increase to any Foreign Service employee if it is determined such action to be in the public interest. The appeals procedure outlined in paragraph 235.5 will apply in such cases.

235.7 Notification of the Granting of Within-Class Salary Increases - The Office of Human Resources will process and distribute a Notification of Personnel Action (SF-50), for all employees who receive within-class salary increases.

[For BBG FS employees, MSIs are handled under the Agency's incentive award program.]

## **237 Adjustment of Basic Pay Rates of SFS Members, Performance Awards, and Presidential Rank Awards**

237.1 Eligibility - All BBG members of the Foreign Service (career, career-candidate, and non-career appointees) who have been promoted to a class in the Senior Foreign Service (SFS) shall receive an increase in basic pay upon promotion to the SFS as provided in this section. Presidential appointees and other Members of the Service not currently being paid under the SFS basic pay scale or being paid at an extraordinary rate will be eligible for FE basic pay level adjustments, but no adjustment in actual pay will occur during the period of such status. A Presidential appointee whose appointment terminates or who subsequently elects SFS benefits will be assigned and paid at that FE basic pay level which would have been received if the member had been continuously paid under the SFS basic pay scale. Similarly, any other

Members of the Service not being paid at their regular FE basic pay level will be assigned and paid at that FE basic pay level which would have been received if the Members had been continuously paid under the SFS basic pay scale.

237.2 Decisions on SFS Pay Adjustments, Performance Awards, and Presidential Rank Awards

a. Decisions on percentages and/or amounts for SFS members' basic pay adjustments and performance awards will be based on each executive's performance, contributions to the mission, unique qualifications significant to the Agency's performance, and the executive's scope and level of responsibilities using the following charts as a guide along with current pay level and budgetary considerations. Decisions on the number of pay adjustments, the amount or percentage of these adjustments, the number of performance awards and the amount or percentage of these awards, and on the number of Presidential Rank Awards nominations will be made by the BBG or its designee. Decisions on which individuals receive such adjustments, awards and/or nominations will be based on Selection Board rankings in accordance with the Precepts for the Senior Foreign Service Selection Board.

b. Eligible executives are placed in Terciles 1, 2, or 3 based on whether their basic rates of pay fall into the top, middle, or lowest third of the authorized SFS pay range for their Class, respectively.

c. Basic Pay Increases

<u>Rating</u>	<u>Tercile 1</u>	<u>Tercile 2</u>	<u>Tercile 3</u>
Rated Excellent or Better	0.0% up to ESI + 6.5%	0.0% up to ESI + 5.5%	0.0% up to ESI + 4.5%
Not Rated Excellent or Better	0.0% up to ESI + 4.0%	0.0% up to ESI + 3.5%	0.0% up to ESI + 2.5%

Executives are eligible to be considered for the ESI plus an additional increase. ESI is the percentage increase in Executive Schedule pay rates.

d. Basic Pay Ranges

Basic pay for Executives in the Minister Counselor Class (FE-MC) ranges from the minimum rate of basic pay for a Senior Level position under 5 USC 5376 to 107 percent of the Basic Pay Rate for Executive Level III.

Basic pay for Executives in the Counselor Class (FE-OC) ranges from the minimum rate of basic pay for a Senior Level position under 5 USC 5376 to 102 percent of the Basic Pay Rate for Executive Level III.

e. Performance Awards

<u>Rating</u>	<u>Tercile 1</u>	<u>Tercile 2</u>	<u>Tercile 3</u>
---------------	------------------	------------------	------------------

Rated Excellent or Better	0.0% <u>or</u> 5%-7%	0.0% <u>or</u> 5%-11%	0.0% <u>or</u> 5%-15%
Not Rated Excellent or Better	0.0% <u>or</u> 5%	0.0% <u>or</u> 5%-7%	0.0% <u>or</u> 5%-9%

f. Effective Date - An approved increase in FE basic pay rate will be effective at the beginning of the first pay period following the decision to grant the adjustment.

g. Administration - The Office of Human Resources will be responsible for administering increases in FE basic pay levels.

#### h. Deferral of FE Salary Level Increases

(1) At the time an officer becomes eligible for an FE salary level increase in accordance with the provisions of 237.2, the Director, Office of Human Resources, may order the temporary deferral of the increase if, in the OHR Director's opinion, such increase would be inconsistent with the National interest or the efficiency of the Service. Such reasons must be based upon:

(a) Issues of loyalty, security, misconduct, suitability, or malfeasance; or

(b) Indications that information available to the officer's supervisory rating official or in the Official Performance File of the officer regarding the member's performance have been significantly inaccurate or incomplete.

(2) The Director, Office of Human Resources, will promptly inform the officer concerned in writing of the action taken and will initiate, pursue, or monitor such inquiry, investigation, or proceeding as appropriate to the issue giving rise to the deferral. The officer will be given an opportunity to submit whatever information or documents the officer believes are pertinent to the case. Upon disposition or resolution of the issue, the Director will:

(a) Determine that there is no basis for denying the increase in FE basic pay level and request that the necessary administrative action be initiated to increase the officer's FE basic pay level effective as of the date the increase would have been effective if not deferred; or

(b) Determine, on the basis of grounds specified in subsections 237.2h(1) (a) and (b) to deny the officer an FE basic pay level increase.

(3) However, in cases where an officer is to be separated from the Service under Sections 610 or 611 of the Act, the temporary deferral of the FE basic pay level increase in effect during the separation proceedings will be made permanent.

#### 237.3 Denial of FE Salary Level Increases

a. Basis for Denial - Notwithstanding the provisions of Section 237.2h(2), an FE basic pay level

increase will not be authorized should a Selection Board have recommended, based on performance during the period of eligibility, that a member be denied such an increase.

b. Criteria for Selection Board Recommendation - A Selection Board should consider recommending that an member under review be denied an FE basic pay level increase if, in the Board's judgment, the officer has been performing, during the period since appointed to the current FE level, below the standard of performance expected of Members of the same class. The Board may take into account not only evaluation material in the performance file related to the period in question, but also any relevant secondary material such as letters of reprimand or suspension that are included in the file. The Selection Board should also consider recommending denial of a basic pay increase in any case in which it determines the officer's performance is marginal in relation to other members of the same class and specialty. Whenever a Selection Board recommends denial of a basic pay increase, it will prepare a statement explaining the reasons for its recommendation, a copy of which will be sent to the officer concerned but not made part of the performance file.

237.4 Reduction in Basic Pay Levels - A Selection Board should consider recommending to the BBG or its designee a reduction in basic pay whenever the Selection Board has low-ranked or found an officer to be performing below the standard of his or her class. A recommendation for reduction in basic pay level must be based on a determination that the level and quality of the officer's performance over the most recent two-year period that the officer has been at the current FE level has been significantly below the performance of other members of the same class and basic pay level. Any such recommendation must be supported by a statement explaining the Board's reasons for the recommendation and a copy of the statement must be sent to the officer concerned. An officer may not be recommended for a reduction in basic pay level if he or she has been at the current Class level less than two years as of the date the Selection Board convened. No reduction of basic pay level will be made below the lowest basic pay level established for the officer's class. A Selection Board's recommendation for reduction in basic pay level will be effective on the same date as other BBG decisions on pay adjustments.

#### 237.5 Frequency of Basic Pay Adjustments

Generally, a member's rate of basic pay will not be adjusted more than once during a 12-month period, except that an increase in pay equivalent to the minimum amount necessary to ensure that the member's rate of basic pay does not fall below the minimum rate will not count against this restriction. A pay adjustment resulting from a pay-setting action upon promotion into or within the SFS is considered a pay adjustment for this purpose.

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MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART V-B PERSONNEL (FOREIGN SERVICE), 200 CLASSIFICATION AND COMPENSATION

Section 250

GENERAL COMPENSATION PROVISIONS AND RESTRICTIONS

251 General Provisions

251.1 Initial Rates of Pay

251.2 Salary Schedules (Per Annum Rates)

252 Local Compensation Provisions

252.1 Payment in Local Currency

252.2 Exemption From Foreign Laws

253 Dual Compensation

253.1 General

253.2 Pay From More Than One Position

253.3 Reduction in Military Retired or Retainer Pay

254 Injury Compensation

255 Withholding Compensation

256 Voluntary Service

257 Compensation During Military Leave

258 Unassigned

259 Unassigned

Section 250

GENERAL COMPENSATION PROVISIONS AND RESTRICTIONS

## 251 GENERAL PROVISIONS

251.1 Initial Rates of Pay - The regulations for determining initial rates of pay for appointment to the Foreign Service are included in MOA V-B 230.

251.2 Salary Schedules (Per Annum Rates) - The salary schedules for Foreign Service Overseas specialists are published in 4 FAM 545.

## 252 LOCAL COMPENSATION PROVISIONS

252.1 Payment in Local Currency - In order to utilize as fully as possible any foreign credits which may be available for use at an overseas establishment, every effort should be made to encourage employees to take as much of their salaries in local currency as they need and can use for their personal expenses (see 3 FAM 221.4).

252.2 Exemption From Foreign Laws - With reference to foreign laws relative to social insurance and contracts of employment, the Department of State maintains that one government cannot impose on another sovereign state any obligation in this respect and, therefore, such laws are inapplicable to Foreign Service employees of Broadcasting. This fact shall be made clear to employees serving abroad (see 3 FAM 212).

## 253 DUAL COMPENSATION

253.1 General - 5 U.S.C. 5531.5537 prescribes (1) prohibitions on Federal employees receiving basic pay from more than one position, and (2) restrictions on the retired or retainer pay of members of the uniformed services (defined in 253.3a) during periods when they are employed as civilians by Federal agencies.

### 253.2 Pay From More Than One Position

a. Except as provided for in b. below, an employee is not entitled to receive basic pay from more than one position for more than an aggregate of 40 hours in one calendar week (Sunday through Saturday). The restriction applies to "receiving compensation," not to employment per se. Therefore, an employee who is in a non-pay status (such as leave without pay) during an entire week is not precluded from other Federal employment during that week.

b. Statutory and regulatory exceptions are provided for:

-- Compensation on a when-actually-employed (WAE) basis received from more than one consultant or expert position if such compensation is not received for the same hours of the day.

-- Compensation consisting of fees paid on other than a time basis.

-- Compensation received for employment under emergency conditions relating to health, safety, protection of life or property, or national emergency. Examples of such conditions are fire, earthquake, flood or other disaster, civil disorder, or threat to the national security.

-- Compensation for part-time or intermittent employment

-- Compensation in any position which requires the knowledge and use of one or more foreign languages.

c. Requests for Exceptions - An element's request for an exception to the limitation in a. above and in addition to the general exception in b. above must establish to the satisfaction of the Director, Office of Personnel that personal services otherwise cannot be readily obtained for the position in question. The request must describe the special circumstances which prevent the element from obtaining the required services except by utilizing current Federal employees. Requests should be directed from the Director or Office Head to the Director, Office of Personnel.

### 253.3 Reduction in Military Retire or Retainer Pay

a. Coverage - The restrictions in b. below are applicable to employees who are members or former members of the Army, Navy, Air Force, Marine Corps, Coast Guard, National Oceanic and Atmospheric Administration, and the Public Health Service.

#### b. Effect of Restrictions

(1) In accordance with 5 U.S.C. 5532(b), such employees are entitled to the full pay of their positions, but will receive only the first \$2,000 of their retired or retainer pay plus one-half of any amount in excess of \$2,000 may be adjusted from time to time, by appropriate percentages, in direct proportion to cost-of-living increases in the retired or retainer pay.

(2) 5 U.S.C. 5532(c) stipulates that an employee's retired or retainer pay when added to salaries received from their civilian positions may not exceed the pay from Executive Level V. The retired or retainer pay is to be reduced when the combined pay exceeds this limit. This restriction does not apply to (a) those who are employed by the U.S. Government as of January 11, 1979, and who are entitled to military retired or retainer pay, but will not receive such pay until they meet any applicable age requirement; and (b) those who were appointed in the Federal Government prior to January 11, 1979.

#### c. Exceptions

(1) The retired or retainer pay will not be reduced if the pay is computed, in whole or in part, based on disability:

(a) Resulting from injury or disease received in line of duty as a direct result of armed conflict; or

(b) Caused by an instrumentality of war and incurred in line of duty during a period of war as defined by sections 101 and 301 of title 38 U.S. Code.



(2) The retired or retainer pay will not be reduced during the first 30 days of temporary or intermittent civilian employment. This exception may cover no more than 30 days of employment in any one fiscal year.

(3) The Office of Personnel Management (OPM) has the authority to make exceptions to the restrictions in 253.6(b) for a period of five years from January 11, 1979.

254 INJURY COMPENSATION - Under the provisions of 5 U.S.C. 8116, an employee receiving injury compensation may not draw salary from his or her Federal position for the same period of time. However, the employee may receive salary for services performed for which he or she has not been paid. If a lump-sum settlement is paid to the employee for injuries in the line of duty, no other compensation for Federal employment may be received until the expiration of time specified by the Office of Workers' Compensation Programs when authorizing the lump-sum payment (see 3 FAM 689).

255 WITHHOLDING COMPENSATION - When an overseas employee is in arrears to the U.S. Government, his or her compensation shall be withheld in accordance with the provisions of 4 FAM 484 and 550, if the employee is pay-rolled overseas by a Department of State Fiscal Servicing Office, and in accordance with MOA VII 660, if the employee is being pay-rolled by Broadcasting's Financial Operations, Office of Budget.

256 VOLUNTARY SERVICE - Voluntary Service is service furnished to the Government on the initiative of the person rendering the service without the formal request or agreement of the Government. Under Section 3679, Revised Statutes, as amended (31 U.S.C. 665), the acceptance of voluntary service is prohibited "except in cases of emergency involving the safety of human life or the protection of property." The emergency must be sudden and unforeseen and must constitute an imminent threat to the safety of human life or the protection of property. Claims for compensation for such service in an emergency should be submitted to Financial Operations, Office of Budget, for transmission to the General Accounting Office for adjudication.

257 COMPENSATION DURING MILITARY LEAVE - An employee who is a Reserve of the armed forces or a member of the National Guard is entitled to receive compensation for his or her position concurrently with pay and allowances while on military leave for training or active duty (5 U.S.C. 6323).

International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

Material within this Manual of Operations and Administration may no longer be current. To ensure having the most current policy or procedure, please contact the Agency office responsible for the subject matter, e.g., information about performance appraisal, staffing, or compensation should be directed to the Office of Human Resources. For assistance in determining which office to contact, please contact Cathy Brown or Renee Tyrance-Gauff of the Analysis and Administration Division on (202) 203-4664 or feel free to email this staff at [cabrown@bbg.gov](mailto:cabrown@bbg.gov) or [crgauff@bbg.gov](mailto:crgauff@bbg.gov).

MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART V-B PERSONNEL (FOREIGN SERVICE), 200 CLASSIFICATION AND COMPENSATION  
Section 260

ALLOWANCES AND DIFFERENTIALS

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### Section 260

#### ALLOWANCES AND DIFFERENTIALS

##### 261 APPLICABLE REGULATIONS AND COVERAGE

Regulations published in the Foreign Affairs Manual (3 FAM 300) of the Department of State apply jointly to Foreign Service personnel of Broadcasting, the Department of State, and other participating foreign affairs agencies. However, because of certain procedural differences, it is necessary to supplement the uniform regulations with Broadcasting regulations. Thus, in addition to the Standardized Regulations (Government Civilians, Foreign Areas) and 3 FAM 300, the regulations contained in this Section are applicable to Broadcasting Foreign Service personnel on career, career candidate or non-career limited appointments.

a. Foreign Service employees who are citizens of the United States are eligible to receive allowances authorized by the provisions of the Standardized Regulations (Government Civilians, Foreign Areas), 3 FAM 300, and as supplemented by these regulations. Personnel of other government agencies or departments on detail to Broadcasting are considered Broadcasting personnel for allowance purposes and are granted allowances accordingly.

b. Regional officers will be under the control of the post of residence for allowances and differentials.

c. Post of assignment of personnel assigned to more than one overseas post shall be the residence post as shown on the SF-50, Notification of Personnel Action.

d. Broadcasting officers-in-charge of Transmitting Stations, VOA Correspondent Bureaus, and Marketing Offices are authorized to grant, revise, or terminate allowances for representation, temporary lodging, quarters, post and supplementary post allowances, education allowance, and post differential in accordance with standardized allowance regulations for American employees. (See MOA V-B 122.3 for Delegations of Authority to officials overseas.) Approval of the Foreign Service Personnel Officer, Office of Personnel is required for employees requesting payment of these allowances in Washington, D. C.

##### 262 QUARTERS ALLOWANCES

Quarters allowances are intended to reimburse an employee for substantially all of his or her costs for either temporary or residence quarters whenever Government-owned or Government-leased quarters are not provided. Quarters allowances are granted pursuant to 5 USC 5922 and 5923, and officers-in-charge have the authority to grant, revise, or terminate them. The temporary lodging allowance and the living quarters allowance are never payable simultaneously to an employee for the same period of time. See Standardized Regulations (Government Civilians, Foreign Areas), Chapter 100, for details on advance payments. Form SF-1190 (Foreign

Allowances Application, Grant, and Report) is used to request both types of quarters allowance.

262.1 Temporary Lodging Allowance - Is an allowance granted to an employee for the reasonable cost of temporary quarters incurred by the employee and his or her family for a period not in excess of:

(1) three months after first arrival at a new post in a foreign area or a period ending with the occupation of residence (permanent) quarters, if earlier; and

(2) one month immediately preceding final departure from the post subsequent to the necessary vacating of residence quarters.

The maximum rates for temporary lodging allowances cover average costs of adequate, but not elaborate or unnecessarily expensive, accommodations in a hotel, pension, or other transient-type quarters at the post, including lodging, heat, light, fuel, water and obligatory service charges. Costs of food and meals are excluded. Maximum rates for individual posts are shown in Standardized Regulations Section 920, and are determined by post classification (Sections 061 and 920) and family status. (Examples are shown in Section 930.) See Chapter 120 of the Standardized Regulations for details on payment. Payment of actual costs not to exceed the prescribed amount may be paid in advance if required by the lessor, or biweekly with regular salary payments upon submission of evidence of daily costs at post.

262.2 Living Quarters Allowance - Is an allowance granted to an employee for the annual cost of suitable, adequate living quarters for the employee and his or her family, if government quarters are not provided. The allowance is designed to cover substantially all of the employee's normal costs for rent, heat, light, fuel, gas, electricity, water, taxes levied by the local government and required by local law or custom to be paid by the lessee, insurance required by law or custom to be incurred by landlord and paid by lessee. See Section 130 of the Standardized Regulations for details on granting and payment, and Sections 920 and 932 for determination of rate. Form SF-1190 is filed annually, to claim this allowance, and must be supported by receipts. MOA VII-820 provides regulations for advance payments. The allowance varies with post, employee grade and family size, and may be paid in advance or biweekly with regular salary payments.

## 263 COST OF LIVING ALLOWANCES

Cost of living allowances are intended to reimburse an employee for certain excess costs, exclusive of any quarters costs, which result from being officially stationed in a foreign area. Such allowances include:

263.1 Post Allowance - An allowance granted to an employee officially stationed at a post where the cost of living, exclusive of living quarters and schooling costs, is substantially higher than in Washington, D. C. See Chapter 220 of the Standardized Regulations for procedures used in granting, determination and termination of this allowance. Post allowances vary by post, employee salary, and family size, and payment is

approved by the Broadcasting officer-in-charge, as appropriate, and paid biweekly automatically with the salary payment.

263.2 Supplementary Post Allowance - Is a form of post allowance granted to an employee at post to defray extraordinary subsistence costs when occupying temporary non-housekeeping quarters during periods up to three months after first arrival at a new post and up to one month preceding final departure from the post. See Chapter 230 of Standardized Regulations (Government Civilians, Foreign Areas) for conditions governing eligibility, and Section 920 for determination of rate. This allowance is payable for employee and dependents and is paid upon submission of Form SF-1190 with evidence of daily costs at post, upon approval by the Broadcasting officer-in-charge, as appropriate.

263.3 Foreign Transfer Allowance - Is an allowance for extraordinary, necessary, and reasonable expenses, not otherwise compensated for, incurred by an employee incident to establishing himself or herself at a post of assignment in a foreign area, including costs incurred in the United States prior to departure for an overseas post. The allowance is composed of three elements.

a. A lump sum miscellaneous expense portion to assist with certain extraordinary costs, such as:

(1) disconnecting and connecting appliances, equipment, and utilities;

(2) converting appliances for operation on available utilities;

(3) cutting and fitting rugs, draperies, and curtains moved from one residence to another;

(4) utility fees or deposits; automobile registration, driver's license, and similar fees;

(5) personal cable and telephone costs attributable to the relocation of the employee and his or her family which are not intended to be reimbursed by per diem.

b. An amount of \$350 or the equivalent of one week's pay, whichever is less, for a single employee and \$700 or the equivalent of two weeks' pay, whichever is less, for an employee with family, may be paid without receipts or itemizing. Any additional claim must be supported by receipts for the entire claim.

c. A lump sum wardrobe expense portion to offset a part of clothing cost of transfer across two climatic zones (that is from zone 1 to 3 or 3 to 1).

d. A subsistence expense portion for lodging, meals, (including tips), laundry, cleaning, and pressing expenses in temporary quarters for employee and each member of family for up to ten days before final departure from a post in the United States to post in a foreign area, beginning not more than 30 days after they have vacated residence quarters.

e. The maximum allowable amount is determined by family size and United States locality (Section 942.1 of Standardized Regulations) and is claimed by submission of Form SF-1190 at post with receipts attached for lodging and laundry/cleaning expenses, to the Embassy Administrative Officer upon approval of the officer-in-charge, as appropriate. See Section 240 of the Standardized Regulations for further details on the foreign transfer allowance and MOA VII-821 for procedures for advance payment.

263.4 Home Service Transfer Allowance - Is an allowance for extraordinary, necessary, and reasonable expenses, not otherwise compensated for, incurred by an employee incident to establishing himself or herself at a post of assignment in the United States or in any territory or possession of the United States or the Commonwealth of Puerto Rico following transfer from a post in a foreign area, or when the officer is not entitled to be reimbursed under any other provision of law, for relocation expenses while on assignment to a public or private nonprofit organization. The employee must certify in writing that, following the effective date of transfer, he or she will complete 12 months of U. S. Government service. The home service transfer allowance is composed of three elements:

a. A miscellaneous expense portion identical to that provided by the foreign transfer allowance (see paragraph 263.3);

b. A wardrobe expense portion for two-zone transfers only;

c. A temporary lodging portion designed to offset costs of meals, laundry and dry cleaning of clothes and lodging in a hotel, pension, or other transient-type quarters, including obligatory service charges, for employee and his or her family, up to a total of 60 calendar days. Up to 60 additional days may be authorized by the Director of Personnel when there are compelling reasons beyond the control of the employee. The amount paid is either the employee's daily expenses for allowable items or the maximum prescribed rate per paragraph 942.2 of the Standardized Regulations, whichever is less.

(1) Time limits for application for this allowance and details on the conditions, payment, and amount of the allowance are contained in Paragraph 252 of the Standardized Regulations; Broadcasting procedures for advance payment are in MOA VII-821.

(2) In accordance with Section 250 of the Standardized Regulations, the Director of Personnel, is authorized to grant home service transfer allowances up to 60 days and to revise or terminate grants for the allowance, to determine whether a house or apartment is occupied on a temporary basis, and to obtain employee's certification of intent to serve 12 months in the U. S. Government following the effective date of transfer.

(3) An employee transferred from an overseas post to Washington or to another location in the United States in lieu of the Washington, may apply for a home service transfer allowance by completing Form SF-1190,

with receipts or other documents to support his or her claim for the temporary lodging portion, to the Office of Personnel.

(4) The Foreign Service Personnel Officer, Office of Personnel, is responsible for assuring that:

(a) the certification statement required under Section 077.32c(2), Standardized Regulations (Government Civilians, Foreign Areas), is signed by the employee in Part 26, "Remarks", on all Forms SF-1190;

(b) the completed forms are carefully reviewed to assure that the employee is eligible to receive the home service transfer allowance claimed;

(c) the employee signs Part 27, "Employee's Statement," and that the applicable sections of Part 29 of the form have been completed.

(5) The Foreign Service Personnel Officer forwards the original and one copy of the form with necessary receipts to the Financial Operations, for processing. See MOA VII-821 for Broadcasting procedures for advance payment.

(6) The relocation expenses may be reimbursed incident to household moves necessitated by an assignment to a public or private nonprofit organization when an officer is not entitled to be reimbursed under any other provision of law. Relocation expenses authorized are subsistence expenses of the employee and immediate family for a period of up to 60 days while occupying temporary quarters. Procedures outlined in (1) through (5) above should be used in applying for this allowance.

#### 263.5 Separate Maintenance Allowance

Is an allowance to assist an employee who is compelled or authorized, by reason of dangerous, notably unhealthy, or excessively adverse living conditions at his/her post of assignment in a foreign area, or for the convenience of the Government or who requests such an allowance because of special needs or hardship involving the employee or the employee's spouse or one or more dependents to meet the additional expense of maintaining his/her dependents elsewhere than at such post. Section 260 of the Standardized Regulations provides details on conditions not warranting a separate maintenance allowance, periods of time, beginning and termination of grant, determination of rate, and methods of payment. The rates of the allowance are determined in accordance with paragraph 267.1 of the Standardized Regulations.

a. The Director of Personnel is authorized to grant, revise, terminate or disapprove separate maintenance allowances in accordance with Section 260 of the Standardized Regulations (Government Civilians, Foreign Areas) to eligible employees of Broadcasting and to other employees paid from Broadcasting funds.

b. The employee prepares the application on Form SF-1190 as prescribed in 3 FAM 315.4 and submits it to the Office of Personnel. The Director signs the approved application, (Part 29). Only the original of Form SF-1190 need be signed provided that, in lieu of signature, the authorizing

officer's name and title appear on all copies and that they bear the following wording: "True copy of the signed original." Personnel distributes the approved applications for separate maintenance allowance.

263.6 Education Allowance - Is an allowance to assist an employee in meeting extraordinary and necessary expenses in providing adequate elementary and secondary education for his or her children incurred because of service in a foreign area. This allowance is designed to assist in defraying costs necessary to obtain educational services which are ordinarily provided without charge by the public schools in the United States, plus the costs of room and board and periodic transportation where adequate schools are not available at the employee's foreign post. Rates of education allowance for "school at post," "school away from post," and "home study" are contained in Section 920 of the Standardized Regulations. Education allowances may be paid in advance, either by lump sum or by installments, upon submission of Form SF-1190. An education allowance shall not be paid for a child in the United States:

a. who has a natural or adoptive parent or step-parent residing in the United States (except where the employee establishes that the parent residing in the United States is divested of legal custody of the child or is mentally or physically unfit to care for the child or the step-parent is estranged from the employee); or

b. on whose behalf a separate maintenance allowance is being paid; or

c. for the 12-month period immediately following his/her arrival in the U.S. under educational travel authority nor for any period thereafter during which he/she continues to be educated in the United States. See Section 270 of the Standardized Regulations for details.

263.7 Educational Travel - Is one round trip in a 12 month period to a school or undergraduate college in the United States for secondary education (in lieu of an education allowance) and for college education for a dependent of the employee. The first educational travel trip must originate outside the United States except as provided in paragraph 284 of the Standardized Regulations. Subsequent round trips may originate in the United States. Normally, secondary educational travel is authorized for children up to age 20 (before 21st birthday) and for college education up to age 22 (before 23rd birthday), except that the age limit may be extended by one additional year for each year of military service. For travel from the post to the United States, the child must spend 14 consecutive days outside the United States prior to departure on the educational travel (except when the child's transportation abroad within the 14 days was not at Government expense). Travel from the United States to the post shall not be authorized when the employee's transfer to the United States or travel from home leave will occur within 30 days of the scheduled departure date of the child for the post. The following is the procedure for processing requests:

a. Submit requests for authorization for educational travel to or from the United States to Broadcasting by cable through the PER Channel, Attention: Broadcasting (personnel), as a TMTWO, with the following information:



(1) Child's name and date of birth;

(2) Purpose of the requested travel (secondary or college education). Give the grade or academic year that the child will be commencing at the school;

(3) Name and location (city and state) of the school the child will be or is attending;

(4) In the case of travel to the United States, the length of time the child has been continuously abroad;

(5) In the case of return travel to post, advise:

(a) Whether employee plans to commence travel for home leave or transfer to a post in the United States within 30 days from the date of the child's departure for the post;

(b) A mailing address and telephone number so that the dependent may be contacted regarding medical examinations, travel arrangements, passports, etc.

(6) Estimated date of departure and estimated date of arrival.

b. Upon receipt of a request for educational travel for secondary or college education, Personnel determines eligibility and the employee's administrative officer issues the travel order.

c. To be eligible for educational travel, a child must be enrolled as a full-time student during the current school year. Educational travel may be authorized for dependents to attend summer school, if full-time. Educational travel may not be authorized for dependents on leave of absence from a college or university or for dependents to audit courses not for degree credit.

d. Educational travel orders for a dependent or an employee of Broadcasting can only be issued in Washington.

e. The post must submit a TMFIVE and a TMEIGHT upon the departure and arrival of each dependent traveling on educational travel orders.

f. Dependents under age 21 are required to have a valid medical clearance for travel from the United States to the post.

g. A child 21 years or older, who proceeds to the employee's post under an educational travel authorization, may not be returned to the United States on the employee's home leave, transfer, or separation order nor perform any travel at Government expense under the provisions of 6 FAM 126.3.

263.8 Dependent Care Grants for Family Members During Orientation, Language, and Functional Training 3 FAM 824.6 outlines the conditions, criteria and procedures for providing orientation, language, and

functional training for members of the families of Foreign Service employees. Accordingly, to facilitate attendance by family members of employees at orientation, language, functional and any other approved training, Broadcasting is authorized to make grants (by advance payments or by reimbursement) for dependent care (baby sitting expenses) incurred in conjunction with such attendance. Training will consist of at least 10 but not more than 30 class hours per week, exclusive of language laboratory or other self-study hours. No such grant may exceed the amount actually expended for incurred cost. In the event that a dependent's training is canceled or discontinued after an advance of money for dependent care has been made, the employee shall refund the balance of the advance within fifteen (15) days of cancellation or discontinuance of training. Grants and reimbursements may be made to employee's family members for:

a. training provided by FSI, such as regular full-time, early morning, part-time, or specially arranged language classes, area studies or language and area familiarization courses, the workshop or re-entry study programs for Foreign Service families or any other applicable courses at FSI;

b. language training at other institutions as may be approved in advance by the Chief, Training and Development Division. To apply for the dependent care grant, a family member must submit Form DS-755 (Request for Training) to the Chief, Training and Development Division who must approve the training before the training begins. Application for the grant should be submitted on, Application for Dependent Care/Training Grant. Reimbursement should be claimed by submitting Form Certification for Dependent Care/Training Grant, to the Chief, Training and Development Division, Office of Personnel.

## 264 REPRESENTATION ALLOWANCE

The general guidelines and allowable expenditures contained in 3 FAM 341.1, 342.2, and 344, and Chapter 300 of the Standardized Regulations, are to be followed in the use of representation allowance funds by employees of Broadcasting assigned to posts in foreign areas. Authority to approve expenditures of Broadcasting appropriated representation allowance funds is delegated to the Broadcasting Officer at the overseas installation within the limits of the funds made available to him or her.

### 264.1 Planning, Control, and Distribution of Funds

a. Responsibilities - The officer-in-charge is responsible for developing a representation program. Broadcasting makes funds available to the officer in a lump sum. Obtaining optimum benefit from the use of available funds is of importance to Broadcasting. Each of these officials must assume personal control of the direction of representation activities and the use of representation funds available to him/her.

b. Distribution of Funds - Allotments by Broadcasting covering representation allowances provide funds under a specific activity code. Upon receipt of the annual allotment, the officer distributes representation allowance funds within the amount allotted.

c. Limitation on Representation Allowances - Reimbursable expenditures for representation activities in a fiscal year cannot exceed the limitations fixed by the Congress in Broadcasting's appropriation for that year. Overseas installations cannot obligate money for representation allowances that are in excess of the amount allotted to them for that specific purpose. Over-obligation or over-expenditure will result in a violation of law (see MOA VI-114.3g).

264.2 Vouchering Expenditures - Detailed instructions for preparing vouchers covering representation allowance expenditures are contained in MOA VII-914. All allowable expenditures for official representation should be vouchered even though reimbursement may not be claimed or payment may not be made because of lack of funds or for other reasons.

#### 264.3 Record of Expenditures

a. General - . These records are used by Broadcasting to support periodic reports of obligations and expenditures, annual budget estimates, requests for increased allotment, and other reports as may be required.

b. Federal Income Tax Deduction Certification for Non-Reimbursed Official Expenses

(1) Responsibility of Certifying Officer - In accordance with instructions of the Internal Revenue Service (IRS Publication 516, "Tax Information for United States Government Civilian Employees Stationed Abroad"), an employee of the Foreign Service is allowed a deduction for representation and official residence expenses in excess of his or her allowances or other payments received under the Foreign Service Act of 1980, as amended, if these excess expenses are supported by a certificate certifying that such expenses were incurred for the benefit of the United States and that they would be properly reimbursable under the terms of the Act if Broadcasting had sufficient funds for such reimbursements. The certification on behalf of Broadcasting is made by the certifying officer for the post where such non-reimbursed expenses are being claimed. (The credit does not include the five percent of salary deducted for normal housekeeping costs.)

(2) Types of Expenditures to be Certified - Certifications by the post will cover the two types of expenditures which would have been reimbursed under the Foreign Service Act of 1980, as amended, and Chapters 300 and 400 of the Standardized Regulations (Government Civilians, Foreign Areas), i.e., Representation Allowances, had sufficient funds been available. Other expenses which are ordinary and necessary in the performance of duties as an officer or employee in the Foreign Service will be justified by the officer or employee in accordance with guidelines given in Internal Revenue Service Publication 463, "Travel Entertainment and Gift Expenses." Such expenses will not be certified by the certifying officer.

(3) Request for Certification of Out-of-Pocket Expenditures - Requests for certification of expenditures are based on administratively approved vouchers submitted as though the voucher were to be certified for payment. The vouchers should contain sufficient data to enable the certifying

officer to identify the representation or other official expenses claimed. The certifying officer will identify the vouchers as "no pay" and retain them to support the tax deduction certificate to be issued. At the close of each calendar year, or at the time of an employee's departure from the post, the certifying officer will prepare a certification as to amounts claimed and not reimbursed which represent properly allowable expenses and send the certificate to the employee. The following format is suggested:

"Dear :

This certifies that during calendar year (or other period) while you were assigned to you incurred, for the benefit of the United States, the following properly reimbursable expenses for which you were not reimbursed because of insufficient funds.

\$ for official residence.

\$ for official representation.

Sincerely yours,

Authorized Certifying Officer"

(4) Expenses Reimbursed Subsequent to Certification - In those instances where, subsequent to the preparation of the certification made in accordance with paragraph (3) above, an employee is reimbursed for out-of-pocket expenditures, it is the responsibility of the employee to give recognition to such reimbursement when filing a subsequent or amended tax return. Employees are reminded that any deductions claimed or certified to as appropriate for tax purposes are subject to investigation and challenge by the Internal Revenue Service.

(5) Availability of Internal Revenue Service Publications - Internal Revenue Service publications are available in the consular section of the post or from any Internal Revenue Service office.

#### 264.4 Allowable and Non-allowable Expenses

a. Allowable expenses include expenditures to promote United States national interests, to promote United States economic interests, and for commemorative and ceremonial requirements in furtherance of United States foreign policy objectives.

b. Non-allowable expenses

(1) The hire, purchase, operation, or repair of any motor-propelled, passenger-carrying vehicle, including aircraft;

(2) Expenses of printing and engraving;

(3) Printing of Christmas cards or other types of greeting cards;

(4) Compensation for cost of living, quarters expenses, or for assignment under difficult environmental conditions, including expenses of recreation and entertainment solely for employees of the United States and their families;

(5) Membership fees or dues in any society, club, or association which cannot be paid out of appropriated funds unless:

(a) The membership in the name of an individual employee can be classified as "institutional" because it meets all of the following criteria:

--The membership is "transferable," in the sense that the name is easily changeable to the name of the original member/employee's successor in office;

--The membership is essential to the operation of Broadcasting; and

--The membership dues are tantamount to a charge for a real, tangible benefit; or

(b) The expenditure would be for "library membership" in an organization which would allow the employee to receive publications available to members only, or allow the employee to purchase generally available publications at a reduced rate.

#### 265 POST DIFFERENTIAL

A post differential is additional compensation of 10, 15, 20, or 25 percent over basic salary compensation which is granted for service at places in foreign areas where conditions of environment differ substantially from environmental conditions in the continental United States and warrant additional compensation as a recruitment and retention incentive. Post differential is established when the place involves extraordinarily difficult living conditions, excessive physical hardship, or notably unhealthy conditions. Living costs are not considered. The post differential percentage for eligible posts is listed in Section 920 of the Standardized Regulations. Paragraph 510 of the Standardized Regulations details eligibility and basis for post differential. Payment of differential is approved by the officer-in-charge and automatically paid with the biweekly salary payments at eligible posts, and is subject to federal income tax deductions.

#### 266 TRAVEL PER DIEM ALLOWANCE

A travel per diem allowance is provided to employees and eligible dependents for daily expenses while traveling on official business for the Government away from the employee's designated duty post. The type of reimbursement (actual subsistence or per diem) is included in the travel authorization or in an amendment thereto. The rate of expense is determined in accordance with Federal Travel Regulations and Broadcasting travel policy.

a. Rates for Overseas Cities are set by the Department of State and published in Section 925 of the Standardized Regulations.

b. Rates for Cities in the United States Reimbursement are based on the amount the traveler pays for lodging plus a fixed allowance for meals and incidental expenses (M&IE), the total not to exceed a rate set by locality. The system applies to travel in the conterminous United States only.

#### 267 PAYMENT DURING EVACUATION AND TO MISSING EMPLOYEES

267.1 Payments During Evacuation - Chapter 600 of the Standardized Regulations describes the entitlement coverage, rate, and amount of advance payment for employees and their dependents who are ordered to be evacuated from assigned posts of duty.

#### 267.2 Payment to Missing Employees

5 U.S.C. 5562 entitles an American employee who is in a missing status to receive or have credited to his or her account pay and allowances. Missing status means an employee who is missing in action, interned in a foreign country, captured, beleaguered, or besieged by a hostile force, or detained in a foreign country against his or her will, but does not include an employee who is officially determined to be absent from post of duty without authority. See Subchapter VII of Title 5 of the United States Code, Section 5561 through 5568.

#### 268 GENERAL ALLOWANCE REPORTING REQUIREMENT

Under the administrative support arrangements with the Department of State, allowance reporting is done by the Department for Broadcasting establishments located at diplomatic missions and consular establishments. The head of each overseas establishment should examine and comment on such reports when prepared for submission to the Department.

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PART V-B PERSONNEL (FOREIGN SERVICE), 200 CLASSIFICATION AND COMPENSATION

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PART V-B PERSONNEL (FOREIGN SERVICE), 300 RECRUITMENT, EXAMINATION, AND APPOINTMENT OF OVERSEAS SPECIALIST IN THE FS

Section 300

GENERAL

301 Coverage

302 Authorities

- 302.1 Foreign Service Act of 1980
- 302.2 Foreign Affairs Reform and Restructuring Act of 1998
- 302.3 Executive Order 10450 of April 27, 1953, as amended
- 302.4 Section 2108(1) and (2) of Title 5 of the U.S. Code

303 Policy

304 Board of Examiners for the Foreign Service (BEX)

- 304.1 Membership
- 304.2 Functions

305 Non-Competitive Interchange Between Foreign Service and Civil Service

- 305.1 Authority

306 Re-employment of Foreign Service Annuitants

- 306.1 Recall to the Service
- 306.2 Recovered Disability Annuitants
- 306.3 Employment in a U.S. Government Agency

Section 300

GENERAL



301 COVERAGE - Chapter 300 contains policies, instructions, and procedures for recruitment, examination, selection, and appointment of persons to the Foreign Service for Overseas Specialist positions.

a. Appointment of Overseas Specialist Candidates in specialties such as radio engineer ,facility maintenance, and VOA correspondent is described in V-B 360.

b. Employment of Foreign Service National Employees is described in 3 FAM 900.

c. Part-time, Intermittent, Temporary (PIT) employment is described in 3 FAM 120.

d. Appointments to the FSN/American Family Member Program is described in 3 FAM 122.8.

302 AUTHORITIES - Certain legal and regulatory requirements authorize and restrict activities in recruitment, examination, selection, and appointment of Foreign Service personnel. The major authorities and restrictive provisions are cited briefly below:

302.1 Foreign Service Act of 1980 provides the basic authorities for the employment and retention of Foreign Service personnel; requires that Broadcasting's Foreign Service personnel system be compatible with other agencies' Foreign Service personnel systems; establishes a Senior Foreign Service; provides that, before receiving a career appointment in the Service, an individual must first serve under a limited appointment as a career candidate for a trial period of service; limits the duration of a limited appointment; and gives the Director the same range of authority with respect to members of Broadcasting's Foreign Service as the Secretary of State except where authority is otherwise specifically vested in the Secretary of State.

302.2 The Foreign Affairs Reform and Restructuring Act of 1998 established Broadcasting as a separate entity and enables the Director to exercise personnel authorities normally available to heads of departments and agencies. It authorizes the President to delegate to the Director of Broadcasting ,personnel and other authorities that were available to the Secretary of State.

302.3 Executive Order 10450 of April 27, 1953, as amended, and 5 CFR 731 and 754 sets forth security requirements for Government employment and prescribes responsibilities for the conduct of security investigations.

302.4 Section 2108 (1) and (2) of Title 5 of the U.S. Code defines veteran and disabled veterans and applicants in those categories shall be given affirmative consideration in the selection of applicants for appointment.

303 POLICY

a. It is Broadcasting policy to fill all positions with the best qualified persons obtainable and to conduct its recruitment, examination, selection, and appointment activities in such a manner as will:

(1) Ensure a continuing supply of highly qualified candidates who are representative of the American people, aware of the principles and history of the United States, generally informed of current concerns and trends in American life, knowledgeable of the affairs, cultures, and languages of other countries, and available for worldwide assignment.

(2) Ensure that beneficial and effective relations are maintained with the public.

(3) Ensure that fair, equitable, and consistent treatment and consideration is afforded all applicants for employment without regard to race, color, religion, sex, national origin, age, handicapping condition, marital status, political affiliation, membership in or activity on behalf of employee organizations, or initiation of or participation in grievance procedures of an applicant.

(4) Ensure that the spirit and intent of all pertinent laws, rules, and regulations governing recruitment, examination, selection, and appointment of personnel are strictly observed.

b. Employees are selected according to the nature of the work for which they are considered, through appropriate written and oral examinations, and through the evaluation of qualifications and experience.

c. Broadcasting develops and maintains qualifications standards for various types of positions.

#### 304 BOARD OF EXAMINERS FOR THE FOREIGN SERVICE (BEX)

304.1 Functions - The Board of Examiners for the Foreign Service develops and supervises the administration of examinations given to applicants for appointment as Foreign Service career candidates in accordance with Section 211 of the Foreign Service Act of 1980.

#### 305 NON-COMPETITIVE INTERCHANGE BETWEEN FOREIGN SERVICE AND CIVIL SERVICE

305.1 Authority - Under the provisions of Executive Order 11219, as amended, present or former career members of the Foreign Service may be appointed on a non-competitive basis to the Civil Service. The President has authorized the Office of Personnel management by this order to waive the requirement for competitive examination and appointment for such career Foreign Service personnel. (For details on noncompetitive appointment see MOA V-A 315 which contain specific information on eligibility requirements, qualifying service, time limits and status, and creditable service.)

#### 306 EMPLOYMENT OF FOREIGN SERVICE ANNUITANTS

306.1 Recall to the Service - When the Director determines that the needs of the Service so require, the Director may recall any retiree career

member of the Foreign Service to duty in the same personnel category that the member was serving at the time of retirement. A retired member may be recalled in any salary class or rate that is appropriate in light of the individual's qualifications and experience. However, a retired career member of the Senior Foreign Service may not be recalled to a salary class higher than the one in which the member was serving at the time of retirement unless re-appointed at a higher class by the President, by and with the advice and consent of the Senate. Any annuitant recalled to the Service is entitled to the full salary of the class in which serving in lieu of his/her annuity. During such service, the recalled annuitant will contribute to the Foreign Service Retirement and Disability Fund in accordance with 3 FAM 671.4-1. (See 3 FAM 673.4-7 for annuity payable upon subsequent separation.)

#### 306.2 Recovered Disability Annuitants

a. Time Limit on Applications - Disability annuitants may apply for reinstatement or re-appointment in the Service within one year from the date of determination of recovery, pursuant to 3 FAM 672.3-7. Such application is by letter to the Director, Office of Personnel. The application is accompanied by a resume of pertinent experience acquired since separation.

b. Reinstatement or Re-appointment - Upon application, a recovered disability annuitant shall be reinstated in the class in which he or she was serving at the time of retirement. However, taking into consideration the annuitant's qualifications and experience and the present class of his or her contemporaries in the Service, the Director may recommend to the President that the annuitant, by and with the advice and consent of the Senate, re-appoint a recovered annuitant to a higher class than the one in which he or she was serving at the time of retirement.

306.3 Employment in a U.S. Government Agency - Any employee retired from the Service and receiving an annuity under the provisions of the Foreign Service Retirement and Disability System who is re-employed in the Federal Government, in any appointive position either on a part-time or full-time basis, is entitled to receive the salary of the position in which he or she is serving plus as much of his or her annuity which when combined with such salary does not exceed (during any calendar year) the basic salary he or she was receiving on the date of retirement. If salary during any calendar year exceeds salary at the time of retirement the person shall be entitled to receive the salary of the position, but no annuity shall be payable. Broadcasting will send a notice to the Department of State of any such re-employment information and will pay the employee the salary of the position in which he or she is serving. Any overpayment shall be recovered by withholding the amount involved from the salary payable to such re-employed employee or from any other monies including his or her annuity.

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PART V-B PERSONNEL (FOREIGN SERVICE), 300 RECRUITMENT, EXAMINATION, AND APPOINTMENT OF OVERSEAS SPECIALIST IN THE FS  
Section 310

TYPES OF FOREIGN SERVICE APPOINTMENTS

311 Authority

311.1 Career Appointments

311.2 Limited Appointments

312 Overseas Specialists

313 Career Appointments

313.1 Senior Foreign Service (SFS)

314 Overseas Specialist Limited (Career Candidate) Appointments

314.1 SFS Candidates

314.2 Specialist Candidates

315 Limited (Non-career) Appointments

316 Temporary Appointments

317 Foreign Service National Employees (FSN)

Section 310

TYPES OF FOREIGN SERVICE APPOINTMENTS

311 AUTHORITY

311.1 Career Appointments - Section 303 of the Foreign Service Act of 1980 authorizes the Director to appoint career members of the Service (other than Presidential appointments). Employees covered by this regulation are called Foreign Service Overseas Specialists to distinguish

them, among other reasons, from the Presidential appointees employed by the U. S. Department of State.

311.2 Limited Appointments - Section 303 of the Act authorizes the Director to appoint members of the Service on limited appointments as (1) career candidates for a trial period of service prescribed by the Director, or (2) as non-career employees. In accordance with Section 309 of the Act, a limited appointment may not exceed five years in duration, and may not be renewed. A limited appointment for a period of one year or less is a temporary appointment.

312 Overseas Specialists are employees who are worldwide available and serve both abroad and in the United States in specialist positions such as Executive Officer, engineering and technical positions at VOA Transmitting stations, VOA correspondents, which are part of an overseas United States rotational assignment system. For further information on personnel and position designations, see MOA V-B 130.

### 313 CAREER APPOINTMENTS

313.1 Senior Foreign Service (SFS) - Career appointments to the Senior Foreign Service are through promotion of FS Class 1 Overseas specialists based on the recommendations of Selection Boards or following a trial period of service as SFS Candidates based on the recommendations of the selection boards and nominations to the President by the Director. Appointment is made to one of the three SFS classes: Career Minister, Minister-Counselor or Counselor. In accordance with Section 305(b) of the F.S. Act of 1980, no less than 95% of the members of the Senior Foreign Service will be career members. (See MOA V-B Chapter 1100).

314 OVERSEAS SPECIALIST LIMITED (CAREER CANDIDATE) APPOINTMENTS - Overseas Specialist career candidates are appointed by the Director for a period not to exceed five years. An applicant will not be appointed unless an overseas position has been identified for which no current Overseas Specialist is available for assignment and a need for the individual in the Foreign Service has been certified by the Director, Office of Personnel. Before the end of the fifth year, Specialist Candidates must qualify and be recommended by the appropriate selection board for career appointment as Overseas Specialists or their appointment shall be terminated. Overseas Specialist career candidates are distinguished for administrative purposes as follows:

314.1 SFS Candidates are appointed for a period of five years upon the nomination of the Director, Office of Personnel (based on criteria negotiated with the exclusive representative) and certification of need, and the recommendation of the Board of Examiners for the Foreign Service. Following appointment to an SFS position, a trial period of four years (not less than half of which must be served abroad) will be required prior to a recommendation by the Selection Board to the Director, Office of Personnel. The limited appointments of SFS candidates not recommended for career status will be terminated no later than the last month of the limited appointment. It is anticipated that career candidate appointments to the SFS as an Overseas Specialist will be offered on a very limited basis to allow staffing of the small number of SFS specialist positions

through promotion of F.S. Class 1 career Overseas Specialists. (See MOA V-B 460 and 1100.)

314.2 Specialist Candidates are appointed for a period of four years (extendible to five) or need for services, whichever is less, at the F.S. Class determined in the examination process based upon the individual's qualifications and previous experience. The purpose of this trial period is to allow Broadcasting to evaluate and assess the Candidate's abilities and future potential prior to offering tenure as an Overseas Specialist. The appointment may be extended up to an additional two years, but it must be terminated at the end of the fifth year. After three years, but before five, the Specialist Candidate must receive career appointment based on a positive tenuring determination by a Selection Board, or the limited appointment will be terminated (see also MOA V-B 360).

315 LIMITED (NON-CAREER) APPOINTMENTS - Limited non-career appointments to specialist positions are made by the Director of Personnel. These employees do not compete for promotion. Non-career employees appointed for a period of one year or less are given temporary appointments.

316 TEMPORARY APPOINTMENTS - A limited appointment for a period of one year or less is called a temporary appointment. Examples of employees serving under this type of appointment are re-employed annuitants hired for special projects lasting one year or less; part-time, intermittent, temporary (PIT) appointees and American Family members appointed to FSN positions (see MOA V-B 390)\*.

317 FOREIGN SERVICE NATIONAL EMPLOYEES (FSN) - See Uniform Regulations in 3 FAM 900.

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PART V-B PERSONNEL (FOREIGN SERVICE), 300 RECRUITMENT, EXAMINATION, AND APPOINTMENT OF OVERSEAS SPECIALIST IN THE FS  
Section 320

RECRUITMENT

321 General

322 Responsibilities

322.1 The Office of Personnel

322.2 Employees

322.3 The Board of Examiners for the Foreign Service (BEX)

323 Restrictions on Recruitment Activities

323.1 Use of Commercial Employment Agencies Prohibited

323.2 Discrimination Prohibited

324 Travel for Recruitment Purposes

324.1 Travel of Applicants to Broadcasting

Section 320

RECRUITMENT

321 GENERAL - Recruitment is the process of developing sources of applicants, screening applications from candidates who meet Broadcasting's qualifications standards, and the selection and processing of qualified personnel for appointment to the Foreign Service. All personnel responsible for developing, screening, and selecting applicants will ensure that applicable laws, regulations, and policies and procedures governing recruitment of Foreign Service personnel are properly followed.

322 RESPONSIBILITIES

322.1 Office of Personnel is responsible for:

- a. Planning and administering a recruitment and source development program.
- b. Determining that applicants meet the minimum requirements and qualifications for Foreign Service appointment and arranging BEX examinations for Overseas Specialists, and processing the necessary paperwork for employment.
- c. Maintaining a list of applicants who have successfully completed the examination process and have been approved by BEX for appointment as Specialist Career Candidates and sending letters of offer to applicants when there is certified need for the candidate and an overseas position has been identified.
- d. Determining when applicants will be hired and to which positions they will be assigned upon appointment;
- e. Sending letters of offer to employees;
- f. Processing the necessary paper-work for their appointments;
- g. Certifying the eligibility of all Specialist Candidates for the final tenuring determination by the appropriate Board.

322.3 Employees should refer applicants and/or their applications to the Office of Personnel for appropriate action. Operating officials and employees should refrain from unduly encouraging applicants, and will in no case make actual appointment commitments. (See V-B 850)

322.4 The Board of Examiners for the Foreign Service (BEX) is responsible for:

- a. Conducting the examination process for applicants for Foreign Service appointments;
- b. Recommending the class to which applicants may be appointed;
- c. Determining that applicants meet all qualifications and requirements for overseas service;

### 323 RESTRICTIONS ON RECRUITMENT ACTIVITIES

323.1 Use of Commercial Employment Agencies Prohibited - Broadcasting is prohibited from using commercial employment offices as a recruitment source if the offices charge a fee for placement in Federal employment.

323.2 Discrimination Prohibited - Recruitment activities of Broadcasting must be conducted without discrimination based on race, color, religion, sex, national origin, age, handicapping condition, marital status, or political affiliation.

### 324 TRAVEL FOR RECRUITMENT PURPOSES



324.1 Travel of Applicants - The Director of Engineering and the Chief, VOA News Division may approve issuance of round-trip invitational travel orders to bring applicants to Washington, D.C., at Government expense when it is determined that this is in the interest of the Foreign Service.

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PART V-B PERSONNEL (FOREIGN SERVICE), 300 RECRUITMENT, EXAMINATION, AND APPOINTMENT OF OVERSEAS SPECIALIST IN THE FS

Section 330

REQUIREMENTS FOR FOREIGN SERVICE APPOINTMENT

331 Basic Requirements for Employment

332 Assignment Availability

333 Physical Requirements

334 Security Investigation and Suitability Considerations

334.1 Security Investigation

334.2 Suitability Considerations

Section 330

REQUIREMENTS FOR FOREIGN SERVICE APPOINTMENT

331 BASIC REQUIREMENTS FOR EMPLOYMENT

a. All applicants for F.S. employment must be citizens of the United States and at least 21 years of age. On the date of appointment, new F.S. appointees must be no more than 60 years of age (i.e., applicants may be appointed in the last month of their 60th year). Individuals seeking F.S. employment with Broadcasting are advised that the time period from initial application to actual appointment is lengthy, often lasting several months to a year before the examination processes are completed and all requirements for F.S. appointment are met.

b. In the course of the examining process, a decision must be reached that the applicant is qualified for the work of the Foreign Service. This decision will be based on an evaluation of such factors as employment

history, pertinence and quality of experience, education and training, language ability and aptitude, and other requirements established by Broadcasting for the specific kind of work for which the applicant is being considered.

### 332 ASSIGNMENT AVAILABILITY

Applicants must be willing to accept assignments to any foreign post. Persons who limit their availability to specific locations will not be considered for employment. This requirement does not apply to persons employed for specialized positions whose appointments and assignments are limited with respect to time or to specific posts or countries.

### 333 PHYSICAL REQUIREMENTS

Applicants and dependents who will reside with them on overseas assignment must successfully pass the required medical examination and be physically fit to perform in the Foreign Service on a worldwide basis. Pre-employment medical examinations of the employee and his or her dependents are mandatory (see 3 FAM 684). The medical examination is designed to determine the presence of any physical, neurological, or mental condition of such a nature as to make it unlikely that the applicant or his/her dependent would be able to function on a worldwide basis. The medical examination will be conducted either by medical officers of the Armed Forces, the Public Health Service, the Department of State, or, by private physicians. The Department of State Medical Director will determine, on the basis of the report of the physician(s) who conducted the examination, whether the applicant and the applicant's dependents have met the required medical standards for Foreign Service appointment. If requested by the applicant, Broadcasting's Medical Review Committee will review the case of any applicant or dependent who has been denied medical clearance for appointment and will determine by majority vote whether the applicant should be recommended for appointment despite the medical disqualification. A medical clearance waiver may be granted by the Director, Office of Personnel depending on the nature of the medical recommendation (see MOA V-B 523).

### 334 SECURITY INVESTIGATION AND SUITABILITY CONSIDERATIONS

334.1 Security Investigation - Applicants are subject to a full field investigation as required by Executive Order 10450 prior to employment.

334.2 Suitability Considerations - In the course of the examining process, a decision will be reached as to the applicant's suitability for service in the Foreign Service. (See 3 FAM 622, Suitability Guidelines for Appointment and Continued Employment.)

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PART V-B PERSONNEL (FOREIGN SERVICE), 300 RECRUITMENT, EXAMINATION, AND APPOINTMENT OF OVERSEAS SPECIALIST IN THE FS

Section 340

APPOINTMENT PROCEDURES

341 Offers of Appointment

341.1 Responsibility

341.2 Travel Authorizations for New Appointees

342 Forms to be Completed

342.1 Prior to Appointment

342.2 Upon Entrance on Duty

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343 Determination of Effective Date of Appointment

343.1 Appointment by the President

343.2 Appointment from Outside the Service

343.3 Appointment from Within the Service

Section 340

APPOINTMENT PROCEDURES

341 OFFERS OF APPOINTMENT

341.1 Responsibility - The Director, Office of Personnel is the only official delegated authority to make offers of employment to applicants approved for appointment. An offer of employment is made by letter over the signature of the Director, Office of Personnel. A letter offering employment will be prepared and will include the following:

- a. Type of appointment, class, step, salary, pay basis, nature of appointment, competitive category (if applicable), retirement system, life insurance, and whether appointee will compete for promotion.
- b. Date to report for work, where and whom to report for duty.
- c. A statement of any limitations on appointment or special circumstances surrounding the appointment.
- d. Information on travel, transportation of effects, and per diem, where applicable.

#### 341.2 Travel Authorizations for New Appointees

- a. Authorization for Official Travel, for travel of persons to Washington, D.C., for initial assignment or training.

#### 342 FORMS TO BE COMPLETED

342.1 Prior to Appointment - The following forms are enclosed with the offer of employment to applicant and must be completed and returned to the Office of Personnel before he or she reports for duty:

- a. Residence and Dependency Report (OF-126) is used as a basis for determining point of origin and designation in the United States, the Commonwealth of Puerto Rico, or the possessions of the United States in connection with travel at Government expense (see 6 FAM 125), and to determine the eligibility of dependents for Foreign Service medical benefits (see 3 FAM 680). It must be executed by all Foreign Service employees at time of appointment, upon any change in residence, upon change in number of dependents, and before separation. Inasmuch as residence at time of appointment, legal residence, home leave address, and residence upon separation may differ, space is provided on OF-126, Residence and Dependency Report, for each.

##### (1) Residence Report

(a) Legal Residence - List residence (city and state) which is claimed as a legal residence. Normally, such residence will remain the same as the one listed at the time of appointment unless definite steps have been taken to meet the requirements of an alternate State. The legal residence as shown on OF-126 is used when nominations are submitted to the President for promotion of a Foreign Service career member, when a title or a commission is granted, and in certain circumstances, when nominations are submitted for appointment.

(b) Home Leave Residence - The street address, city, and state where the employee anticipates spending home leave must be shown. When a new location is requested, there should be a showing of definite family ties or other substantial interests rather than merely a desire to visit a particular location and/or individual or for travel and personal convenience.

(c) Residence for Service Separation - On OF-126, Residence and Dependency Report, list residence in block 8 (street address, if known; city and State) to which travel and shipment of effects are to be authorized upon separation from the Service. The designation should be a U.S. location at which the employee expects to reside or be employed after separation. If death occurs during employment, the separation residence is designated by the next-of-kin in accordance with 6 FAM 125.6-1. (NOTE: OF-126, last revised January 1975, reverse of form incorrectly printed previous law. 6 FAM 126.5-1, revised November 14, 1973 prevails.)

(2) Dependency Information - Only those dependents, other than spouse, who will travel at Government expense and reside with the employee are listed on OF-126. Dependents, other than spouse and unmarried children under 21 years of age, must be members of the employee's family as defined in 6 FAM 117. Justification for claiming the dependency of each must be given on the reverse of OF-126. It is important that the dependency information be current at all times to ensure proper coverage under the medical program and the accuracy of travel orders. Any gain or loss in dependency status must be promptly reported.

b. Acceptance of Appointment and Declaration of Appointee (SF-61B).

c. Statement of Prior Federal Civilian and Military Service (SF-144) and certificate of military reserve status, if applicable.

d. Federal Employees Health Benefits Program booklet (SF-2809-A), brochures, and registration form (SF-2809).

e. Federal Employees Group Life Insurance Program booklet (SF-2817-A), Election, Declination and Waiver form (SF-2817), and Designation of Beneficiary (SF-2823).

f. Self-Identification of Medical Disability (SF-256), Personal Health Certificate (DS-1635) and Race and National Origin Identification (SF-181).

g. Request for Travel Authorization and Bid Forms for storage of effects, if applicable.

h. Designation of Beneficiary form for retirement system; OF-137 for Foreign Service employees, and SF-2808 for Civil Service employees.

i. Designation of Beneficiary, Unpaid Compensation of Deceased Civilian Employee (SF-1152).

j. Certificate of Non-Residence in the District of Columbia (D-4A) and Certificate of Temporary Duty or Travel Status in Washington, D.C. Applicable federal and state withholding tax forms. A copy of the uniform regulations on employee responsibilities and conduct is also sent to applicant.

342.2 Upon Entrance on Duty - All new appointees to the Foreign Service report for work to the Office of Personnel, and complete the following forms:

a. Appointment Affidavit (SF-61) comprises the oath of office required by 5 U.S.C. 3331, affidavit as to striking against the Federal Government required by 5 U.S.C. 3333, and affidavit as to the purchase and sale of office required by 5 U.S.C. 3332. The execution of the SF-61 is required before salary may be paid to any employee.

(1) Execution - SF-61, Appointment Affidavit must be executed upon appointment to the Foreign Service, upon being commissioned by the President as a Foreign Service career member, as a Consular Officer, or as a Secretary in the Diplomatic Service of the United States of America.

a. Foreign Service Personnel Locator Card showing persons to be notified in case of emergency.

b. Employees wanting to pay a deposit or redeposit for prior Federal service (civilian or military) not covered by retirement contributions should contact their retirement office. Employee will be furnished OF-141, Application for Service Credit, if covered by Foreign Service Retirement and Disability System, or SF-2803, Application to Make Deposit or Redeposit, if covered by the Civil Service Retirement System.

c. Request for identification and security orientation materials.

#### 342.3 Documents Given to New Employee

a. A copy of the SF-50, Notification of Personnel Action. The effective date of appointment will be noted on the SF-50 and determined in accordance with Section 343. Any applicable remarks (such as limitations on the appointment, statements regarding probationary period, etc.) will be shown on the SF-50.

b. Copies of the Broadcasting/Union agreement concerning the precepts for the annual Selection Boards, instructions on the preparation of Officer Evaluation Reports (OERs), open assignment and tour of duty guidelines, and the grievance procedures. In addition, the employee will be given a copy of the comprehensive Broadcasting/AFSA Foreign Service agreement.

#### 343 DETERMINATION OF EFFECTIVE DATE OF APPOINTMENT

343.1 Appointment by the President - Appointment as a Foreign Service Officer, Counselor, is effective the beginning of the first pay period following attestation by the President.

343.2 Appointment from Outside the Service - The Foreign Service appointment of a person from outside the Foreign Service is effective on the earliest of the following dates:

a. The day before the appointee reports for duty if the appointee enters on official travel status for the purpose of proceeding to his or her

post of duty or place of temporary detail (see 6 FAM 131.1-2 for mode of travel authorized upon appointment);

b. The date of appointee enters on duty in connection with appointment;  
or

c. The date immediately following the day on which the appointee's prior U.S. Government appointment was terminated.

343.3 Appointment from Within the Service - The appointment is effective on the date the employee enters on the duties of the new position in accordance with instructions given in the appointment letter and the SF-50, Notification of Personnel Action, without a break in service.



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PART V-B PERSONNEL (FOREIGN SERVICE), 300 RECRUITMENT, EXAMINATION, AND APPOINTMENT OF OVERSEAS SPECIALIST IN THE FS  
Section 360

EXAMINATION, SELECTION, AND APPOINTMENT FOR OVERSEAS SPECIALIST POSITIONS

361 General Considerations

362 Eligibility Requirements

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364 Examination Process

364.1 Applicant Review

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365 Appointment as an Overseas Specialist Candidate - Selection Process

366 Career Appointment as an Overseas Specialist

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367 Re-appointment of Career Overseas Specialists

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367.3 Medical Examination and Security Investigation

367.4 Re-appointment Action

Section 360

EXAMINATION, SELECTION, AND APPOINTMENT FOR OVERSEAS SPECIALIST POSITIONS

361 GENERAL CONSIDERATIONS - Members of Broadcasting's Foreign Service appointed as Overseas Specialists serve on rotational U.S. overseas

assignments as Administrative Officers; VOA Correspondents, Radio Engineers and Facility Maintenance Specialists. Appointees serve a trial period of service as Specialist Candidates under Foreign Service limited appointments for a period not to exceed five years. Appointments are made to F.S. classes 8 through 1. Specialist Candidates are given career appointments as Overseas Specialists based on the recommendations of Specialist Selection Boards.

362 ELIGIBILITY REQUIREMENTS - All applicants must be citizens of the United States, and must be at least 21 years of age and no more than 60 years of age at the time of appointment. The 21-year age requirement may be waived Director, Office of Personnel when he or she determines that the applicant's services are urgently needed. All applicants must be available for worldwide assignments to positions in their occupational category.

363 SOURCES OF APPLICANTS - Qualified civil service employees in Broadcasting are a significant source for Overseas Specialist Candidates. When qualifications are otherwise equal, such employees will be given priority consideration over outside applicants when applying for the Overseas Specialist Candidate program.

#### 364 EXAMINATION PROCESS

364.1 Applicant Review - Applications from both Broadcasting employees and outside applicants are sent to the Office of Personnel. Applications should include a current SF-171 or resume; Personal Qualifications Statement; Employment; a 1,000 word autobiographical statement which should include mention of the qualifications the applicant would bring to the job and reasons for desiring to work for Broadcasting and a statement affirming willingness and capacity to serve at any post worldwide. Applications will receive preliminary screening to ensure that they are no more than 60 years of age and are citizens of the U.S. Civil Service applicants must also have had at least three years of Federal government experience with career status and occupy a position at the GS-11 level (or equivalent) or above (GS-10 for Electronic Technicians). Upon receipt of the application, a Qualifications Evaluation Panel will evaluate the applicant's qualifications including his/her performance and administrative files (or equivalents), and other background or factors which may be related to the work performed by an Overseas Specialist Officer in the relevant specialty.

##### 364.2 BEX Examination

a. Applicants who are passed on by the QEP to the Board of Examiners (BEX) will be examined orally by the Board. The Board panel conducting the examination will be comprised of two Broadcasting Overseas Specialists and a BEX Deputy Examiner. The Office of Personnel may elect to serve as a member of the panel in place of one of the two Broadcasting overseas specialists.

b. The panel will examine each applicant through questioning and discussion. Hypothetical problem-solving exercises, a writing exercise and an in-basket test may also be required. It will also recommend an

entry level for appointment. If an applicant is unsuccessful in the examination, his or her application will be processed no further. An unsuccessful applicant may apply again in 12 months. If an applicant is successful, his or her name will be added to the appropriate Overseas Specialist Register once medical and security clearances have been completed for a period of 18 months, or completion of current tour of duty overseas, whichever is longer. Inclusion on the register does not guarantee eventual assignment and appointment as an Overseas Specialist Candidate.

#### 365 APPOINTMENT AS AN OVERSEAS SPECIALIST CANDIDATE - SELECTION PROCESS

When the Office of Personnel identifies an overseas vacancy which cannot be filled from the existing ranks of Overseas Specialists, applicants on the Overseas Specialist register will be considered for the assignment. Any applicant selected from the register who refuses an assignment offer will be dropped from the register and precluded from reapplying for lateral entry for a period of seven years.

a. All applicants selected as Overseas Specialist Candidates will be given limited appointments of four years at the Foreign Service class determined in the examination process and based on previous experience. (Extension of the appointment for a fifth year is possible upon the recommendation of a Selection Board or under other unusual circumstances.)

(1) Civil service employees selected as Overseas Specialist Candidates will be appointed only if the element to which they are currently assigned is willing to affirm in writing that a position at the appropriate level will be made available for the employee should the candidacy end unsuccessfully. Civil service applicants will be appointed as Overseas Specialist Candidates on or about the date of their departure for post of assignment or upon assumption of an assignment.

(2) Outside applicants selected as Overseas Specialist Candidates will be appointed and assigned at the time of entry on duty.

b. Candidates will receive the appropriate orientation and training necessary to begin overseas service. Under some circumstances a Candidate may be assigned to a complement position in Washington for orientation purposes for up to 12 months. Before such an assignment can be made, however, an initial overseas assignment must also be identified. Broadcasting may also assign a Candidate to a U.S. based position for an initial assignment of up to 24 months when the Candidate will spend the majority of his or her time traveling overseas and will, except for the U.S. basing, be fully functioning as an Overseas Specialist.

c. Specialist Candidates will be evaluated on Form BB-1125 in accordance with procedures outlined in MOA V-B 450 and will compete for promotion annually with other officers in the same specialty and class level. Specialist Candidates at the Class 1 level are ineligible for promotion into the Senior Foreign Service.

d. An Overseas Specialist candidacy may be terminated at any time for

unsatisfactory performance (see MOA V-B 746) or for such cause as will promote the efficiency of the Foreign Service (see 3 FAM 760).

### 366 CAREER APPOINTMENT AS AN OVERSEAS SPECIALIST

366.1 Policy - In accordance with Section 306(b) of the Foreign Service Act of 1980, the decision to offer an Overseas Specialist Candidate a career appointment will be based on the recommendation of an annual Selection Board which reviews all employees, tenured and untenured, in the Candidate's occupational category and class level.

366.2 Eligibility - Overseas Specialist Candidates who have performed at least two years of overseas service will be eligible for review for tenuring by the third annual Selection Board to convene during the period of the Candidate's appointment. Candidates serving an initial tour in the U.S. but spending the majority of their service functioning as an Overseas Specialist Candidate shall also be eligible for consideration by the third annual Selection Board. Candidates serving an initial tour in the U.S. but spending the majority of the time working overseas will be credited with up to one year's overseas service, but no more than half of the time based in the U.S.

### 366.3 Procedures for Selection Board Review

a. The Annual Overseas Specialist Selection Board will be provided with a list, verified by the Office of Personnel, of Overseas Specialist Candidates who have met the eligibility requirements for career tenuring consideration mentioned in Section 366.2. The Selection Boards will also be provided with tenuring precepts agreed to with the exclusive representative.

b. The third annual Selection Board to convene during the period of the Candidate's appointment will review the official performance file of an eligible Specialist Candidate and following established precepts, will determine whether he or she should be recommended for career appointment as an Overseas Specialist. Recommendations by the Boards will be based on the Candidate's demonstrated aptitude and fitness for a career in the Foreign Service in their occupational specialties. No quota or numerical limit is placed on the number of positive career status decisions that can be made by Selection Boards.

c. Specialist Candidates recommended for career status by the Selection Boards will be given Foreign Service career appointments as Overseas Specialists, to take effect within one month of the Board's recommendation.

d. Specialist Candidates not recommended for career status in the first review may be reviewed by the next Board to convene if the initial Board so recommends. Specialist Candidates not recommended for career status after a second Board review will be separated from the Service at the expiration of their limited appointment. Such Candidates may be separated at an earlier date if so recommended by the Board and approved by the Director, Office of Personnel. Candidates with reinstatement rights to Civil Service status may exercise those rights in lieu of separation.

## 367 RE-APPOINTMENT OF CAREER OVERSEAS SPECIALISTS

Pursuant to Section 308(b) of the Foreign Service Act of 1980, the Director may re-appoint to the Service a former career Overseas Specialist. (For re-employment of retired career Overseas Specialists, see MOA V-B 308.)

### 367.1 Requirements for Re-appointment

a. On the date of application, each applicant must be a citizen of the United States.

b. No applicant will be considered who has previously been separated from the Foreign Service pursuant to Sections 608 or 610 of the Foreign Service Act of 1980 (or the predecessor Sections 637 or 638 of the Foreign Service Act of 1946, as amended), or who resigned or retired in lieu of selection out or separation for cause.

NOTE: This requirement will not apply where it has been determined by the Foreign Service Grievance Board under 3 FAM 660 or by the Director, Office of Personnel, that the separation or the resignation or retirement in lieu of selection out or separation for cause was wrongful; where re-appointment is determined by the Director, Office of Personnel, as an appropriate means to settle a grievance or complaint of a former career Overseas Specialist on a mutually satisfactory basis; or where re-appointment is the indicated redress in a proceeding under 3 FAM 130, "Equal Employment Opportunity."

367.2 Application - Applications are submitted by letter addressed to the Director, Office of Personnel and must include SF-171, or resume and a brief description of work and other experience since resignation from the Foreign Service.

367.3 Medical Examination and Security Investigation - Qualified re-appointment applicants and their dependents who will accompany them overseas will be given a physical examination. A security investigation will also be conducted. The re-appointment action is subject to completion of a satisfactory security investigation and satisfactory medical examination of the applicant and dependents.

367.4 Re-appointment Action - No applicant will be appointed until an overseas assignment has been identified. Once an overseas assignment has been certified for appointment by the Director of Personnel on the basis of Service need, a letter of offer will be sent to the applicant indicating the terms of his/her re-appointment as a career Overseas Specialist.

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PART V-B PERSONNEL (FOREIGN SERVICE), 300 RECRUITMENT, EXAMINATION, AND APPOINTMENT OF OVERSEAS SPECIALIST IN THE FS  
Section 380

PART-TIME, INTERMITTENT, TEMPORARY (PIT) PROGRAM

381 Purpose

381.1 Authority

381.2 Definitions

382 Program Administration

383 Recruitment and Employment Requirements

383.1 Recruitment Requirements

383.2 Employment Requirements

383.3 Nepotism

384 Appointment Procedures

385 Performance Evaluation

386 Benefits

387 Security Clearances

Section 380

PART-TIME, INTERMITTENT, TEMPORARY (PIT) PROGRAM

381 PURPOSE - The purpose of the Part-time, Intermittent, Temporary Program (PIT) is to give overseas installations additional flexibility in utilizing human resources during the absence of a regular American career or career candidate employee who is on home leave, R&R, or during a gap between the assignment of career employees; to perform special short-term duties to fill in during critical or heavy workload periods such as

during a presidential visit or a major conference; or to perform other duties on a temporary basis under a part-time, full-time or intermittent appointment. Both U.S. citizen dependents of USG employees and non-dependent U.S. citizens residing overseas are eligible to participate. However, preferential consideration shall be given to U.S. citizen dependents of USG employees in order to provide maximum employment opportunities for them. Appointments under this program normally shall be for one year or less, except that under justifiable circumstances they may be extended. PIT positions are chargeable either to Broadcasting's Washington held American Salary Account or to the overseas installation's GOE and require a special position slot authorized by the Office of Personnel in consultation with the Office of Budget upon request from the element head.

381.1 Authority - Sections 309, 311, 403, and 407 of the Foreign Service Act of 1980, as amended, grant the authority to the Director, or his/her designee, to make temporary resident appointments to positions overseas.

#### 381.2 Definitions

a. As used in these regulations, all PIT appointments are Foreign Service, non-career, limited to a period of one year or less, renewable only with prior approval from Washington. They may fall under any of the following categories of employment:

(1) Full-time -- the 40-hour period within an administrative workweek in which an employee is required to be on duty regularly.

(2) Part-time -- employment in which a regular tour of duty of less than 40 hours in each administrative workweek has been established in advance.

(3) Intermittent -- employment which involves occasional or irregular services (as distinguished from continuous employment) of less than full-time where a regular tour of duty has not been established in advance.

b. U.S. citizen -- a native-born or naturalized U.S. citizen over 18 years of age who is either a dependent of a USG employee assigned at an overseas installation or who is a non-dependent residing in the country where the Broadcasting office is located. In making a selection, American dependents of USG employees will be given preference over non-dependents. Dependents of Broadcasting employees may be employed in the overseas element where their sponsor is employed only in rare and unusual circumstances and only with the approval of the Director of Personnel and the Washington element head.

c. Salary -- Employees hired under this program may be paid under the eight salary classes described in section 403 of the Foreign Service Act of 1980, as amended.

#### 382 PROGRAM ADMINISTRATION

a. Establish and Cancel Positions - PIT positions shall not be established to avoid the need for full-time career positions. They are temporary positions for one year or less which may be renewed with prior

approval from the Office of Personnel, with the concurrence of the element head.

(1) Posts shall submit written justification for the request to their respective Office Director and the Office of Personnel. The request shall also indicate the exact duration of the position and a complete description of duties.

(3) Positions are terminated on expiration of the time period initially authorized by Washington. The Director of Personnel must approve any position extension following submission of justification. Under no condition will a PIT appointment or position be funded longer than one year without prior approval from the Director of Personnel.

(4) Appointments may be terminated sooner if the services of the appointee are no longer required, if the appointee fails to perform the duties satisfactorily, or if there is misconduct on his or her part. Posts will issue an SF-50 (Notification of Personnel Action) on the expiration date of the appointment or at the actual termination of the appointment, whichever is earlier.

b. Position Classification - The Office of Personnel will set the grade of the position and inform the appropriate office of the decision. Once selection has been made, the post is required to submit a copy of selectee's SF-171 or resume and any previous SF-50's, or cable pertinent data, to enable the Office of Personnel to assign proper step and salary based on previous U.S. Government service. (See paragraph 382(d) on compensation for further details.)

#### d. Compensation

(1) The grade and salary of each position will be based on the Foreign Service Schedule. Salary rates for the grade structure of PIT appointees are adjusted at the same time adjustments are made under the Pay Comparability System (5 U.S.C. 5301) for the Foreign Service. PIT appointees are paid in U.S. dollars.

(2) Salary received is subject to Federal withholding tax, social security tax, Medicare, and any other taxes required by U.S. Federal and state laws or regulations.

(3) The salary of a PIT appointee will normally be set at step 1 of the grade. However, Personnel may take into consideration the appointee's highest previous rate when determining the rate at which the individual is to be appointed. Their consideration will be based upon a properly documented U.S. Government personnel action (posts must submit proper documentation to Personnel prior to the effective date of appointment) indicating that the appointee served at least 90 consecutive days in the same or closely related occupational series. Appointees who do not have a properly documented USG personnel action will be set at step one of the grade of the position.

(4) In some circumstances, a within-grade increase must be granted upon appointment or during the duration of the appointment. If there is not a



break in service of more than 52 weeks, prior civilian Federal service including service abroad as an FSN/AFM employee, as a PIT employee, or under a Foreign Service limited appointment of more than one year shall count toward the waiting period for advancement to the next higher step. The previous regular hours worked abroad under one of these programs, for which there is a record of satisfactory or better performance, shall count as creditable service for step purposes on the basis of 2087 hours equating to one year's work. Hours worked under an intermittent appointment are not creditable for computation of within grade increase eligibility. However, service under an intermittent appointment is creditable for non-competitive appointment to competitive positions upon return to the U.S., in compliance with Executive Order 12362. The maximum period that may be counted is one year unless, after taking into consideration the highest previous rate, the appointment would be to steps 10 through 13 of the Foreign Service Schedule. In that case, the maximum period that may be counted is two years. (For further information on waiting period, see MOA V-B 235.)

(5) Form SF-50 is issued by the post to authorize within-grade increases.

(6) Premium compensation as outlined in 3 FAM 230, including over-time pay and regular compensatory time off, is authorized.

### 383 RECRUITMENT AND EMPLOYMENT REQUIREMENTS

#### 383.1 Recruitment Requirements

a. PIT positions must be advertised throughout the overseas mission for at least two weeks so that U.S. citizens at post have the opportunity to apply for the position. Announcements should include the basic requirements for the position as described in the position description; grade and salary; whether full-time, part-time, or intermittent; duration of appointment; and any other conditions which might limit eligibility for applicants.

b. Employment committees must be established to review applications systematically: to screen out unqualified applicants; to identify the best qualified candidates; and to make recommendations for final hiring to the head of the Broadcasting office. The employment committee may include representatives from participating agencies, the administrative or personnel officer, and the office in which the selectee would work. Applicants must submit Forms SF-171 (Application for Federal Employment) or resumes and any other documentation the Employment Committee may require to identify the best qualified applicant.

#### 383.2 Employment Requirements

a. Applicants must be U.S. citizens residing at post. Non-U.S. citizens who are dependents of USG employees at post are not eligible for this program but may apply for Foreign Service National positions according to 3 FAM 920.

b. Status as a veteran or disabled veteran shall be considered an affirmative factor required by Section 301(c) of the Foreign Service Act of 1980, as amended.

c. The same medical examination is required as established under post policy for FSN employees if the applicant is not covered as a dependent under the Department of State's medical program.

d. Applicants are subject to security investigation and clearance.

e. Applicants are subject to queries by posts to enable posts to determine qualifications or skills proficiency needed to meet the position's requirements.

383.3 Nepotism - The following steps shall be taken to prevent nepotism (5 U.S.C. 3110) and the appearance of or actual conflict of interest in the employment process:

a. Selection of applicants must be based solely on their qualifications to meet the requirements of the position;

b. Selection or recommendation for selection must be made by an official who does not have family members among the applicants;

c. All employees must refrain from any action which can be construed as recommending particular candidates;

d. Written records must be kept on each step of the employment process including recruitment announcement, list of applicants and qualifications, and the basis for selection. These records may be destroyed after 3 years; and

e. One member of a family may not exercise immediate supervision over another member of the family, nor serve as a rating or reviewing officer for the performance evaluation of a relative, nor have a working relationship which gives the appearance of direction and control over the work or career of a relative. (MOA V-B 854)

#### 384 APPOINTMENT PROCEDURES

a. Posts may take action to appoint a PIT applicant only after:

(1) receiving approval to establish a PIT position from the Office of Personnel (see Section 382.1);

(2) receiving notification from Personnel of the appropriate grade and salary level for the position;

(3) advertising the position for at least two weeks;

(4) appropriate review by the post's employment committee;

(5) satisfactory completion of preemployment medical examination, if required; and

(6) the requisite approval of the Office of Security.

b. Documentation

(1) The following forms need to be completed: (a) SF-50, Notification of Personnel Action; (b) SF-61, Appointment Affidavit; (c) SF-61B, Declaration of Appointee; and (d) SF-144, Statement of Prior Federal and Military Service.

(2) A copy of the document approving the appointment and giving grade, step and salary to be paid appointee should be attached to the SF-50 and sent to the payroll office to support the action.

c. Official Personnel Folders - Upon appointment, the post Personnel Office establishes an OPF or, in the case of an employee who has had prior USG service, shall request the OPF from the Office of Personnel. The OPF is maintained at post until the employee's separation. At that time, the post sends the OPF to the Office of Personnel, where it will be held for one year. If the employee receives another appointment within one year's time, the OPF is transferred to the post of the new appointment. Otherwise, the OPF is transferred to the National Personnel Records Center in St. Louis after one year. All requests for previously established OPF's should be made directly to the Office of Personnel. (In all cases, the current or most recent employing agency is responsible for maintaining and retiring the Official Personnel Folder (OPF) of a PIT employee by that Agency's established procedures.)

d. Applicable Regulations - The provisions of 3 FAM Sections 621, 622, 628, 630, 640, 660 and MOA V-B 513 are also applicable to PIT appointments and/or appointees.

385 PERFORMANCE EVALUATION

Performance of U.S. citizens employed abroad on a PIT appointment will be evaluated on form JF-57, Performance Appraisal Report, consistent with the instructions on the form. The report should be prepared in an original with one copy. The original should be placed in the employee's Official Personnel Folder and the employee receives the copy. In accordance with Executive Order 12362, to qualify for non-competitive appointment to competitive positions upon return to the U.S., PIT appointees must have been rated at the fully successful or better or equivalent level after January 1, 1984. (A "satisfactory" or better rating suffices for the period January 1, 1980 through December 31, 1983).

386 BENEFITS

a. PIT appointments do not qualify the appointee for coverage under the Foreign or Civil Service retirement systems, Federal Group Life Insurance (FGLI), Federal Employee Health Benefits Program (FEHBP), participation in the State Department's Medical Program (except as stated in paragraph d below), or any benefits contained in the local compensation plan at post. If the PIT appointee has previously served in Federal civilian appointments with retirement or insurance coverage and has not had a

break in service of 3 days or more from such an appointment, coverage under the previous retirement and/or insurance may be continued during the PIT appointment.

b. PIT appointments do not affect any benefits the appointee is currently authorized or entitled to as a dependent of a U.S. government employee.

c. Leave benefits of 3 FAM Sections 420, 430, 440, 460, 465, and 470 are authorized for full-time or part-time appointees.

d. Immunizations and use of the post health unit facilities are authorized.

e. Compensation for disability or death resulting from work injuries or compensation for medical services and other benefits for work injuries may be applicable under the Federal Employees' Compensation Act (5 U.S.C. 8101 et seq.).

387 SECURITY CLEARANCES - The scope of investigative processing for PIT appointees is determined by the Office of Security. When an applicant is selected, but prior to appointment, the following information must be submitted to the Office of Personnel.

a. For a dependent whose sponsor (USG employee) holds current security clearance, cable:

(1) full name (including maiden name and any other names used, if applicable),

(2) position title and grade,

(3) date and place of birth,

(4) Social Security Number,

(5) last U.S. address,

(6) date and place of naturalization, and petition and naturalization certificate numbers if applicant is not a native born U.S. citizen,

(7) same information about the sponsor (the USG employee),

(8) sponsor's employing agency,

(9) identity and location of the office or agency holding the sponsor's security clearance. Security's minimum investigation is National Agency Check (NAC) and confirmation of sponsor's security clearance.

b. If sponsor has never been investigated or if applicant is not a dependent of a USG employee, the following documents must be sent to the Office of Personnel for transmittal to Security. No security clearance can be granted until investigation is completed.

(1) One copy of SF-171, or resume, Personal Qualifications Statement.

(2) 3 copies of SF-86, Security Investigation Data for Sensitive Positions (original and three legible copies, typed, original and at least two copies dated and signed by applicant, with all items completed in compliance with instructions on form).

(3) 2 copies of Form FD-258 - Fingerprint Chart -- at least two originals with fingerprints taken in compliance with instructions on back of form. Each chart must be signed by applicant in upper left corner; do not crease or fold the charts.

(4) 3 copies of Foreign Residence Data Form (very important if applicable, especially if the applicant has resided in foreign countries during the past five years).

(5) 3 copies of Form PD-70, Metropolitan Police Department, Washington, D.C., Criminal History Request, (original and two copies dated and signed by any applicant who has resided, attended school or been employed in the Washington, D.C. Metropolitan Area during the past ten years).

(6) 3 copies of Authority for Release of Record Information. Non-critical sensitive clearance giving access up to and including SECRET is granted for one year. Heads of offices overseas are responsible for ensuring that PIT appointees not have access beyond SECRET. If extension is required, Security must be notified 30 days in advance. Clearance will be revalidated for the duration of the extension approved by the element office or the Office of Personnel. The Office of Personnel will notify the post of the security clearance. Questions on security matters about the program and security clearances should be referred to the Office of Security through the Office of Personnel.

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PART V-B PERSONNEL (FOREIGN SERVICE), 400 SUPERVISORY EMPLOYEE RELATIONS  
Section 410

ASSIGNMENTS AND TRANSFER

PLEASE NOTE - THIS SECTION HAS TO BE DISCUSSED AND EDITED WITH AFSA.  
INITIAL EDITS THROUGHOUT WERE MADE BY KAREN COOKE AND LINDA CRITES,  
BROADCASTING, OFFICE OF PERSONNEL.

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### Section 410

## ASSIGNMENTS AND TRANSFER

### 411 GENERAL

411.1 Objectives - The objectives of the Open Assignments Process and Tour of Duty guidelines are to achieve the most effective staffing of its overseas and domestic Foreign Service positions within budgetary constraints, consistent with the requirements of proper personnel management and varying program and workload needs; and to afford Foreign Service Overseas Specialists greater opportunity to participate in the assignment process and in their career development. The Open Assignments process and tour of duty guidelines apply to all members of the Overseas Specialists corps.

#### 411.2 Policy

a. It is the policy of Broadcasting to provide equal opportunity in employment without regard to race, color, religion, national origin, sex, age, handicapping condition, marital status or political affiliation. Furthermore, in making selections for overseas assignments and in all other cases concerning positions abroad, U.S. laws and not the policies of a foreign country regarding these factors will be observed.

b. It is the policy of Broadcasting to provide information on assignment openings on a timely basis through the Open Assignments procedure. Management reserves the right, however, to fill positions without prior advertisement when circumstances warrant such action, as determined by management.

c. As a condition of employment in the Foreign Service, employees are required to accept assignments on a worldwide basis at management's discretion. Officers are expected to serve in greater hardship and hardship as well as in non-hardship posts. Consideration is given to the following factors in the assignment and transfer of individual employees:

- (1) Employee's experience and training.



(2) Employee's long-range career development interests and preferences.

(3) Employee's personal grade, with preference being given to qualified officers at the grade of the position over those above or below that grade.

(4) Family status, educational needs of children and availability of suitable housing.

(5) Health limitations on employees and family members.

(6) Personal concerns of a compassionate nature.

(7) Prior service, particularly at hardship installations. Officers who have served in a succession of hardship or greater hardship posts will be given special consideration when bidding on positions at non-hardship posts.

(8) Opportunity to serve in more than one geographic area.

d. Management, in exercising its right to assign employees, will consider all of the assignment preferences an employee has formally indicated as well as others for which management may consider the employee qualified.

e. Before an employee is assigned to a position for which he/she has not expressed a preference, management will seek employee comment on factors 1-8 above concerning said assignment and those comments will be considered.

#### 411.3 Responsibilities for Assignments

a. The Office of Personnel is responsible for:

(1) Assigning and transferring Foreign Service Overseas Specialist employees and coordinating such actions with the offices of the element involved.

(2) Assuring that, to the extent practicable, transfers between overseas posts, and transfers to positions in the United States, will be planned to coincide with home leave. Decisions regarding assignments and transfers normally will be made in advance of home leave eligibility so that the overseas posts may adequately plan post operations and employees may arrange personal affairs in advance of actual departures.

(3) Planning assignments and transfers to ensure a reasonable sharing of service at non-differential and differential posts, with consideration being given to the need for specialized abilities, such as language training and competence, and that employees do not serve too short or too long a period of time in a particular country or area.

(4) Planning assignments of new employees to positions that will give full and fair opportunity for training and development and, during the probationary period of service, checking on the progress of each new

employee to determine qualifications and suitability for continued employment.

b. Overseas Posts

(1) Upon arrival of a new employee on his or her initial overseas assignment, or upon arrival abroad of an employee who has completed an assignment in the United States, the receiving post will request that Broadcasting forward authority to establish a pay card. Normally, the request will be made a part of the TMEIGHT "Remarks" section of Form FS-471, Travel Message.

(2) The post of assignment and the Washington element is responsible for the training and development of employees so that abilities and skills are used to the mutual benefit of the individual and the program.

c. Domestic Offices

(1) The heads of Offices are responsible for planning staffing requirements to enable assignment of Foreign Service Overseas Specialists to positions in organizational elements of Broadcasting.

(2) A Foreign Service Overseas Specialist scheduled for assignment in the United States will be assigned in accordance with procedures outlined in Section 412 to a position suitable to meet the rotational needs of Foreign Service personnel or to one in which the duties and responsibilities are such that overseas experience is a qualification which will contribute to effective performance.

411.4 Terms of Employment While on Assignment to Positions in the United States

a. Foreign Service employees assigned to positions in the United States routinely will be assigned for a period of two years. The employee must apply for positions and undertake training which will permit assignment overseas at the end of two years. Requests for one year extensions will be considered by management. Extensions beyond eight years must be approved by the Director of Broadcasting. All periods above mentioned shall include time spent on Leave Without Pay.

b. Assignments or extensions of assignments for medical, emergency, or temporary reasons are limited to the duration of the circumstances necessitating such assignment or extension.

c. Assignments for training, or to alleviate temporary personal problems, or to use the time of the employee while awaiting an overseas assignment or reassignment will be for the time required to complete the purpose of the assignment.

d. Overseas Specialists assigned to positions in the United States will continue to receive within-class salary increases, if eligible.

e. Overseas Specialists assigned to positions in the United States are considered for promotion in accordance with established Foreign Service promotion regulations.

#### 411.5 Designation of Foreign Service Positions in the United States

a. Section 501 of the Foreign Service Act of 1980, authorizes the Director to designate positions in Broadcasting to be occupied by members of the Foreign Service.

b. Positions in the United States are staffed with Foreign Service Overseas Specialist officers if Broadcasting determines the functions of the position can best be performed with experience abroad or to provide opportunities for rotation of members of the Foreign Service from assignments abroad to assignments in the U.S.; or to provide training for future assignments abroad.

c. Overseas Specialist officers may be assigned to positions above or below their personal grade according to the needs of Broadcasting.

411.6 Assignments to, International Organizations, and Other Bodies (Pearson Assignments) - In accordance with Section 503 of the Foreign Service Act of 1980, the Director may assign a member of the Service for duty: in a non-Foreign Service (including Senior Executive Service) position in Broadcasting, the Department of State or another agency, or with an international organization, international commission, or other international body; with a domestic or international trade, labor, agricultural, scientific, or other conference, congress, or gathering; for special instruction, training, or orientation at or which a public or private organization; and in the United States (or in its territories or possessions or in the Commonwealth of Puerto Rico), with a State or local government, a public or private nonprofit organization (including an educational institution), or with a Member or office of the Congress. These assignments will normally be for one or two years but in any event may not exceed four years of continuous service unless the Director approves an extension because of special circumstances.

#### 412 OPEN ASSIGNMENTS PROCEDURES

##### 412.1 Office of Personnel Responsibilities

a. Each overseas installation and organizational element in the U.S. will be provided with the following materials:

(1) A quarterly comprehensive list of all Foreign Service Overseas Specialist positions - both overseas and in the U.S. - previously projected and advertised as vacant but not yet filled, as well as a projection one year in advance of vacant positions and of the beginning of language and other training required for subsequent projected vacancies. Positions will be advertised chronologically by the month in which they open or the month in which required preparatory training begins, whichever is earlier. The job title, post, position grade, language requirements, other required skills and training, Tour of Duty options and other pertinent information will be included. The list will

be transmitted overseas and distributed to all elements in the U.S. by expeditious means.

(2) A biweekly announcement of confirmed assignments, unanticipated vacancies, and changes and cancellations of earlier announcements. Advertisements of vacancies will contain the same information as the comprehensive list, and this announcement will be distributed by similar means. Confirmed assignments will also be announced in TUNE IN.

(3) A staffing pattern of all overseas positions will be sent to each installation. Annual updates will be issued.

(4) Standard reply forms will be furnished to all establishments at the time of distribution of vacancy lists, accompanied by instructions for completing the form. Every response need not be on official forms. It is mandatory, however, that all information required on the forms be transmitted. Telegraphic response is discouraged unless it has been specifically requested in order to fill an immediate vacancy. Personnel will acknowledge receipt of each employee's submission of assignment preferences.

b. Broadcasting is committed to making the Open Assignment vacancy list as accurate a reflection of projected needs as possible. It is understood, however, that Broadcasting will not always be able to retain or fill a position, replace an incumbent or adhere to the advertised timetable.

c. Notification to employees selected for an assignment will be made as soon as possible after the selection occurs. List of confirmed assignments will be transmitted biweekly to the field and distributed in the U.S. by expeditious means and will appear in TUNE IN and in other announcements.

412.2 Employee Responsibilities - Employees are responsible for submitting assignment preferences in a timely fashion to the Office of Personnel. Employees must bid on five or more positions in two or more geographic areas, including at least one hardship (or greater hardship post) if available among the vacancies advertised.

Exceptions to the above are as follows:

(a) employees currently serving at greater hardship posts are not required to bid on hardship or greater hardship posts for follow-on assignments;

(b) employees bidding on positions announced eight months or more before the end of their tours of duty need not bid on five post simultaneously, although that number is expected in the aggregate eight months before the employee's scheduled departure;

(c) employees may bid on immediate openings without satisfying other criteria;

(d) employees due a U.S. assignment (i.e. those who have served overseas six to eight years or more) are expected to bid on Washington or other

U.S. position. However, bids on overseas positions will also be considered if the bidding conditions outlined above are satisfied.

412.3 Tandem Assignments - Married couples who wish to have their tandem status considered as factor in assignments and training must apprise Personnel before each assignment process begins. They should also indicate the status, location and transfer eligibility of tandem spouses who are employed by other foreign affairs agencies; whether leave without pay will be sought by one of the spouses; and/or which spouse's assignment should be given priority. If tandem officers do not designate who should receive priority, the Office of Personnel will designate the senior in grade of the two for priority treatment.

#### 412.4 Assignments

a. Completed forms or other correspondence indicating assignment preferences should be transmitted promptly to the Office of Personnel, since the assignment process begins well in advance of the date on which the position opens or training begins. However, except for immediate vacancies for which there is a one to two week deadline and telegraphic response is advisable, the decision-making process does not begin until positions have been posted for two months. Applications for all positions will continue to be accepted so long as the positions have not been filled.

b. Personnel will acknowledge receipt of preferences in writing and will provide the officer with information as to the status of his or her bids, as appropriate. It should be noted that management, in exercising its right to assign employees, will consider all of the assignment preferences an employee has formally requested as well as others for which management may consider the employee qualified. Employees should continue a dialogue with Personnel and the element throughout the assignment process.

c. When the bidding period on an announced position has closed, the bids will be evaluated in terms of appropriateness of grade, timing, experience, qualifications, and career enhancement. Personnel and the element will then jointly consider and evaluate all bidders, and decide jointly on the nominee, whose name will then be submitted for discussion and approval to a panel consisting of the Foreign Service Personnel Officer, Director of Personnel, and shall include at least one Foreign Service officer (preferably an Overseas Specialist). The remaining members shall be Foreign Service officers assigned to Broadcasting or other career employees of the Broadcasting element responsible for the position. Assignments for all Specialist positions will be made by the Director of Personnel.

d. Appeals of assignments may be made by employees assigned to positions for which they did not bid. Appeals must be made in writing within 10 days of receipt of notification of assignment and should be mailed or cabled to the Office of Personnel. The appeal should address the eight factors out-lined in Section 411.2 as well as any other justification for a change in the assignment. Alternative assignment preferences should

also be included. The Office of Personnel will consider the appeal and respond to the officer in a timely manner.

412.5 Career Enhancement and Planning - The Office of Personnel will develop a prototype career pattern based on available historical evidence and future projections to serve as a counseling tool in the assignment process. The prototype will depict a typical career sequence culminating with retirement as an F0-1 as well as variants representing faster and slower progression leading, respectively, to entry into the Senior Foreign Service, and early retirement or resignation. The prototype will be developed to allow employees to compare their own progression to the prototype. It is understood that this prototype will serve as a guideline for planning but that it does not represent a binding obligation on the part of Broadcasting.

#### 413 TOUR OF DUTY GUIDELINES

413.1 Purpose - Guidelines have been established for the length of an assignment as it relates to the living and working conditions of an overseas establishment. In addition, the Tour of Duty Guidelines provide the framework and uniformity necessary to enable accurate projections of vacancies and thus allow the Open Assignments policy to operate.

##### 413.2 Definition

a. A tour of duty is defined as the total amount of time between arrival at an installation for duty and transfer to another installation. A change of assignment at that installation may affect the length of the tour but will not be considered a separate tour. A transfer eligibility date (TED) signals the projected end of a designated tour of duty.

b. A tour of duty may be one of the following basic patterns: (1) 24 months/HLT; (2) 18 months/HLRT/18 months; (3) 36 months with two R&Rs; (4) 18 months/HLRT/24 months or vice versa with R&R in the 24 month period.

413.3 Committees on Tour of Duty Exceptions - Requests for the overseas or domestic tours of duty for all Overseas Specialist positions will be decided on a case-by-case basis by the Open Assignments Panel.

##### 413.4 Overseas Tours

a. Normal consecutive time overseas will average 6-8 years with a maximum of 12 years, depending on Broadcasting needs. Requests for U.S. assignment by an employee with less than six consecutive years overseas will be considered on a case by case basis with both Broadcasting and employee requirements being taken into consideration.

b. Tours of duty for Broadcasting Overseas Specialist positions are:

(1) All VOA Regional correspondent tours are three years.

(2) All Engineering Transmitter Site tours are:

Three years - Germany, Spain, Bangkok, Greece, Morocco, Kuwait, and Botswana

Two years - Belize, Udorn, the Philippines, Sri Lanka, and Sao Tome.

c. The tours of duty lengths are established to meet Broadcasting's staffing needs. They do not affect the hardship or greater hardship designations established by the Department of State allowances section for pay purposes.

#### 413.5 Domestic Tours

a. Purpose - Foreign Service personnel are rotated into positions in the United States so as to:

- (1) Staff certain positions that require overseas experience for effective performance.
- (2) Have the overseas viewpoint represented in an organizational element.
- (3) Ensure that employees do not spend their entire career outside the United States.
- (4) Expose employees to American life and update them with Washington organization and thinking.
- (5) Enhance career development and training of officers and employees.
- (6) Meet the provisions of Section 504(b) of the Foreign Service Act of 1980, which, consistent with the needs of the service, seeks to have each career Foreign Service employee assigned to duty within the United States at least once during each period of 15 years that the employee is in the Foreign Service. Periods of duty in the United States of not more than six months will be counted as temporary details and not as assignments.

#### b. Policy

- (1) Employees normally will be assigned to positions in the United States after completing six to eight years of service overseas since appointment or last assignment in the United States.
- (2) The tour of duty for assignments to the United States is normally two years. Tours of duty longer than four years are rarely authorized and then only for the needs of the service, for lack of medical clearance or when an appropriate overseas assignment is not available. Members of the Foreign Service wishing to request a tour of duty of more than four years because of highly unusual personal circumstances which may merit such an extension must send a written request fully documenting those circumstances to the Director, Office of Personnel. No member of the Foreign Service may be assigned to duty in the United States for any period of continuous service exceeding eight years unless the Director of Broadcasting approves an extension of the eight year limitation.

c. Exceptions - Irrespective of the time spent abroad, employees may be assigned to positions in the United States:

(1) When the health of the employee, or his or her family, may be in jeopardy;

(2) When reductions are made in overseas complements;

(3) When necessary to fill a key domestic position on an urgent priority basis;

(4) When necessary for disciplinary reasons;

(5) When an employee has been declared "persona non grata" by a foreign government;

(6) When the transfer of an employee is requested by a chief of mission;

(7) When an employee is unable to complete a tour of duty before mandatory retirement.

#### 413.6 Extensions and Curtailments of Tours of Duty

a. Broadcasting reserves the right to initiate curtailments or extensions of transfer eligibility dates to cope with program exigencies, to provide for over-laps, to minimize gaps, to take into account the timing of school openings and closings, or for other reasons which Broadcasting finds compelling.

b. In accordance with Open Assignment policies, any request for extension, either in the U.S. or at a hardship or greater hardship post, should be submitted to the Office of Personnel at least 6 months prior to the transfer eligibility date.

413.7 Fiscal Responsibility - Broadcasting has a fiscal responsibility to minimize travel cost by maintaining a reasonable ratio of home leave travel to number of months service abroad. The ratio for a 24/HLT tour of duty, one home leave trip for 24 months of service; 18/HLRT/18 tour of duty, one home leave round trip and one home leave transfer for 36 months of service; for a 48/HLRT/HLT tour of duty, one home leave round trip within six months of the mid-point in the tour and one home leave transfer 48 months after initial arrival at post; time spent on home leave which does not exceed 60 days does not add to or otherwise affect the tour of duty.

#### 414 HOME LEAVE GUIDELINES

a. Broadcasting management may order to the continental United States, its territories and possessions, on statutory leave of absence (home leave) any employee of the Foreign Service, who is a citizen of the United States, upon completion of 18 months of continuous service overseas and shall so order as soon as possible after completion of three years of such service.



b. Departure for home leave/transfer will generally coincide with an employee's transfer eligibility date, but may occur earlier or later in accordance with needs, and/or acceptable employee requests. Such requests should be justified and be in memorandum or cable form, accompanied by post comments. These should be addressed to the Office of Personnel. After consultation with the Element, the Personnel Officer may approve early departure requests up to two months early for 36/HLT tours; and up to one month early for 18/HLRT/18/HLT. Requests for departure earlier than indicated above must also include the employee's intention to accept a longer tour of duty in a successive post in order to maintain a reasonable ratio between months of duty and home leave travel. All requests for departure earlier than two months must be approved by the Open Assignments Panel. Employees who have taken R&R since their last home leave of more than 60 days must indicate whether a curtailed tour would affect their eligibility for R&R (see 3 FAM 698 and MOA V-B 413.2(b).) If necessary, such employees should include a request for waiver of repayment of R&R costs. This does not apply if the employee's home leave was less than 60 days.

c. Within the constraints of Broadcasting needs it is policy to permit an employee to take the full home leave which has been earned in the most recent assignment prior to beginning another tour of duty abroad. However, in accordance with General Accounting Office (GAO) regulations, when the ongoing assignment is in the United States, home leave must normally be limited to no more than 15 days.

c. For additional guidelines on home leave, refer to 3 FAM 454.

#### 415 DETAILS OF FOREIGN SERVICE EMPLOYEES

415.1 Details to Overseas Posts - In accordance with MOA V-B 122.3 and 6 FAM 121.2, with the concurrence of headquarters, heads of overseas establishments have been delegated authority to authorize or approve temporary duty travel so that employees may be detailed to other installations abroad. The limitations of this authority are set forth in the delegations.

#### 415.2 Temporary Details to Domestic Positions

a. Details to the Washington for consultation, training, and other temporary duty purposes are authorized by the element head.

415.3 Details to Other Agencies - Employees may be detailed for a maximum of four years to other agencies on a reimbursable or non-reimbursable basis when such details are of sufficient value to the Government, Broadcasting, or the employee to offset loss of services during the period of detail. (See Section 411.8). In general, details to other agencies (except details to the White House) will be made only on a reimbursable basis.

#### 415.4 Details of Department of State Employees to Broadcasting

a. Procedures

(1) Broadcasting may request, or the Department of State may propose, the detail of Foreign Service employees to specific work assignments to Broadcasting positions in the United States. When requested or proposed, the Department will inform Broadcasting of Foreign Service employees available for detail.

(2) If the employee is to be assigned to a Broadcasting position, the Office of Personnel will submit a written request for the detail.

(3) The request will specify the position to be filled, the desired effective date, and the estimated period of the detail. Normally, the period of such details will not be less than two years nor more than four. Details may be extended beyond the initial period upon mutual agreement of Broadcasting and the Department.

(4) The Department will notify the requesting officer of approval or disapproval of the proposed detail. On approval, a personnel action will be prepared and transfer communications dispatched by the Department in accordance with standard practices for Foreign Service transfers. Copies of personnel transactions and transfer communications pertaining to Department of State Foreign Service employees detailed to Broadcasting will be supplied to Personnel for its records. During the period of detail, such employees will be under administrative supervision of Broadcasting.

#### b. Termination of Details

(1) The requesting officer will notify the Department of his/her desire either to extend or terminate individual details at least 90 days prior to the end of the agreed period. The Department will assume responsibility for the employee at the agreed termination date so that Broadcasting may fill the vacated position.

(2) When termination of a detail is requested prior to the termination of the agreed period by either Broadcasting or the Department, the requesting agency will notify the other agency at least 90 days in advance of the proposed termination date if practicable.

415.5 Details of Employees to the Department of State - The provisions of 415.4 apply in reverse when Broadcasting employees are detailed to the Department of State. The Office of Personnel will negotiate details for Broadcasting employees to be assigned to Department of State positions overseas or in the U.S. All assignments are subject to approval by the Director of Broadcasting.

#### 415.6 Pearson Amendment Details

a. In accordance with Section 503 of the Foreign Service Act of 1980 and MOA V-B 411.8, the Director may (with the concurrence of the organization concerned) assign members of the Service to duty in the United States (or any territory or possession of the United States or in the Commonwealth of Puerto Rico), with a State or local government, a public or private non-profit organization (including an educational institution), or with a member or office of the Congress.

b. Pearson Amendment positions will be identified and advertised in the Open Assignments Vacancy list. Positions will be identified in accordance with the intent of Section 503 of the Foreign Service Act of 1980, to provide opportunities for Foreign Service officers to keep themselves informed of current concerns and trends in American life. The Assignments Panel will make final assignment decisions on respective Pearson Amendment Assignment details.

c. Details under this section will usually run for one year, with the possibility to extend for a maximum of four years if approved by the Director of Personnel. Such extensions will be dependent upon the approval of the participant and sponsoring organization and the needs of the Service.

d. These details are partially reimbursable and Broadcasting will routinely seek a minimum reimbursement of \$8,000 from the sponsoring organization.

e. Officer Evaluation Reports on detailees will be prepared by sponsoring organization supervisors and submitted directly to the Office of Personnel.

f. Any member of the Service on or due a domestic assignment may request consideration for this program. Interested members should contact the Office of Personnel to discuss details of the program. Members may submit their own suggestions for Pearson Assignment details.

416 NON-REIMBURSABLE DETAILS - All non-reimbursable details, except those listed in "a" below, of Broadcasting employees to other departments or agencies must be approved in advance by the Office of Management and Budget (OMB).

a. Non-reimbursable details do not require advance Office of Management and Budget approval in the following instances:

(1) Where Broadcasting is jointly engaged in an activity (including ad hoc task forces) of direct concern to the missions of the agencies involved.

(2) When authorized interagency exchanges of career employees for training or orientation are involved.

3) Where emergency circumstances (such as natural disaster) requires interagency pooling of employees.

(4) Where specialized consultation or the expertise of individual employees is furnished on a short-term basis, not to exceed 30 days.

417 WASHINGTON CONSULTATION FOR FIELD PERSONNEL

417.1 Authorization

a. When appropriate, Foreign Service employees returning to the United States on home leave, prior to another overseas assignment, are scheduled by Broadcasting for a period of consultation in Washington in order to report to Broadcasting officials on situations at the post from which he or she is returning, to obtain briefing on a new country assignment, to discuss career development, when necessary, to obtain required medical clearances.

b. Foreign Service personnel will not normally be authorized consultation in Washington prior to home leave when they are on transfer orders to a position in the United States. Time for medical examinations, when needed, and any necessary consultation with Broadcasting officials will be provided immediately after the employee reports for duty in Washington.

#### 417.2 Length of Consultation

a. All Broadcasting employees:

On home leave and return to same post - three days;

On home leave and transfer to a new post - three days.

b. Additional Time for Medical Examinations - When travel authorizations for home leave and return or home leave and transfer to a new overseas post are issued, provision will be made for two additional days of consultation in Washington, D.C. for the purpose of obtaining a medical examination. Travel authorizations will carry the proviso: "Plus two additional days if a medical examination is to be obtained in Washington, D.C."

e. Exceptions - The length of consultation time to be authorized in paragraphs a and b above will normally be the periods authorized. Broadcasting may increase or decrease the authorized consultation time whenever special circumstances warrant.

#### 417.3 Responsibilities

a. Elements have primary responsibility for consultation planning.

b. Offices should not request an appointment with a returning employee unless there is specific business to discuss with him or her that cannot be handled otherwise.

c. Overseas Posts

(1) Upon receipt of a travel message (TMONE or TMFOUR) the employee should notify the element with which offices and officials he or she wishes to confer during consultation. The employee should discuss consultation with his or her Washington element supervisor who may also suggest any special consultations, training or contacts that is felt will be useful to the employee involved.

(2) The employee must indicate the specific date on which he or she will report to Washington to begin his or her consultation. Since employees'

schedule of appointments may be keyed to their arrival in Washington, they will be expected to arrive in Washington on the date indicated in the TMTWO message. If a definite arrival date has not been established at the time the TMTWO travel message is forwarded employees must notify the element as soon as a definite date is established. Employees must also notify the element of any subsequent changes.

International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

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MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART V-B PERSONNEL (FOREIGN SERVICE), 400 SUPERVISORY EMPLOYEE RELATIONS

Section 420

TRAINING

421 Purpose

422 Policy

423 Responsibilities

424. Employees

427 - 429 Unassigned

Section 420

TRAINING

421 PURPOSE - Sound management principles provide that every employee should be assisted in the systematic development of his or her skills and talents consistent with Broadcasting needs. To this end, Broadcasting develops, sponsors, and conducts programs of education and training. Such programs are carried out through the Training and Development Division, Office of Personnel, and the element head of the overseas establishment.

422 POLICY - Planning and execution of development of Foreign Service personnel involves an individually tailored combination of work assignments, formal training or education, on-the-job training, and self-development. It is Broadcasting policy:

a. To provide systematic training and/or education for Foreign Service Personnel consistent with the needs of the Service and requirements of Broadcasting, both immediate and long-range.

b. To encourage and facilitate self-development, by providing executive and managerial training, and by providing advanced professional studies, seminars, and colloquiums.

c. To provide equal opportunity to all employees without regard to race, color, sex, age, religion, national origin, handicapping condition, marital status, or political affiliation. Training facilities that discriminate because of race, color, sex, age, religion, national origin, handicapping condition, marital status, or political affiliation will not be used.

423 Responsibility for Foreign National Employee Training - The Training and Development Division and the element head of the overseas establishment- is responsible for training Foreign Service National employees for coordinating and/or conducting all training and orientation programs for FSN employees; for assisting in identifying their training needs and developing plans to meet those needs through; regional and U.S. training; for counseling and advising FSN employees on education and training opportunities including those oriented toward self-improvement;

424. Employees - are responsible for keeping aware and pursuing training opportunities provided by Broadcasting-sponsored programs.

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PART V-B PERSONNEL (FOREIGN SERVICE), 400 SUPERVISORY EMPLOYEE RELATIONS

Section 430

FOREIGN LANGUAGE POLICY

431 Foreign Language Policy

431.1 Training

431.2 Regulations

432 Language-Designated Positions

432.1 Designation of Positions

432.2 Review of Language-Designated Positions

432.3 Staffing of Language-Designated Positions

432.4 Exceptions to Language Requirements

432.5 Language Testing

432.6 Language Training for Adult Dependents

433 Language Incentives

433.1 Within-Class Salary Increases

433.2 In-Service Language Bonus Payment

Section 430

FOREIGN LANGUAGE POLICY

431 FOREIGN LANGUAGE POLICY

431.1 Training - It is Broadcasting policy to provide language training to the extent feasible, to all Foreign Service employees and their spouses who desire it, who are required to have command of a foreign language (S/3/ R-3) or desire some facility in the language of their assigned duty post. Such training is normally provided before departure for post of assignment. In providing such training, Broadcasting will use the courses offered by the National Foreign Affairs Training Center



(NFATC), the resources of Broadcasting and other government organizations and, when recommended, outside training facilities. Language training may also be provided to employees and spouses at overseas posts within the facilities of the NFATC post language program or as authorized by the Washington element and the Training Division. Language training will normally be given first priority for use of the resources allocated to training programs. (See also MOA V-B 425.5)

431.2 Regulations - Regulations published in the Foreign Affairs Manual (3 FAM 870) of the Department of State apply jointly to Foreign Service personnel of Broadcasting and the Department of State. In accordance with 3 FAM 871.2-2, the following regulations supplement 3 FAM 870.

#### 432 LANGUAGE-DESIGNATED POSITIONS

##### 432.1 Designation of Positions

The Office of Personnel will designate language essential positions for Broadcasting in consultation with the News Division, the Office of Engineering and the Affiliates/Marketing Offices.

##### 432.2 Review of Language-Designated Positions

a. At least once a year, Personnel will review all overseas positions to determine whether any changes should be made in designated positions as a result of recommendations initiated by element offices .

b. Except in most unusual circumstances ad hoc requests for changes will be deferred until the following annual review.

##### 432.3 Staffing of Language-Designated Positions

a. Incumbents of language-designated positions are required by Section 702 of the Foreign Service Act of 1980 to have a useful knowledge of the language of the post at the level indicated in the position profile. A tested proficiency at the required level attained not more than five years before the assumption of the duties of the position, is required of an officer assigned to a language-designated position. Officers who do not possess proficiency in the required language will receive intensive language training before assuming their duties. If the training period is not feasible because of the needs of the service, Chief, News Division (B/VOA/X) will request a waiver of the language requirement. It is the policy of Broadcasting to ensure that its overseas positions are filled by language-qualified officers, if possible, and that these qualifications are satisfied prior to arrival at post.

b. Broadcasting management will make every reasonable effort to select candidates for assignment to language-designated positions in sufficient time to permit them to receive language training if they lack proficiency in the required language.

432.4 Exceptions to Language Requirements - A waiver is required to cover each instance when an exception is made to fill a language-designated position with an officer who does not have the required level of

proficiency. All waivers must be requested by the Chief, News Division and approved by the Foreign Service Personnel Officer and the Director of Personnel.

a. Hard Language Waivers - When an officer is assigned to a language-designated position following the normally prescribed period of training in a hard language (usually 44 weeks) which is designed to produce no more than a tested S-2/R-2 capability, the Chief, News Division will request a waiver of the language requirement, if necessary. The waiver will specify that the officer is required to continue to study the language upon arrival at post at Agency expense and to be tested by a certified NFATC examiner at the earliest opportunity, or no later than his/her next Agency consultation. A copy of the waiver will be filed in the officer's administrative file, and a copy will be given to the officer so he/she will understand the conditions under which the assignment is made.

432.5 Language Testing - Every officer encumbering a language designated position whose language proficiency rating does not meet the requirement of the position or whose proficiency score expires prior to the end of tour of duty must arrange to take a language proficiency test at the National Foreign Affairs Training Center (NFATC) during periods of home leave and consultation. Officers should also arrange to be tested at NFATC upon completion of a tour of duty in a language designated position, regardless of proficiency score expiration date. Proficiency scores of S-3+/R-3+ or lower expire five years from the date of testing; for the purpose of qualifying for language designated positions, officers with an NFATC-tested score of S-4/R-4 or better need not retest. (For NFATC-tested scores required to qualify for language bonus monetary payments for proficiency in incentive languages while serving at incentive language posts, see paragraph 433.2 below.)

432.6 Language Training for Adult Dependents - It is policy to provide language training for eligible adult family members who want training, subject to the availability of funds. If it is not possible for the spouse, or other adult dependent, to receive language training in Washington, it is policy to provide for instruction at post. Dependents may participate in a post's language program on the same basis as employees, with the exception that when limitations on post language program funds make it necessary for a post to choose between providing instruction for employees or for dependents, priority shall be given to employees. Broadcasting employees and their dependents have access to post language programs, subject to the availability of funds, to the same extent as employees of other elements of the Mission and their dependents.

#### 433 LANGUAGE INCENTIVES

Special monetary or other incentives are authorized by Section 704(b)(3) of the Foreign Service Act of 1980 to encourage Foreign Service employees to acquire or retain proficiency in foreign languages. The languages for which training or proficiency incentives will be paid are Arabic, Russian, and Chinese. (The list of incentive languages will be reviewed on an annual basis, or as needed.) Training of employees in incentive languages will be approved on the basis of need. The forms of bonuses awarded

eligible language-proficient employees are outlined below (See 3 FAM 873 for complete details.)

#### 433.1 Within-Class Salary Increases

a. For Language Proficient Entrants Only (See also 3 FAM 873.3) - Broadcasting Correspondent Overseas Specialist Candidates Class 6 through 4 who attain a National Foreign Affairs Training Center (NFATC) certified proficiency in any language noted above within 30 days of entrance on duty will be paid a higher entrance salary retroactive to the date of entrance on duty. The number of within-class salary increases added to the initial entrance salary is based on the language category and level of tested proficiency in accordance with 3 FAM 873.3c. If the employee qualifies in more than one language, a maximum of five within-class increases may be granted. Employees serving on non-career limited appointments (e.g. Civil Service employees on excursion tours) are not eligible to receive entrance on duty within-class step increases. (See 3 FAM 873.3a)

#### 433.2 In-Service Language Bonus Payment

a. Eligibility Criteria - Foreign Service employees with a S-3/R-3 or S-4/R-4 or higher proficiency in an incentive language are eligible for an In-Service Language bonus payment while serving in a language-designated position (LDP) during an initial tour of duty at an incentive language post. Employees serving any subsequent tour of duty, whether consecutive or not, at any post using the same incentive language, need not encumber a language designated position (LDP) to remain eligible for the In-Service Language Bonus payment, provided the language test score is current. For the purpose of determining whether an employee is entitled to a language bonus, NFATC test scores have the following periods of validity (See 3 FAM 873.5b):

##### Tested Proficiency Duration of Validity

S-3+/R-3+ or below 5 years

S-4/R-4 No further tests required if two test scores of S-4/R-4 were received at least two years apart;

S-5/R-5 No further tests in that language is required.

The In-Service Language Bonus payment supersedes the 10% and 15% bonus monetary payments for language proficiency.)

b. Monetary Payment Levels - Employees meeting the above criteria are eligible for an In-Service Language Bonus payment of \$3,500 (for 44 week languages) or \$5,000 (for 88 week languages), per annum, for achieving a proficiency level of S-3/R-3, or S-4/R-4 or better. The In-Service Language bonus payment will be paid bi-weekly for the duration of the officer's tour at an incentive language post. Payment will be effective at the beginning of the first full pay period after the employee's arrival at post and upon receipt of NFATC certification. The incentive

language bonus payment is not affected by the statutory pay cap (5 U.S.C. 5308) but it is subject to federal income taxation.

c. Initiating Monetary Payments

(1) Employees are responsible for promptly notifying the post's administrative officer of their eligibility for an In-Service Language bonus.

(2) The National Foreign Affairs Training Center (NFATC) is responsible for promptly furnishing to the Office of Personnel, a copy of the officer's test results. Personnel will certify language scores and promptly notify post.

(3) The post administrative officer is responsible for notifying the appropriate payroll office, by the most expeditious means, usually telegraphically, to initiate payment of the In-Service Language Bonus.

(4) In cases of direct transfer of an eligible employee to a post where a language is currently on the incentive language list, the Training Division will notify NFATC to cable the employee's test scores to that post. The post's administrative officer will notify the appropriate payroll office to initiate payment of the In-Service Language Bonus payment.

d. Terminating Monetary Payments - See 3 FAM 873.5g for instructions on how to terminate monetary payments.

International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

Material within this Manual of Operations and Administration may no longer be current. To ensure having the most current policy or procedure, please contact the Agency office responsible for the subject matter, e.g., information about performance appraisal, staffing, or compensation should be directed to the Office of Human Resources. For assistance in determining which office to contact, please contact Cathy Brown or Renee Tyrance-Gauff of the Analysis and Administration Division on (202) 203-4664 or feel free to email this staff at [cabrown@bbg.gov](mailto:cabrown@bbg.gov) or [crgauff@bbg.gov](mailto:crgauff@bbg.gov).

MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART V-B PERSONNEL (FOREIGN SERVICE), 400 SUPERVISORY EMPLOYEE RELATIONS

Last updated 10/12/10

TITLE 5-B  
HUMAN RESOURCES (FOREIGN SERVICE)

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TITLE 5-B  
HUMAN RESOURCES (FOREIGN SERVICE)

PART 450 - PERFORMANCE EVALUATION

451 General

451.1 Coverage - These regulations apply to all Broadcasting Board of Governors (BBG) Foreign Service Specialist employees and Civil Service employees serving on excursion tours overseas in Foreign Service Specialist positions.

451.2 Authority

a. Sections 603 and 604 of the Foreign Service Act of 1980 authorize BBG to prescribe regulations for maintaining records of "the character, ability, conduct, quality of work, industry, experience, dependability, usefulness, and general performance of members of the Service. "The Director, Office of Human Resources (OHR), is delegated the authority to administer these regulations.

b. The Agreement on Delinquent Foreign Service Specialist Officer Evaluation reports between the American Foreign Service Association (AFSA) and BBG is contained in Exhibit 450A.

451.3 Objectives - The objectives of the performance evaluation program are to enhance employee performance and to provide a just and equitable basis for promotions, career tenure, within-class salary increases, performance pay, assignments, training, separations, and disciplinary actions by:

- a. Providing for a periodic written evaluation of employees' performance and potential;
- b. Ensuring that employees understand and participate in the formulation of work requirements and priorities established at the beginning of each rating period;
- c. Establishing a constructive dialogue between rating officials and employees throughout each rating period;
- d. Helping employees recognize their strengths and weaknesses and, if appropriate, initiating steps to correct any performance deficiencies; and
- e. Ensuring fair treatment of all employees.

451.4 Nature of Reports - Form IBB-1125, Officer Evaluation Report (OER), will be used for



all members of the Foreign Service (whether assigned overseas or in the U.S.), except that Form IBB-1191 will be used for those who are members of the Senior Foreign Service.

a. Employees in long-term training (such as language training, university studies, Executive Seminar, Congressional Fellowship, or the National War colleges) will be evaluated in a format to be determined by the OHR Training and Development Division.

b. Employees detailed to other government agencies or to public or private nonprofit organizations should be evaluated on the appropriate regular rating form. Where that is not feasible, evaluations in memorandum form may be substituted with the prior approval of the OHR Foreign Service Personnel Officer.

#### 451.5 Official Personnel Folder (OPF)

a. Contents - The Official Personnel Folder (OPF) of Foreign Service Specialist employees is in two parts: The Administrative File, which contains personnel actions and related documentation, and the Performance File, which contains Officer Evaluation Reports (OERs) for the most recent five years. In addition to the OERs, the Performance File contains notices of language proficiency, language training reports, certificates of completion of training courses, meritorious, quality, honor, and cash award nominations and certificates, Professional Experience Profiles, and certain disciplinary documents. (see BAM 5-B, Part 900).

b. Amendment or Removal of Material - The Director, OHR, is authorized to amend, explain, supplement, delete, or remove material in an employee's OPF, including evaluation reports, when it is determined that such action is justified in order to correct an error or to remove or prevent an injustice. Any such action must be explained in writing and the employee concerned must be informed.

#### 451.6 Administrative Responsibilities

a. The Office of Human Resources (OHR) is responsible for the development and administration of the performance evaluation program for Foreign Service Specialist employees.

- (1) Developing performance evaluation systems, regulations, forms, and instructions;
- (2) Informing management and employees about procedures and requirements;
- (3) Ensuring compliance by monitoring the submission of ratings;
- (4) Reviewing evaluative material prior to its incorporation into the Performance File portion of the OPF;
- (5) Administering the program relating to delinquent reports; and
- (6) Resolving questions on designation of proper rating or reviewing officers when posed by

element management.

- b. The OHR Foreign Service Personnel Officer is responsible for providing counseling concerning performance evaluation to Foreign Service personnel.
- c. The Training and Development Division, OHR/T, is responsible for providing training, as appropriate, in the various facets of performance evaluation and for obtaining training reports for officers assigned for training for any period of two months or longer.
- d. Heads of Offices and Services and Heads of Establishments Overseas are responsible for:
  - (1) Ensuring that work requirements and priorities are established at the beginning of each rating period, evaluating performance requirements for uniformity among positions, and making modifications to performance plans as necessary;
  - (2) Designating Rating and Reviewing Officers, as appropriate;
  - (3) Encouraging discussions between Rating and Rated Officers concerning performance;
  - (4) Encouraging frankness and candor in all performance evaluations;
  - (5) Obtaining evaluations from Rating and Reviewing Officers or Rated Officers and ensuring (timely) compliance with evaluation schedules;
  - (6) Informing the Office of Human Resources of Rating and Reviewing Officers and Rated Officers responsible for delinquent submission of OERs; and
  - (7) Ensuring that reporting and record-keeping requirements are met.

#### 451.7 Use of Reports

- a. Basis for Review of Duties and Performance Requirements - The evaluation process provides an opportunity for Rating and Rated Officers to discuss the duties and performance requirements of the position, as well as the Rated Officer's performance.
- b. Basis for Promotions, Assignments, Training, Withholding Within-Class Salary Increases, Limited Career Extensions (LCEs), and Selection-Out - Evaluation reports are used in identifying and selecting Officers for assignment, training, and (through the Selection Board process) promotion, withholding of within-class increases, and selection-out.
- c. Basis for Tenuring Decisions - Evaluation reports are used by annual Foreign Service Specialist Selection Boards in considering career candidates for career tenure.
- d. Basis for Performance Awards (SFS) and Presidential Awards (SFS) - Evaluation reports will serve as a basis for Performance Awards (SFS) and Presidential Awards (SFS).

451.8 Disclosure of Reports - The contents of the Foreign Service OPF are protected by the Privacy Act (5 USC 552a) and section 604 of the Foreign Service Act of 1980. Rules governing access to the Agency's personnel records are contained in BAM 5-B Part 900.

## 452 Designation of Rating and Reviewing Officers

### 452.1 Procedure and Requirements

- a. At the beginning of each rating period, it is essential to establish who will be the Rating and Reviewing Officers for the performance evaluation of each Rated Officer. The appropriate Element or Office Head will ensure that each Foreign Service Officer shall have a Rating and Reviewing Officer and ensure that regular and interim ratings are prepared.
- b. The Rating Officer must be the Rated Officer's immediate supervisor, except under unusual circumstances, which must be fully explained on the OER form. If conditions require the preparation of the report by someone other than the supervisor, the circumstances shall be explained on the OER form and Rated Officer/Rating Officer relationship clearly described.
- c. The Reviewing Officer will usually be the next ranking supervisor at post or in the Agency sufficiently knowledgeable of the Rated Officer's performance and the relationship between the Rating and Rated Officers to carry out the review responsibilities effectively. In cases where there is no officer senior to the rating officer to carry out the reviewing function, the circumstances must be explained on the rating form. Reviewing Officers should acquaint themselves with the work of officers whose ratings they review and develop personal knowledge of their performance to the extent practicable.

452.2 Questions About Rating or Reviewing Officer Designations - If questions arise regarding the proper designation of a rating or reviewing officer, they may be referred to OHR for resolution.

## 453 Responsibilities of Rating, Reviewing, and Rated Officers

### 453.1 General Responsibilities

- a. Objectivity in evaluations is achieved only if there is an understanding between the supervisor and subordinate about the requirements of the position.
  - (1) The Rating and Rated Officers should formulate jointly a statement of work requirements for the Rated Officer during the first 45 days of the beginning of the rating period (e.g., within 45 days after the arrival on duty of either officer).
  - (2) Supervisors are expected to review performance with subordinates at least once during the rating period, preferably mid-way during the period. Ideally, performance should be reviewed continuously during the period.
  - (3) After the Rating and Rated Officers have completed the first section of the report (Work

Requirements) and the oral mid-period review has taken place, the final section is prepared in the following sequence: Rating Officer, Reviewing Officer, and Rated Officer.

- b. When evaluating an employee's performance, the Rating, Reviewing, and Rated Officers will focus their comments on the work requirements section. When possible, the Rating Officer should request the Rated Officer's views of the work performance and the problems faced before preparing the OER in draft.
- c. Reports on employees who serve more than one supervisor should reflect the views of all supervisors; these views should be solicited by the Rating Officer.
- d. Rating and Reviewing Officers may hold general discussions of the employee's overall performance. However, the Rating and Reviewing Officers should prepare their respective sections of the OER independently.
- e. Before preparing an OER, the Precepts of the most recent Selection Board should be reviewed for indications of the standards against which officers are judged.
- f. Officer Evaluation Reports must be frank and candid, stressing both the positive and negative aspects of the Rated Officer's performance and potential. Officers should understand that candid OERs that stress and document both strengths and weaknesses are preferred over bland reports that provide no specific information either to the Rated Officer or the Selection Board.

Evaluation reports will be shared in draft by the Reviewing Officer with a senior career official designated by the Director of OHR prior to the report being forwarded to the Rated Officer. This senior official will review the draft rating for consistency in the candid evaluation of Rated Officers across the specialty with regard to reports addressing both the positive and less desirable aspects of the Rated Officer's performance and potential and enabling the Selection Boards to make judgments on the extent to which specialists have developed and maintained the specific skills required of the specialty and to make the necessary distinctions between officers. The senior official will provide related guidance on the draft report to the Rating and Reviewing Officers for their consideration in completing their portions of the evaluation report.

- g. All officers are responsible for ensuring that the appropriate deadlines are met for completion and submission of Officer Evaluation Reports.
- h. All Rating Officers are responsible for ensuring that Officer and Career Candidate Evaluation Reports are prepared on the correct forms and that all instructions are followed.

453.2 Responsibilities of Rating Officers - In addition to the responsibilities outlined in paragraph 453.1 above, Rating Officers are responsible for:

- a. Ensuring that subordinates have a clear understanding of their work requirements and priorities.

b. Discussing, on a periodic basis throughout the rating period or at least twice, the Rated Officers' strengths and weaknesses and ways to improve their performance and increase their opportunities for career advancement. (This includes the formal requirement of an oral mid-period discussion of performance with the Rated Officer, which is certified on the rating form.) Such discussions are particularly important with respect to criticisms of employees' performance. Any shortcomings finally noted in a Rated Officer's OER should not come as a year-end surprise.

c. Recognizing superior performance.

d. Advising employees whose performance is seriously weak or unsatisfactory, possibly due to personal or medical problems, of special counseling and/or medical services which are available to assist the employee.

e. Discussing fully and frankly the contents of the OER with the Rated Officer in draft form where circumstances permit.

f. Submitting the completed OER(s) to the correct Element office by the required deadlines.

453.3 Responsibilities of Reviewing Officers - In addition to those responsibilities outlined in paragraph 453.1 above, Reviewing Officers are responsible for:

a. Reporting their evaluations of employees based on personal observations, to the extent practicable. They must take measures to become familiar enough with the work of rated officers to make independent observations.

b. Ensuring that Rating Officers are familiar with the performance evaluation program and are applying uniform rating standards to Rated Officers.

c. Ensuring that the work requirements of positions are fair and reasonable in relation to other positions at the Rated Officer's post or in the Office or Service.

453.4 Responsibilities of Rated Officers - In addition to the responsibilities outlined in paragraph 453.1 above, Rated Officers are responsible for:

a. Participating with the Rating Officer in the formulation of the statement of work requirements and priorities to the extent necessary to ensure understanding by both parties of what constitutes satisfactory performance.

b. Participating in a mid-period discussion of his or her performance with the Rating Officer. Initiating the discussion if the Rating Officer fails to do so.

c. Including in the Rated Officer's section of the OER his or her views of the job performance. This should be done in a timely manner to ensure that the evaluation reaches Washington before the deadline.

d. Signing the OER form to acknowledge receipt of the report after receiving the completed rating.

(1) The Rated Officer's signature does not necessarily indicate agreement with the rating and does not preclude rebuttal by the employee or the filing of a grievance concerning the contents of the OER (3 FAM 4400).

(2) Rated officers who refuse to sign and submit their OERs are vulnerable to disciplinary action (3 FAM 4300).

#### 454 Preparation of Reports

##### 454.1 Report Periods

###### a. Regular Reports

(1) Regular reports cover the period May 16 of one year through May 15 of the following year or any rating period of three months or longer that ends on May 15.

(a) References to events that occurred before or after to the period being rated may not be included in the OER.

(b) Evaluation reports that cover periods after May 15 of any year will not be available to the Selection Board that convenes for that year.

(2) Regular reports must be prepared and submitted in time to arrive in the appropriate Office or Element in Washington no later than July 15. (See paragraph 455.2 below concerning this and other deadlines.)

###### b. Interim Reports

(1) Interim reports must be prepared for any period of assignment that covers at least three months but less than a full rating year.

(a) For periods of three to five full months (i.e., 90 through 149 days) the completion of Part II-C (Form IBB - 1191) or Part II-D (Form IBB - 1125) is not required.

(b) Interim reports covering a period of less than three months will not be accepted, except in the very unusual situation where an officer has been in a series of assignments that all lasted less than three months. Under these special circumstances, OHR will accept one interim report that covers the longest single period during the rating year.

(c) Leave (including home leave when returning to the same post and position) is not subtracted from the rating period when calculating the length of the rating period to determine whether an OER is required.

(2) Interim reports must be prepared:

(a) upon the departure of a Rating or Rated Officer.

(b) when there is a significant change in a Rated Officer's duties, even when the Rated Officer remains at the same post and continues to be supervised by the same Rating Officer.

(3) Interim reports must be prepared in sufficient time to permit completion by the Rated Officer before the departure of either officer and must be received in the appropriate Office or Element in Washington no later than 30 days after departure of either officer from the post or a change in duties at the post (See paragraph 455.2 below concerning this and other deadlines).

454.2 Format of Reports - the following OER forms must be used:

a. Regular Reports - Officer Evaluation Report Form IBB-1125 must be used for all Foreign Service Specialists at class 1 and below, including employees on excursion tours. Form IBB-1191 must be used for members of the Senior Foreign Service.

b. Interim Reports - For All Specialist Officers - Interim reports for a rating period of three full months to five full months (e.g., 90 through 149 days) will be prepared on the appropriate OER Form. When the period covered is less than five months (150 days), Section II-D, Future Assignments, should be omitted.

c. Prohibition of Memoranda - Normally, a memorandum covering an employee's performance will not be accepted.

454.3 Confidentiality of Reports - OERs must be handled in a way to protect their confidentiality consistent with the Privacy Act of 1974, which restricts the dissemination of certain information concerning individual employees.

454.4 Limitation on Comments - In the narrative portions of the OER, comments must be limited to the space provided for each topic, except in the Rated Officer's section, where continuation sheets are permitted.

454.5 Inadmissible Comments - A number of factors must not be included in the report by any of the participants in the rating process (Rating Officer, Reviewing Officer, or Rated Officer). Reports containing inadmissible comments will be returned to the responsible officer for correction.

The following subjects are inadmissible in all parts of the report and in evaluative materials submitted for inclusion in the Performance File and cannot be mentioned either in direct or indirect comments.

a. Race, color, religion, sex (does not extend to use of Mr., Mrs., Ms., first names, or personal pronouns), sexual orientation, national origin, age (including references to "young," "old timer,"

“approaching retirement”, etc.), disability, and reasonable accommodation for disability;

b. Rankings, recommendations, or results of past Selection Boards, including any impending selection out or termination of appointment;

c. Physical characteristics and personal qualities that do not affect performance or potential;

d. Marital status or plans and references to spouse or family member, including references to social activities or the ability of a spouse or family member to represent the United States;

e. Retirement, resignation, or other separation plans;

f. Participation in job sharing or telecommuting;

g. Grievance, equal employment opportunity, or Merit Systems Protection Board proceedings;

h. Method of entry into the Service;

i. Names of private U.S. citizens;

j. Participation or non-participation in unions or other employee organizations or activities;

k. Ratings for earlier periods prepared by other supervisors;

l. Reluctance to work voluntary overtime;

m. Leave record, except for references to unauthorized absence;

n. Letters of Reprimand;

o. Recommendations or comments for or against promotion, performance pay award, Presidential Rank Award, career status, and Limited Career Extensions;

p. Specific identification of or details of a physical handicap or medical problem (including alcoholism, drug abuse, or rehabilitation efforts), except that (a) general reference may be made to confirmed knowledge of a medical problem to the extent it affects job performance and (b) rated officers may discuss their own health problems in specific terms if rating or reviewing officers have made reference to such problems or to explain or clarify adverse comments in a report;

q. Comments on efforts to enter the Senior Foreign Service or to obtain career status or for appointment as a Specialist.

r. Negative or pejorative discussion of the performance of another identifiable employee to which that employee is not privy and has no opportunity for rebuttal. For example, the Rating Officer may not state that the Rated Officer "quickly brought order out of the chaos left by her



predecessor."

- s. References to events and/or performance before or after the rating period.
- t. References to previous ratings, except to note trends in performance that continued in the current year. Remarks such as "see OER dated June, 1981" or "All that I have to say about Mr. A has been said in the OER I prepared for the previous rating period" are inadmissible.
- u. Verbatim repetitions from previous OERs (except in Parts I-A and I-B, where such statements are permitted if applicable, but not encouraged).
- v. Outside activities which are not relevant to performance or post effectiveness.
- w. References to other documents. e.g., cables, memos, etc., which are not part of the officer's Performance File. The Rating Officer may, however, properly include quotes from such documents, if the documents are properly identified.
- x. References to the class of the position held by the employee, e.g., "Mr. Doe is an FP-3 officer in an FP-2 position."

#### 455 Submission and Disposition of Reports

##### 455.1 Submission of Reports

- a. No more than three copies of the Officer Evaluation Report (OER) may be prepared. Only the original copy of the OER should be submitted. The Rated Officer must receive a copy of the OER.
- b. The completed OER must be submitted by the Rating Officer directly to the appropriate Office or Element office. Only the original copy of the OER will be placed in the Performance File except under fully explained circumstances acceptable to the officer concerned.
- c. Completed ratings are forwarded by the receiving Office or Element to OHR for placement in Performance Files.

##### 455.2 Deadlines for Submission of Officer Evaluation Reports

###### a. Regular Reports

- (1) July 15 is the due date for all Foreign Service Specialist OERs covering a full rating year (including reports for members of the Senior Foreign Service). OERs not completed by all three officers (Rating, Reviewing, and Rated) and received by OHR by August 1 will be considered delinquent (see also paragraph 456 below).
- (2) The following schedule must be observed:

(a) By COB July 1 the Rating Officer must complete the Rating Officer's section and must forward the OER to the Reviewing Officer.

(b) By COB July 10 the Reviewing Officer must complete the Reviewing Officer's section and must forward the OER to the Rated Officer.

(c) The Rated Officer must complete the Rated Officer's section and must forward the OER to the Rating Officer in sufficient time so that the report will not be considered delinquent.

b. Interim Reports are due in Washington within 30 days after the departure of a Rated or Rating Officer, or a significant change in the Rated Officer's duties. Reports not completed by all three officers and received in OHR by August 1 will be considered delinquent (see also paragraph 456 below).

#### 455.3 Reporting and Record-Keeping Requirements

##### a. Post Responsibilities

(1) By July 10 overseas posts must advise the appropriate Element office, with the status of the OER (full year or interim) for each officer for whom an OER is required including the date and means by which the completed OER was sent, along with the registry or tracking number.

(2) If an OER has not been submitted, the post must so indicate and provide an explanation identifying the officer accountable for the delinquency.

##### b. Element Responsibilities

(1) Elements are responsible for tracking OERs and assuring that all ratings for element foreign service personnel are completed and received in the Element Office within the prescribed deadlines.

(2) No later than July 20 and August 5, each Element will report to OHR the status of ratings as of July 15 and August 1.

(a) Status reports must include: the name of the Rated Officer; the dates of the rating period; the dates the rating was completed by the Rating, Reviewing, and Rated Officers; and, for overseas reports, the date and means by which the report was sent, along with the registry or tracking number.

(b) If an OER has not been received by August 1, the Element must determine and identify the Rating, Reviewing, or Rated Officer responsible for the delinquency.

(3) Completed ratings are to be forwarded to OHR.

(4) Element heads are personally responsible for seeing that these duties are carried out.

#### 455.4 Disposition of Reports

- a. Only three copies of an OER may be prepared.
  - b. The original copy of the OER must be submitted for placement in the employee's Performance File. A duplicate copy of the OER must be given to the Rated Officer. Both copies must be signed.
  - c. In accordance with BAM 5-B Part 900, the third copy of the OER will not be kept in the post personnel folder, but will be maintained and kept by the Rating Officer.
- (1) A copy of the current OER prepared on employees assigned to that post may be kept only by the employee's supervisor (the Rating Officer) to allow the Rating Officer a convenient method of comparing current performance with the officer's prior rating.
- (2) When a new OER is completed, the copy of the previous report will be destroyed. If either Rated or Rating Officer is reassigned or departs the post, the OER will be destroyed immediately.
- (3) Performance files kept by the supervisors will be kept under appropriate safeguards and access is restricted to the Rating and Rated Officers.

#### 456 Delinquent Reports and Criticisms of Evaluation Reports by Selection Boards (Deficient Reports)

456.1 Purpose - Each employee is entitled to have a current and properly prepared Officer Evaluation Report in his or her file for review by the Selection Board. The sanctions for delinquent and deficient reports reflect the basic view that Rating and Reviewing Officers should not themselves be promoted if, by being dilatory in the preparation of OERs on their subordinates, they have compromised promotion opportunities of their subordinates.

#### 456.2 Definition of Delinquency

- a. Paragraph 455.2 above outlines specific deadlines for the submission of regular and interim reports. Rating and Reviewing Officers who do not meet these deadlines will be considered responsible for any delinquency in the filing of an OER.
- b. As required by paragraph 455.3 above, Element offices must identify the Rating, Reviewing, or Rated Officer responsible for the delinquency of an OER.

456.3 Delinquency Procedures - The procedures to be followed concerning delinquent reports are outlined in the Agreement on Delinquent Foreign Service Specialist Officer Evaluation reports contained in Exhibit 450A.

#### 456.4 Definition of a Deficient Report

a. The Selection Boards have the authority to cite Rating and Reviewing Officers who merit criticism for the deficient quality of ratings/reviews prepared by them for the most current rating period reviewed by the Boards.

b. Deficiencies include such things as:

(1) Rating fails to tell the Board whether the Rated Officer possesses the necessary core skills for a sustained career in the foreign service.

(2) Rating contains overly general phrases regarding the quality of the Rated Officer's performance without any amplification or supporting documentation.

(3) Rating contains insufficient examples of significant accomplishments. Thus the Board is unable to assess the quality of the Rated Officer's performance.

(4) Rating lacks qualitative assessments and judgments of how the Rated Officer performed, supported by well-drawn examples.

(5) Rating is unclear about whether the Rated Officer accomplished the stated work requirements.

(6) Reviewing statement adds nothing of substance.

456.5 Deficient Evaluation Report Procedures - The procedures to be followed concerning deficient evaluation reports are given in Exhibit 450A. The cited officer's current supervisor will receive notification of the Board criticism the first time a deficiency is cited. (The supervisor is encouraged to use this notice constructively in assisting the employee to improve his/her writing skills.) If the employee receives a second consecutive Board criticism the memorandum will again be submitted to the supervisor and submitted to the employee to provide an opportunity for rebuttal. Both the memorandum and the employee rebuttal will be placed in the employee's performance file for a two-year period from the date of the second consecutive memorandum from the Board. (Refer to Exhibit 450A)

457 \*Unassigned\*

458 \*Unassigned\*

459 Rebuttals and Appeals

459.1 Discussion with Rating or Reviewing Officer - An employee who wishes to rebut or appeal an OER should, in most instances, first discuss it with the Rating or Reviewing Officer, as appropriate.

a. If the officer agrees to revise the evaluation, the appropriate changes shall be made on all copies.

b. Revisions cannot be made after the annual Selection Board has convened and reviewed the evaluation, except through the Foreign Service Grievance Procedures (3 FAM 4400).

459.2 Use of Rated Officer's Section - An employee who fails to obtain satisfaction after a discussion with the Rating or Reviewing Officer may use the Rated Officer's section of the evaluation to refute statements in the record which the employee considers to be based on incomplete data or on limited observation or to be unfair. In completing the Rated Officer's section, the employee must comply with the evaluation instructions and regulations.

459.3 Election to Appeal - An employee who chooses to appeal any section of the evaluation must follow the Foreign Service Grievance Procedures, as outlined in 3 FAM 4400.

459.4 Certification of Receipt of Evaluation - In all cases, Rated Officers must sign the statement on the appropriate page of the evaluation form to document that he or she has received a copy of the report. The Rated Officer's signature does not necessarily indicate agreement with the report and does not preclude rebuttal by the employee or the filing of a grievance.

EXHIBIT 450A - Agreement on Delinquent Foreign Service Specialist  
Officer Evaluation Reports

a. Purpose - It is the purpose of the Agency and the Union to ensure that all employees are treated equally and fairly in the promotion process. To this end, each employee is entitled to have a current and properly prepared Evaluation Report in his or her file for review by the Selection Boards. The following procedures provide specific guidelines for the timely preparation of Officer Evaluation Reports (OERs) and prescribe sanctions for Rating and Reviewing Officers who do not abide by the guidelines.

b. Rating and Reviewing Officer Responsibilities

(1) Deadlines for Full Year Reports:

(a) July 15 is the due date for receipt of all Foreign Service Overseas Specialist OERs covering a full rating year (5/16-5/15). OERs not completed by all three officers and received in the appropriate BBG element office by August 1 will be considered delinquent. However, Rating or Reviewing Officers who have more than 15 evaluations to write and have extenuating circumstances that keep them from meeting the July 15 deadline, may request an extension to the deadline by contacting the OHR Foreign Service Personnel Officer before July 8.

(b) The following schedule will be observed:

- By COB July 1 the Rating Officer must complete his or her portion and forward the OER to the Reviewing Officer.
- By COB July 10 the Reviewing Officer must complete his or her portion and forward the OER to the Rated Officer.

(2) Deadlines for Interim Reports:

(a) Interim reports are due in Washington within 30 calendar days after the departure of a Rated or Rating Officer, or a significant change in the Rated Officer's duties.

These reports should be prepared in sufficient time to permit completion by all parties prior to the departure of the officer, or as soon thereafter as possible.

(b) Delinquencies and penalties will apply to interim reports covering periods of six months or longer that do not make the August 1 deadline.

(3) Rating or Reviewing Officers who do not meet the deadlines described in Section (1)(b) above will be considered responsible for any delinquency in the filing of the OER.

### c. Post Responsibilities

- (1) All OERs must be sent registered air pouch or by express mail (USPS or commercial) to the appropriate element.
- (2) By July 10 overseas posts must advise the appropriate element of the status of the OER (full year or interim) for each officer for whom an OER is required including the date and means by which the completed OER was sent, along with the registry or tracking number.
- (3) If an OER has not been submitted, the post must so indicate and provide an explanation identifying the officer accountable for the delinquency.

### d. Element and OHR Responsibilities

- (1) Elements are responsible for assuring that all ratings are completed and received in OHR within the prescribed deadlines.
- (2) The Directors of the Elements or Offices involved are responsible for seeing that these duties are carried out.

### e. Sanctions

- (1) As soon as possible after August 1, OHR will inform each Rating and Reviewing Officer (by registered email or memorandum) who is considered responsible for a delinquent OER that:
  - (a) The officer is considered responsible for one or more delinquent reports;
  - (b) The officer has the opportunity to submit a written statement to OHR no later than October 1, explaining any circumstances which might justify the delinquency;
  - (c) The explanation submitted by the officer will be reviewed by the Director of OHR to determine whether the delinquency should be excused;
  - (d) If the delinquency is not excused by the Director of OHR, a memorandum of Delinquency will be placed in the responsible Officer's Performance File (with the Officer's explanation attached) for a period of five years;
  - (e) The Selection Board Panels will be instructed in the Precepts to consider the memorandum in evaluating officer performance as follows:

### Delinquent Reports

“Some officer's files may contain memoranda indicating that an officer is responsible for more delinquent OERs prepared on subordinates. If the officer has submitted an explanation for the delinquency, which should be attached to the memorandum, the Panel must evaluate the

explanation and determine the appropriate weight to be given the delinquency. If the Panel is persuaded by the explanation that the delinquency was unavoidable (such as serious illness on the part of the Rating/Reviewing Officer or other extenuating circumstances clearly outside the officer's control), the Panel should not allow the delinquency to prejudice the officer's ranking. However, should the Panel find the explanation unsatisfactory, this finding must be considered adversely in evaluating the officer's managerial ability and fulfillment of his/her supervisory responsibilities.”

(f) The Director of OHR will place a Memorandum of Delinquency in the Performance File of any Rating or Reviewing Officer determined to be inexcusably responsible for a delinquency. The steps indicated in section A above will be followed. The Director, OHR, may place a letter of Reprimand in the Personnel File of any civil service employee who is inexcusably delinquent in the preparation and/or submission of an OER on a Foreign Service Specialist subordinate. More stringent disciplinary action may be taken in extreme cases of delinquency such as those involving a pattern of inexcusable delinquencies, in accordance with applicable disciplinary procedures.

NOTE: If the Director of OHR is aware of circumstances which warrant the excusal of a delinquency, he or she may excuse the delinquency without requesting an explanation from the officer.



## EXHIBIT 450B - Instructions for the Preparation of Officer Evaluation Reports (OERs) for Foreign Service Specialists, Using Form IBB-1125

### Introduction

The Officer Evaluation Report (OER) is one of the most important management tools the Agency has. The OER includes a description of the Rated Officer's work requirements and priorities. It provides a means of feedback to the Rated Officer, and outlines the criteria by which that officer will be appraised.

In addition, the OER is used by the Foreign Service Selection Boards in making recommendations for promotion, selection-out for performance, denial of within class increases, meritorious step increases, and the like. It also assists the Agency in the career development and training of Foreign Service personnel and serves as the basis for the Overseas Specialist Selection Board decisions to deny or grant career tenure to Overseas Specialist career candidates.

### Personnel Covered

Officer Evaluation Report Form IBB-1125 (3/2004) must be used for all IBB employees designated Overseas Specialists (whether assigned overseas or in the U.S.) except for those who are members of the Senior Foreign Service. Form IBB-1125 will also be used for employees who are covered under a Foreign Service (Non-Career) Limited Appointment.

### General Information

The Rating Officer must be the Rated Officer's supervisor, except under unusual circumstances. If the question of who shall rate the member arises, the appropriate Office Director and the Office of Human Resources shall decide. If conditions require the preparation of the report by someone other than the supervisor, the circumstances shall be explained on the report and the Rated Officer and Rating Officer relationship clearly described.

The Reviewing Officer will usually be the Rating Officer's supervisor. In cases where there is no officer senior to the Rating Officer with sufficient knowledge of the employee's performance to carry out the reviewing function, the circumstances must be explained in the OER. Reviewing Officers should acquaint themselves with employees whose ratings they review and develop personal knowledge of their performance.

BAM 5-B 450, Performance Evaluation, contains all the necessary information on when to prepare reports, where to send them, designation of Rating and Reviewing Officers, inadmissible comments, etc. The parties should be familiar with these requirements.

Written comments in any evaluation report may not extend beyond the space allowed unless the instructions to the evaluation report expressly authorize extensions. Only the Rated Officer may use extension sheets. To make the form as easy to read as possible, we strongly recommend that all parties leave white space in the narratives, i.e., stay within the boundaries provided, have normal spacing between lines in the texts, and indent paragraphs. Narratives may not exceed the space provided for it under each heading or section. Also, use a standard type face that is no smaller than 11 pitch.

You may reproduce additional OER forms or access the form via the BBG Intranet site.

## How to Complete the Form

Prior to completing the work objectives and again when preparing the discussion of performance, the Rating Officer should review the criteria for promotion and tenuring found in the Precepts. The Precepts are policy statements about what constitutes positive and desirable performance by members of the Foreign Service.

### Officer's Position

The Rating Officer should describe briefly the position of the Rated Officer, state precisely where the position fits in the organization, and indicate the number and type of personnel (American and Foreign Nationals) supervised. If the Rating and Rated Officers are not at the same post, the Rating Officer must state the distance between the posts and indicate the amount of time the Rating Officer actually observes the Rated Officer in a work situation.

### Work Requirements and Priorities

The Rating and Rated Officer should formulate jointly the statement of work requirements during the first 45 days of the rating period (or within 45 days after arrival on duty of either officer). The views of the Rating Officer, as supervisor, prevail in the event of any disagreements. Work requirements may be modified or amended throughout the rating period.

This section should indicate clearly the specific responsibilities and assignments the Rated Officer is expected to perform during the rating year in priority order and should be sufficiently explicit to convey the extent of the officer's responsibilities and scope of work. Names of organizations or other entities should be spelled out.

### Periodic Reviews

While frequent discussion of the Rated Officer's progress in meeting the Work Requirements in Section I of the OER is desirable, only one formal review is required mid-way through the rating period. This discussion should be documented on page 4 of the OER.

The primary intent of the mid-period review is to assure, to the extent possible, that the Rated Officer is apprised of how well, he/she is meeting the established work requirements. Discussions between the Rating and Rated Officers should address specific areas of

accomplishment and those areas in which the Rated Officer should improve. Any critical judgments which are made in the OER should not come as a surprise to the Rated Officer.

### Performance Factors

The Rating Officer must check the most appropriate adjective in each category after carefully reading the definitions of the factors listed on the form. If there has not been sufficient opportunity to observe performance, enter I/O (insufficiently observed). If the factor is not applicable to the Rated Officer's work, enter N/A (not applicable). If the Rated Officer is a supervisor, then the Rating Officer must provide a rating for all categories. The boxes checked in this section must be consistent with the overall rating given. Any discrepancy must be addressed in the Discussion of Work Performance as explained in the instructions section titled "General Appraisal." The rating on Factor 1, Job Knowledge, should reflect the degree to which the Rated Officer has demonstrated possession of the skills and abilities required by his or her specialty.

### Discussion of Work Performance

Prior to completing the form, the Rating Officer should review the criteria in the Precepts for promotion and tenure. These criteria are policy statements about what constitutes positive and desirable performance by members of the Foreign Service and, conversely, what is considered undesirable performance.

The Rating Officer should prepare this section with a close eye to the work requirements and priorities set out in Section I, so that it is possible to judge the Rated Officer's relative success in terms of meeting them. If practical, the narrative should refer to the work requirements and priorities by the number they were given in Section I of the OER.

The Rating Officer must make a qualitative statement about the Rated Officer's work during the rating period, supporting this assessment with specific examples of accomplishments and shortcomings, and any efforts to improve in the areas which were discussed during the mid-period review. A list of tasks performed is not acceptable as a substitution for an evaluation of how work requirements and priorities were carried out and met. The narrative must support the General Appraisal rating and the Performance Factor ratings. The narrative should address the degree to which the Rated Officer has demonstrated possession of the skills and abilities required by his or her specialty.

The Rating Officer should describe any special conditions of the work environment that affected accomplishment of the objectives during the rating period.

### General Appraisal

Section II-C provides for a general overall appraisal rating by checking the statement that most closely describes the Rated Officer's overall performance during the rating period. The Rating Officer must check the most appropriate statement. The statements may not be modified in any

way. The general appraisal selected must be supported by the performance factors in Section A and the narrative discussion of work performance in Section B. If there is any apparent discrepancy between the performance factors in Section A and the General Appraisal in Section C, the narrative must specifically explain this discrepancy.

#### Recommendations for Future Assignments

The Rating Officer should indicate what position(s) he/she believes the Rated Officer may be qualified to fill in five years. Suggestions can include specific courses, or the general areas of training and/or experience needed to assist the officer, and should explain specifically why the recommendation was made and how the officer and/or Agency will benefit. This section should not be completed when the rating period covered is less than five months (150 days).

#### Reviewing Officer's Comments

The Reviewing Officer must take measure from the beginning of the rating period (or when he/she assumes the position that entails the review responsibility) to become familiar with the performance of the Rated Officer and make independent observations. While the Reviewing Officer may hold general discussions with the Rating Officer on the Rated Officer's over-all performance, the Reviewing Officer statement must not be prepared in collaboration with the Rating Officer (or vice versa). If there cannot be a Reviewing Officer's Statement, the reasons for no statement must be indicated on the OER under this section.

The Reviewing Officer should address the degree to which the Rated Officer has demonstrated possession of the skills and abilities required by his or her specialty.

Evaluation reports will be shared in draft by the Reviewing Officer with a senior career official designated by the Director of OHR prior to the report being forwarded to the Rated Officer. This senior official will review the draft rating for consistency in the candid evaluation of rated officers across the specialty with regard to reports addressing both the positive and less desirable aspects of the Rated Officer's performance and potential and enabling the Selection Boards to make judgments on the extent to which specialists have developed and maintained the specific skills required of the specialty and to make the necessary distinctions between officers. The senior official will provide related guidance on the draft report to the Rating and Reviewing Officers for their consideration in completing their portions of the evaluation report.

#### Rated Officer's Comments

This section permits the Rated Officer to provide additional insights into his/her performance, particularly in areas not mentioned elsewhere in the OER. The Rated Officer should summarize major accomplishments and any special problems or circumstances encountered in meeting the work requirements, and indicate progress towards improving areas discussed during the mid-period review. The Rated Officer may also comment on the frequency, content, and usefulness of discussion with the Rating Officer during the rating period.

Completion of this section is particularly important in instances where no Reviewing Officer statement was prepared. Rated Officer's comments should not automatically be construed as a rebuttal of the OER. Rated Officers are reminded that they must sign page 5 of the Report, to acknowledge receipt of the OER, even if they do not provide any Rated Officer's comments. The Rated Officer's signature does not indicate agreement with the rating and does not preclude rebuttal and/or filing a grievance concerning the contents of the OER. A Rated Officer who does not sign and/or submit the OER to the Office of Human Resources is subject to disciplinary action (3 FAM 4300).

### Informal Checklist

As the Rating, Reviewing, and Rated Officers complete their sections, they should review the OER to assure that it conforms to the instructions. In addition, all officers should informally check to make sure that the following have been done:

- \_\_\_ Rating is typed on IBB-1125 (3/2004)
- \_\_\_ Agency's time frame was met (i.e., evaluation report was not delinquent).
- \_\_\_ Form typed in 11 or 12 point readable font.
- \_\_\_ OER is free of inadmissible comments.
- \_\_\_ The narrative addresses all critical and non-critical elements and provides specific Examples reflective of the level recommended.
- \_\_\_ Box marked in the general appraisal is supported by the performance factors in Section A and the narrative discussion of work performance in Section B.
- \_\_\_ OER provides a candid assessment of the Rated Officer's work.
- \_\_\_ Rating Officer signed pages 1, 3, and 4.
- \_\_\_ Reviewing Officer signed page 4 or a statement of circumstances must be explained on the OER.
- \_\_\_ Rated Officer signed pages 1, 4, and 5.

Last updated 10/12/10

TITLE 5-B  
HUMAN RESOURCES (FOREIGN SERVICE)

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Exhibit 460A - Foreign Service Selection Board Safeguard Agreement (Class 1 and Below)

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## TITLE 5-B

### HUMAN RESOURCES (FOREIGN SERVICE)

#### PART 460 - PROMOTIONS

##### 461 General

461.1 Coverage - This section applies to the promotion of Foreign Service Specialists in Class 1 and below and members of the Senior Foreign Service (SFS), including Career Candidates. This section does not apply to:

- a. Members of the Foreign Service with non-career appointments,
- b. Foreign Service National Employees. (See 3 FAM 7570)
- c. PIT employees;

##### 461.2 Authority

- a. The regulations relating to promotion of these employees of the Foreign Service are prescribed under authority of sections 302, 303, 305, 404-406, and 601-608 of the Foreign Service Act of 1980.
- b. The promotion process is also governed by the provisions of the Selection Board Safeguard and Establishment and Composition agreements between the American Foreign Service Association and the Broadcasting Board of Governors, International Broadcasting Bureau. These agreements are contained in Exhibits to this Section (Exhibits 460A and 460B for class 1 and below and Exhibits 460D and 460E for Senior Foreign Service) and are supplemented by the provisions of this Section and an annual notification detailing the Precepts for the International Broadcasting Bureau Specialist Selection Boards.

461.3 Promotion Policy - All employees will be compared and judged solely on merit with absolute fairness and justice. In particular, no employee will be discriminated against, directly or indirectly, for reasons of race, color, religion, sex, age, marital status, national origin, disability, reasonable accommodation for disability, sexual orientation, or means of entry into the service.

##### 461.4 Determination of Number of Promotions

- a. The Director of the International Broadcasting Bureau (in consultation, as applicable, with the VOA Director or Director of Engineering and Technical Services) annually determines the number of promotions of members of the Foreign Service and extensions of career appointments (LCEs) reviewed by the selection boards taking into account such factors as vacancies,



availability of funds, estimated attrition, projected needs of the Service, and the need for retention of expertise and experience.

b. Decisions by the Director of IBB (in consultation, as applicable, with the VOA Director or Director of Engineering and Technical Services) on the number of promotion opportunities will be based upon a systematic, long-term projection of personnel flows and needs designed to provide:

- (1) A regular, predictable flow of new officers into the Service;
- (2) Effective career development patterns to meet Service needs; and
- (3) A regular, predictable flow of talent upward through the ranks and into the SFS.

c. The number of promotions shall be determined for each class and competition category prior to the submission of findings and recommendations by the responsible selection board. A copy of the list of promotion numbers determined will be escrowed in accordance with the applicable provisions of the Safeguard Agreement at Exhibit 460A.

461.5 Eligibility of Re-appointed FSOs - A Foreign Service Officer re-appointed to the Service after voluntary separation resumes previous status with regard to consideration by Selection Boards if re-appointed to the same class as the one from which separated. Re-appointment means being granted a new career appointment.

461.6 Retroactive Promotion - The Director may retroactively promote a member of the Foreign Service or promote a Class 1 officer into the SFS where:

- a. The promotion delay was occasioned by the removal of the member's name from an earlier list of nominations prepared for submission to the Director; or
- b. The promotion is made to comply with a recommendation or order of the Foreign Service Grievance Board, an Equal Employment Opportunity Appeals Examiner, the Special Counsel, or the Merit Systems Protection Board; or to correct an administrative error; and
- c. Prospective promotion alone would not constitute a fair and adequate remedy to the adversely affected member.

461.7 Exclusions From the Promotion List - The Director, Office of Human Resources, may defer promotion or remove from the promotion list any of the following:

- a. Any employee separated, or pending separation, prior to the date promotions become effective;
- b. Any employee otherwise eligible to have his or her name included on the promotion list, but who is subject to investigation or proceedings by the Office of Security or the Director, Office of Human Resources, involving loyalty, security, misconduct, or malfeasance.

c. When the reason for deferral from a promotion list has been resolved in favor of the employee, the affected employee will be promoted, in accordance with BAM 5-B 461.7 above, retroactive to the effective date of the promotion list from which the employee's name was initially excluded.

d. If the reason for exclusion continues to exist at the time the next Selection Board convenes, the officer will be reviewed in his/her current class in the normal manner.

## 462 Foreign Service Selection Boards - General Background

462.1 Coverage - Members of the Senior Foreign Service and all employees on the Foreign Service schedule, are considered by annual Selection Boards, except Specialists in Classes 5 and below who are administratively promoted in accordance with BAM 5-B 466.

462.2 Policy - The Director, Office of Human Resources, will convene Selection Boards to evaluate the performance of eligible Foreign Service Specialists and Senior Foreign Service employees.

462.3 Precepts - The Precepts establish the scope, organization, and responsibilities of the Foreign Service Selection Boards and describe the criteria to be used by the Selection Boards in reaching their determinations. The Selection Boards will review the Performance File of eligible members of the Foreign Service to identify members for promotion, performance awards, salary adjustments, and limited career extensions as well as identifying those subject to separation proceedings for unsatisfactory or non-competitive performance.

Precepts are also policy statements of what constitutes positive and desirable performance by career members of the Foreign Service and should serve as a guide in establishing annual work goals or, on the negative side, what is considered unacceptable performance.

## 462.4 Composition of the Boards

a. The Foreign Service Selection Boards shall be composed of at least three members, including a public member.

Public Members - Each public member shall, so far as possible, meet the following qualifications:

(1) Have gained prominence in a profession, in business, in labor, or in a non-governmental organization or institution serviced by, or having an interest in, the Foreign Service;

(2) Not be employed in the Federal Service; and

(3) Have some overseas experience.

The Chairperson of the Selection Boards shall be the senior-level BBG career employee.

In determining the composition of the Selection Boards, the Agency will seek to insure that there is a substantial representation of women and members of minority groups.

All Selection Board members shall be approved by the Director of IBB (in consultation, as applicable, with the Directors of VOA and Engineering and Technical Services) and names of proposed Selection Board members shall be provided to the exclusive representative, if any, for comment.

c. Specific composition of each Board Panel is provided for in the Agreements for the Establishment and Composition of Selection Boards at Exhibit 460B (for Class 1 and below) and Exhibit 460E (for Senior Foreign Service).

#### 462.5 Basis for Selection Board Review

a. Each Selection Board panel will base its decisions only on the performance file, which includes the Professional Experience Profile maintained on each specialist. Recommendations and rankings by Selection Boards shall be based on records of ability, conduct, quality of work, industry, experience, dependability, usefulness, and general performance of members of the Service. The performance file may also include commendations, reports of language test scores, awards, reprimands, and other disciplinary actions.

b. Overseas Service Requirement - Overseas service means serving overseas in a regular assignment. It does not include travel normally associated with domestic assignments such as inspection or Director trips.

#### 463 Senior Foreign Service (SFS) Selection Board

463.1 Coverage - This section applies to career members of the Senior Foreign Service (SFS) and to Class 1 employees. The SFS is comprised of three classes: Career Minister (CM), Minister-Counselor (MC), and Counselor (OC).

463.2 Policy - The following policies, subject to the provisions of the Foreign Service Promotion Safeguards Agreement (Exhibit 460A), apply specifically to promotion into and within the Senior Foreign Service.

a. SFS Specialists will be reviewed by the Senior Foreign Service Selection Board. Specialists in Class 1 will be reviewed for promotion into the SFS by the annual Specialist Selection Board.

b. BBG will nominate to the President those career members of the SFS who should be promoted to a higher class and those career members of the Service who should be promoted into the SFS. BBG's nominations will be in accordance with the recommendations of the annual Selection Board.

c. Career members of the Foreign Service shall be promoted into the SFS by appointment of the President, by and with the consent of the Senate, to the class of Counselor.

### 463.3 Specialist Selection Board Panels

The Specialist Selection Board Panels will consider for promotion into the Senior Foreign Service all Class 1 specialists. Promotion opportunities to the Counselor level for specialists are extremely limited and may not exist in some years in certain specialty categories. However, only specialists who have applied for entry into the SFS may be promoted into the SFS. Those specialists who have not applied will be removed from the rank-order promotion list.

### 463.4 Limited Career Extensions (LCEs) (See also BAM 5-B 742.3)

a. Prior to the convening of the Selection Board, BBG will determine the number of LCEs to be authorized in the Specialist categories by specialty. The determination will be made in conjunction with the determination of annual promotion opportunities based on the need for expertise and experience in the Service and the need to provide a regular and predictable flow of talent through the ranks.

b. LCEs are distributed in accordance with the rank-ordered recommendations of the Selection Board Panels. The Panels will make their recommendations in accordance with the Precepts governing the Boards. Names may be removed from a Board LCE rank-order list only under the conditions and procedures established regarding removal of names from promotion lists.

c. Criteria for Board Review - (See BAM 5-B 742.3)

d. Notwithstanding Time-In-Class, Time-in-Service, and LCE limits otherwise applicable, career members who have reached the mandatory retirement age of 65 will be retired in accordance with the provisions of the Foreign Service Act of 1980 and BBG regulations.

### 463.5 Effecting Promotions of Senior Foreign Service Members

a. The effective date of appointment for Senior Foreign Service members promoted into a higher class and for Class 1 officers promoted into the Senior Foreign Service at the Counselor class is the beginning of the first pay period following confirmation by the Senate and attestation of the nominations list by the President, unless the President specifies another date.

b. If the President's nomination occurs during a recess of the Senate, the Foreign Service Officer receives the basic pay rate of the class to which nominated from the date of the President's nomination to the end of the next session.

(1) If the Senate rejects or fails to act on the appointment, the officer, unless he/she has become liable to selection-out, is automatically reinstated to the class from which nominated at the basic pay the officer was receiving prior to the nomination.

(2) Simultaneously, an action will be processed reflecting any basic pay increases to which the officer would otherwise have been entitled, provided that the officer's performance has met the required standard of the class.

(3) Such reinstatement is effective from the date of the rejection of the nomination, or, in the event of failure of the Senate to act on the nomination during the session following the officer's nomination, from the termination of that session.

#### 464 Senior Foreign Service Performance Pay

464.1 Coverage - This section applies to members of the Senior Foreign Service in the class of Counselor, who serve under career appointments, Limited Career Extensions, Senior Career Candidate appointments, or limited appointments with re-employment rights under Section 310 of the Foreign Service Act of 1980 as career appointees in the Senior Executive Service. By law, members who served on Presidential appointments are not eligible while serving on the Presidential appointment.

#### 464.2 Authority

a. Section 405 of the Foreign Service Act of 1980 authorizes the award of performance pay to members of the Senior Foreign Service. It also authorizes the Secretary of State to recommend to the President, on the basis of recommendations of an Inter-Agency Selection Board, those members who merit Presidential Rank Awards for distinguished or meritorious service.

b. Sections 602 and 2103 of the Act also provide for eligibility, competition, and award of performance pay.

c. PL 97-377 sets the ceiling on the number of awards and a basic pay ceiling on individual awards.

d. The Precepts for the Senior Foreign Service Selection Board describe the Selection Board's responsibility for recommending Senior Foreign Service Members for Agency performance awards.

e. The provisions of agreements between the exclusive employee representative, and BBG are contained in each year's issuance, detailing the precepts for SFS performance pay, and are supplemented by the provisions of this Section.

f. Agency Performance Award and Presidential Rank Award determinations will be made in accordance with the provisions of BAM 5-B 237.2.

#### 464.3 Types of Awards - Performance Pay includes two types of awards:

a. Agency Performance Awards are conferred on the basis of performance during the most recent rating period. These individual performance awards may not exceed 20% of basic pay and are subject to the limits on total number of awards established by law or the Office of Personnel Management regarding performance bonuses for members of the Senior Executive Service.

b. Presidential Rank Awards are conferred on the basis of recommendations by an Inter-Agency

Selection Board to the Secretary of State reviewing SFS members nominated by the Foreign Affairs Agencies. By law, the Secretary of State submits the final recommendations to the President for action. Presidential awards consist of the Distinguished Service Award for sustained extraordinary accomplishment, which carries a payment of 35% of base pay; and the Meritorious Service Award for sustained superior accomplishment, which carries a cash stipend of up to 20% of base pay.

464.4 Eligibility for Awards - To be eligible for Performance Pay, an SFS career officer or career candidate must have been:

- a. Evaluated for a minimum period of 120 days or more during the most recent rating cycle;
- b. A member of the SFS at the end of the most recent rating cycle; and
- c. Evaluated on the Officer Evaluation Report Form, IBB-1191, in compliance with BAM 5-B 454.2.
- d. Those who served on a Presidential appointment during the rating year are not eligible for Performance Pay.

464.5 Performance Pay Criteria

- a. Recommendations for Performance Pay awards shall be based on the following criteria:
  - (1) The relative value of the member's achievement to the accomplishment of the Department's mission;
  - (2) The degree of difficulty inherent in successful achievement by the member;
  - (3) The extent to which achievement was characterized by strong executive leadership and significant contributions in the formulation of agency policies and programming;
  - (4) Effective supervision and development of subordinates;
  - (5) Participation in outreach or "community service" activities that contribute to employee welfare and strengthen the Department as an institution, such as recruiting (e.g., duty on the Board of Examiners or as Diplomat in Residence), mentoring, and Selection Board work;
  - (6) Evidence that an employee actively promotes leadership and management training at the organizational unit level. Enhances that training and applies the principles of leadership and management training of foster organizational improvement;
  - (7) The extent of demonstrated highly developed functional, foreign language, and area expertise;

(8) Achievements in the areas of cost reduction, efficiency, quality of work, productivity, and timeliness to the end of improving Foreign Service managerial flexibility and effectiveness;

(9) Meeting affirmative action goals and achievements of equal opportunity requirements;

(10) Achievements in the identification, correction, and control of waste, fraud, and mismanagement; and

(11) Evidence of effective performance management and evaluation as demonstrated by timely submission of employee evaluation reports.

Failure to manage classified material and information properly should be regarded as a serious impediment to the recommendation of performance pay.

b. Members considered for nomination for Presidential Rank Awards, in addition to being judged by the criteria above, must have consistently demonstrated sustained accomplishment at a superior or extraordinary level as a member of the Senior Foreign Service, or in equivalent grades, for at least three annual rating cycles, as well as exhibiting qualities of integrity and creativity, and have maintained a high degree of public trust. Evidence of significant sustained accomplishment may be found in:

(1) Significant contributions to the national interest in the field of foreign affairs including public diplomacy and international trade and development; or, for SFS members on detail, in areas of foreign or domestic policy;

(2) Managerial accomplishments in cooperative efforts with other foreign affairs agencies, with other Federal agencies, other U.S. Government entities, and/or with the private sector; and/or

(3) Achievements of agency wide importance in policy, technical, program, and/or human or material resource terms.

#### 464.6 Performance Pay Procedures

a. Policy - The Director, Office of Human Resources, will ask the Annual SFS Selection Board to review the performance of each candidate eligible for agency performance awards and Presidential Rank Awards and, on the basis of the evaluation material in the performance files, rank order those whom it deems deserving of performance pay awards prior to making any other determination.

b. Determination of Number of Performance Awards - BBG will determine the number of awards to be authorized within the limits prescribed by law before the Senior Foreign Service Selection Board meets and the numbers will be placed in escrow. Upon receipt of the Selection Board's recommendations, BBG will determine the amount of the awards in accordance with the tercile charts included in BAM 5-B 237.

c. Basis for Selection Board Review - See paragraphs 462.3 and 462.4 above.

d. Submission of Board's Findings and Recommendations - Each Panel's findings will be forwarded to the Director, Office of Human Resources, under a transmittal letter signed by Panel Members. The Panel's report will include rank-order lists of all Members recommended for performance pay awards.

#### 464.7 Effecting Performance Pay

a. The envelope containing number of awards will be opened in the presence of the Director, OHR, and the Exclusive Representative. The Director, OHR, will forward the Panel's findings to the BBG once he/she has annotated the findings to indicate the number of performance pay opportunities. The full number of awards authorized will be paid subject to any applicable statutory limits. Names may be removed from a Panel performance pay rank-order list only under the conditions and procedures established regarding removal of names from promotion lists (see paragraph 461.9 above).

b. BBG will, at the earliest administratively feasible date following its receipt of the Panel's findings, pay the Agency performance awards and publish the alphabetical list of award recipients in accordance with the Panel's findings.

#### 464.8 SFS Selection Board Procedure for Presidential Rank Awards

a. The Annual SFS Selection Board Panel will recommend which Senior Foreign Service Members should be nominated for Presidential Rank awards after they have completed their deliberations on nominations for Agency performance awards. The Director, OHR, will advise the panel in advance of their deliberations of the number of nominations they may make by class.

b. The Panels will review the records of all eligible SFS members together as directed above in paragraph 464.5, and recommend which Senior Foreign Service Members should be considered for Presidential Rank Awards.

c. Panels will prepare a statement of justification to support their recommendations.

#### 464.9 Payment of Presidential Rank Awards

Presidential Rank Awards will be paid to all recipients named by the President in the amounts indicated as soon as feasible, subject to the applicable legal limitations.

#### 465 Foreign Service Specialist Selection Boards

##### 465.1 Coverage

a. This applies to career members of the Foreign Service and Career Candidates in Class 1 through Class 4.



b. This does not apply to Specialists at Classes 5 and below, who are administratively promoted in accordance with BAM 5-B 466.

465.2 Policy - The following policies apply specifically to the promotion of employees covered by BAM 5-B 465 and supplement the general policies in BAM 5-B 461 and 462.

a. Members of the Foreign Service covered by this paragraph will be promoted by approval of the Director of the International Broadcasting Bureau, in accordance with the recommendations and rankings of annual Selection Boards, to a higher class in the Foreign Service Schedule.

b. Career members in Classes 2 through 4, will be considered for promotion by functional specialty and class by the selection boards.

c. Career members of Class 1 will be considered for promotion with other Specialists in their class and specialty by the selection boards in accordance with the precepts, which have been negotiated with the exclusive representative.

d. Promotion into the SFS will be on the basis of merit and the needs of the Service. The precepts will emphasize performance which demonstrates the executive leadership qualities, strong policy formulation capabilities, and highly developed functional and area expertise, which are required by the Senior Foreign Service.

#### 465.3 Promotion Procedures

##### a. Preparing Promotion Lists

Subject to the provisions of the Foreign Service Promotion Safeguards Agreement (Exhibit 460A):

(1) The Director of IBB, in consultation, as applicable, with the Directors of VOA or Engineering and Technical Services, will determine the number of promotion opportunities for each class and specialty category before the Selection Boards convene. A list of opportunities for each Board will be placed in escrow in a repository agreed on by International Broadcasting Bureau and the exclusive representative until after the Selection Boards have completed their deliberations.

(2) Following submission of all the Selection Board Panels' rank-order lists for promotion of Specialists, the list of the predetermined numbers of promotions shall be retrieved. Employees to be promoted will be taken from the rank-order lists, in order, beginning with the highest ranking and continuing until the limit of promotion opportunities is reached.

(3) The Director, Office of Human Resources, will exclude from the promotion list any employee falling within the criteria of paragraph 461.8 above.

b. Approval of the Promotion List - The Director, Office of Human Resources, sends the final

list of Foreign Service promotions for Specialists to the Director of the International Broadcasting Bureau for approval.

#### 465.4 Effective Date of Promotions

The effective date of promotions is the beginning of the first pay period following approval by the Director.

#### 465.5 Notice of Promotion Action

Officers whose names appear on the promotion list are informed by announcement as soon as the Director approves the list.

#### 466 Administrative Promotion of Foreign Service Specialists Based on Satisfactory Performance

466.1 Policy - Career Candidates and career members of the Foreign Service will be promoted administratively by the Director, Office of Human Resources, up to the Class 4 level if their overall performance is at the 'satisfactory to excellent' or higher level and thus demonstrates possession of the skills required at the higher-class level. (A list of these skills is included in Exhibit 460C - Precepts for the Annual Foreign Service Specialist Selection Board (Class 1 and Below)).

466.2 Consideration for Promotion - The Director, Office of Human Resources, will consider specialists in Class 5 for promotion to Class 4 following completion of 18 months in class in his/her current specialty. Specialists recommended for promotion will be promoted effective the beginning of the first pay period following completion of the required time in class.

#### 466.3 Procedures

a. At the time the specialist completes 16 months in class in his/her current specialty as an FP-05, the Office of Human Resources will inform the specialist's supervisor of the specialist's eligibility for promotion and will inquire whether the specialist's current performance meets the criteria set forth in paragraph 466.1 above.

- (1) The supervisor will reply in writing (by e-mail or other means if overseas).
- (2) The supervisor's recommendation shall be forwarded through the appropriate Office Director for his or her concurrence.
- (3) The supervisor must state the reasons that justify a recommendation that the specialist not be promoted.
- (4) The specialist has the option of commenting on the reply giving his or her view of the recommendation and may grieve in accordance with the provisions of 3 FAM 4400.

b. On the basis of the supervisor's recommendation, and any pertinent evaluative material (such as Officer Evaluation Reports or training reports) covering earlier periods while in present class, the Director, Office of Human Resources, will either:

(1) Initiate a personnel action to promote the specialist; or

(2) Deny the promotion. The Director, Office of Human Resources, will notify the specialist that the promotion has been denied.

(a) The specialist will be advised that his or her performance will be monitored for improvement over a period of six months, after which time the specialist will again be considered for promotion.

(b) If the specialist becomes eligible for a within-class increase during the six-month period, the Director, Office of Human Resources, shall direct that the increase be denied if overall performance is below the "uniformly satisfactory" level. An unsatisfactory rating at the completion of this six-month period may lead to separation of the specialist (see BAM 5-B 745).

(c) The administrative promotion of any otherwise eligible specialist under the provisions of this section who is subject to investigation or proceedings involving loyalty, security, misconduct, or malfeasance will be delayed until the Director, Office of Human Resources, has determined that the reason for the investigation or proceeding has been favorably resolved.

(d) Specialists administratively promoted to Class 4 will be eligible for consideration for promotion to Class 3 by the first Annual Foreign Service Specialist Selection Board to meet after they have been in Class 4 for one year.

## EXHIBIT 460A

### Foreign Service Specialist Selection Board Safeguard Agreement (Class 1 and Below)

In order to maintain a high degree of confidence in the integrity of the Selection Board process, the International Broadcasting Bureau and the American Foreign Service Association (AFSA) set forth their agreement on the following provisions concerning the Selection Board process:

(1) Selection Boards will submit:

- (a) rank order lists of officers recommended for promotion, limited career extensions, and performance pay;
  - (b) alphabetical lists of officers not recommended for promotion, limited career extensions, and performance pay;
  - (c) alphabetical lists of officers identified as having failed to maintain the standards of their class and relative performance; and;
  - (d) alphabetical lists of officers whose next within-class increase should be denied.
  - (e) memoranda informing officers that their performance is perceived as marginal.
  - (f) letters of low ranking.
  - (g) deficiencies in the officers file.
  - (h) recommendations on the training any member reviewed.
  - (i) recommendations concerning policies and procedures for subsequent Boards and improvements to the performance evaluation system, except that if a Board has no recommendations to make, it shall so state.
  - (j) a list of rating and reviewing officers who merit commendation or criticism for the quality of the evaluation reports they prepared in the most recent rating period or, if there is none, then a statement that no rating or reviewing officer merited commendation or criticism. In each case where an officer is criticized, the Board shall prepare a written statement citing deficiencies.
- (2) Except as provided in paragraph (5), below, after a Selection Board has submitted a rank-order list to the Director, Office of Human Resources (OHR), no alteration shall be made in the order of the names on the list and, without the consent of the individual concerned, no names falling within the promotion zone or names falling within the LCE zone shall be excluded from the promotion or LCE list except for one of the following reasons: death, retirement, or resignation or separation from the Service. Promotion of persons whose names fall within the promotion zone will be deferred if they have:

- (a) a promotion limitation due to lack of language proficiency or
- (b) been referred to the Office of Security, the Office of the Inspector General, or the OHR Director on the grounds that the individual is the subject of investigation or proceedings involving loyalty, security, suitability, misconduct, or malfeasance. Promotion of these officers will be processed in accordance with published Agency promotion regulations.

No name will be removed from the performance pay list because of death or retirement after the end of the rating period.

In each such case any employee still in the Service whose name has been excluded or deferred shall be officially notified in writing of the particulars. The Agency shall notify AFSA of the numbers (but not names) of individuals excluded and the reasons for such exclusions. Such information shall be held in complete confidence.

(3) Except as provided herein, no person whose name was rank-ordered by the Selection Board but whose name did not fall within the promotion zone shall have his/her name placed on a promotion list. The names of persons falling into the following categories may be placed on a promotion list:

- (a) any person recommended for promotion by the Director in accordance with a recommendation of the Foreign Service Grievance Board, or by an equal employment opportunity appeals examiner; or
- (b) any person whose name had previously been deferred in accordance with paragraph (2) of the agreement and the reason for that deferral has ceased to exist; or
- (c) any person who is the next highest individual on the rank-order list and therefore moves into the promotion zone as the result of the proper exclusion from the promotion list of another name from within the zone in accordance with paragraph (2) of this agreement.

The Agency will notify AFSA of the numbers of individuals placed on a promotion list in accordance with each of the exceptions, and the rationale for each addition.

(4) The Agency shall predetermine the numbers of promotion opportunities by class and specialty and predetermine the numbers of limited career extensions by class and specialty. A memorandum setting forth these predetermined numbers shall be placed in an envelope by the OHR Foreign Service Personnel Officer for the Selection Boards.

Upon the convening of the Selection Boards, the envelope containing the predetermined numbers applicable to the officers concerned shall be sealed by the Agency and signed by a representative of each party. Each sealed and signed envelope shall be deposited in a locked safe in the custody of the OHR Director. After each Selection Board Panel has submitted their respective list of recommended promotions, the Panel may - upon request and in the presence of an AFSA representative - be advised of the number of promotion opportunities.

Following submission of all the Selection Board rank-order lists, the envelope containing the predetermined numbers applicable to the officers on the list shall be retrieved in the joint presence of AFSA and Agency representatives who shall proceed to inspect the memorandum setting forth the predetermined numbers. The parties recognize that changes of circumstances may dictate changes in these numbers. In the case of any discrepancy between the predetermined numbers and the final number of promotions in any class, the OHR Director shall provide AFSA with a briefing which fully explains the discrepancy and the number of officers affected before the promotion lists are made public. Both parties agree on the need to treat with appropriate discretion matters of a sensitive nature which may be disclosed during the briefing.

(5) The OHR Director may accept the rank-order lists of the Selection Boards or return them for review if he or she questions adherence of any Board to established Agency procedures or conformity of any list to the Precepts. In each such case, the OHR Director shall give the Selection Board chairperson his or her written reasons for returning the rank-order lists and shall provide, in confidence, a copy of his or her statement of reasons to AFSA.

(6) In the event that members of Selection Boards have reason to question whether the above provisions have been followed, they should address their inquiry in writing to the OHR Director. A copy of the inquiry and the reply shall be provided to AFSA in confidence.

(7) Either party may publish the contents of this agreement.

(8) An individual's grievance concerning the application or interpretation of the Agency's practices, policies, or regulations based on this agreement may be resolved by the filing of a grievance under the Foreign Service Grievance Procedure.

## EXHIBIT 460B

### Agreement for the Establishment and Composition of Selection Boards (Class 1 and Below)

#### SECTION I

In recognition of the fact that the Selection Board process involves personnel policies and procedures of vital importance to both the Agency and the officers in the Foreign Service, it is agreed that the following procedures shall be adopted by the Agency with respect to the establishment of its Foreign Service Specialist Boards.

a. Except under extraordinary circumstances, the Agency shall submit to AFSA a copy of the proposed precepts not less than ninety (90) days before the Selection Board is scheduled to convene. In the event that extraordinary circumstances preclude a timely submission to AFSA, the Agency shall make such submission to AFSA together with a detailed explanation of the circumstances that precluded their timely submission. The Agency and AFSA shall consult promptly on such proposed precepts.

b. The Agency shall make every reasonable effort to submit to AFSA, as early as practicable, but generally not less than sixty (60) days before the Selection Board is to convene, a list of all potential Foreign Service and public sector candidates for membership thereon. If this is not possible, the Agency will indicate to AFSA the reasons for the delay. The list presented by the Agency shall be held in confidence by AFSA, but it is understood that AFSA is free to make discreet inquiries with respect to individuals whose names appear on the list.

c. AFSA, within thirty (30) days of its receipt of the list referred to in subparagraph (b), shall submit to the Agency, in writing and in confidence, any views and comments on the potential Selection Board candidates. Such views and comments may include AFSA's judgment as to which Selection Board Panel a proposed candidate may qualify for assignment. Management shall take into account and hold confidential such views expressed by AFSA when determining actual membership of such Panels. If, however, AFSA should comment adversely on a candidate from another agency, the Agency may send a copy of AFSA's comments to the management of that agency. The final decision with respect to the membership of the Board rests with the Agency.

d. The obligation of confidentiality imposed on the Agency and AFSA by this agreement shall terminate upon the publication of the designated names of the Board members by the Agency.

#### SECTION II

With respect to the composition of the Foreign Service Specialist Selection Board organized to review Specialists for promotion, the Agency and AFSA agree to the following:

a. Each Selection Board Panel (Classes 1 and below) shall be composed of three members: (1) a career member of the Agency's Foreign Service who is familiar with the work of the specialties

involved and who serves at a class above the highest class of the officers to be reviewed by the Panel\*; (2) a career member of the Agency's Civil Service or Senior Executive Service who is familiar with the work of the specialties involved and who serves at a grade or SES level equivalent to a class above that of the officers to be reviewed by the Panel; and (3) a public member.

\*The Agency will make best efforts to ensure that a qualified member of the Foreign Service is available for a Panel. However, if no qualified career member of the Agency's Foreign Service is available for service on a Panel, the Agency will substitute a qualified career member of its Civil Service or Senior Executive Service for that Panel, provided that the Agency notifies AFSA of the need for such a substitution at least one month prior to the convening of the Panel and AFSA is allowed to review the proposed panel member in accordance with paragraph c of Section I, above.

b. The Panels are configured as follows:

Panel	Occupational Code	Functional Specialty
Panel A	330	VOA News Foreign Correspondents
Panel B-1	505	Radio Engineers (Technical)
Panel B-2	512	Facility Supervisors

The Chairperson of each Panel shall be appointed by the Director of the International Broadcasting Bureau in consultation, as applicable, with the VOA Director or the Director of Engineering and Technical Services.

c. In determining the composition of the Selection Board, the Agency will seek to ensure that, within the scope of discretion accorded to it in this agreement, there is substantial representation of women and members of minority groups.



## EXHIBIT 460C

### Precepts for the Foreign Service Specialist Selection Boards (Class 1 and Below)

#### PART I

##### A. Statement of Purpose

Precepts set forth the rules guiding the Selection Board for Foreign Service Specialists (Classes 1 and below) in identifying employees qualified for promotion, ranking them by their relative merit, performance awards, limited career extensions as well as identifying those subject to separation proceedings for unsatisfactory or non-competitive performance.

Precepts are also policy statements of what constitutes positive and desirable performance by members of the Foreign Service and should serve as a guide in establishing annual work goals or, on the negative side, what is considered unacceptable performance. Specialists and their rating officers should, therefore, be familiar with the Precepts. The performance criteria can be used as general guidance for discussions on the performance of their duties and the development of their careers.

#### OATH OF OFFICE FOR MEMBERS OF BOARDS

"I \_\_\_\_\_, do solemnly swear (or affirm) that I will, without prejudice or partiality, perform faithfully and to the best of my ability the duties imposed on me as a member of a Selection Board; that I will preserve the confidential character of the personnel records used by the Board; that I will adhere to the instructions in the Precepts; and that I will not reveal to any unauthorized person information concerning the deliberations, findings, and recommendations of the Board."

##### B. Coverage and Eligibility

Except as indicated below, the Selection Board will review the performance of career and career candidate members of the Foreign Service Specialists in Classes 1 and below.

1. The Selection Board will not consider specialists who, at the time the Board convenes, have received a definitive notice of separation. In addition, the Board will not consider specialists whose effective date of retirement, resignation, or separation occurs during the time the Board is in session. (Those whose effective date of retirement, resignation, or separation occurs following the Board's adjournment will be considered.)
2. The OHR Director will exclude from any resulting promotion list the name of any specialist pending separation or any officer under investigation or proceedings involving loyalty, security, misconduct, or malfeasance.

## C. Scope and Organization

1. The Board will consider Career members of the Foreign Service at the Class FP-01 level for promotion into the Senior Foreign Service (SFS). Promotion into the SFS is the highest class attainable by a specialist. Promotion should be recommended only for those specialists who possess strong policy formulation capabilities, outstanding executive leadership qualities, ability, and personal characteristics for service in key executive and policy positions.
2. The Board will identify those Foreign Service specialists with limited or career tenure in classes FP-1 through FP-4 who should be promoted to the next higher class based on their performance by class and specialty.

## PART II - General Directives

### A. Major Responsibilities

1. To identify and rank-order specialists who, by their demonstrated performance and evidence of potential at higher levels of responsibility in their functional specialty, merit recommendation for promotion into the Senior Foreign Service or to the next higher class within their functional specialty.
2. To identify specialists with limited career tenure who, by their demonstrated performance and potential, merit recommendation for career status.
3. To identify specialists who, on the basis of performance growth potential, have failed to meet the standard of their class and specialty, and should be selected-out or separated or whose limited appointment should be terminated. A statement must be prepared for each officer explaining why the officer has been so identified.
4. To identify specialists whose performance during last evaluation report period warrants denial of next within-class salary increase or a letter of low ranking.
5. To make recommendations for improvement of the Agency's policies and procedures for performance evaluations and Selection Board operations.
6. To make recommendations for Limited Career Extensions within the limits set by management. See Addendum A for specific background and procedures.

### B. Factors to be Considered

#### 1. General

- a. The two most important factors to be considered by the Board in rank-ordering specialists are performance and potential. (For guidance see pertinent factors in B. 2 and 3.)

b. In evaluating the records of specialists, the Board should place emphasis on the most recent reports of performance. For this purpose, the OHR Foreign Service Personnel Officer will provide the Panels with evaluation reports for the preceding five years and explanation of any gaps.

c. IBB encourages and seeks candid and constructive criticism in evaluation reports. Such criticism should be weighed carefully by the Board against the specialist's overall performance and efforts to improve on the areas in question and should not automatically preclude the Board from recommending an officer for promotion.

Unfavorable comments by only one Rating or Reviewing Officer sharply at variance with those of other Rating and Reviewing Officers should not be given undue weight.

## 2. Performance

In considering performance, emphasis should be placed on:

a. The extent to which the specialist has developed and maintained the skills required of the specialty (see addendum B for specific skills and abilities);

b. The extent to which the specialist has achieved the Agency's strategic goals and performance objectives;

c. The documented evidence of innovative and/or creative ideas that have served or can reasonably be expected to serve the national interest;

d. The documented and/or demonstrated evidence of supervisory, resource management, programmatic creativity or other administrative abilities and potential for executive leadership, if applicable; and

e. Demonstrated ability to contribute to efforts of the work team and to understand the importance of advancing post/mission goals.

f. The extent to which the specialist has developed and maintained the skills required of the specialty (see addendum B for specific skills and abilities). However, weight should be given to performance outside the primary specialist category since these assignments serve the interests of the Agency as well as the broad development interests of the member.

g. The extent to which an individual has demonstrated the experience and capability to perform the duties and responsibilities required at a higher class.

## 3. Potential

In evaluating potential, positive weight should be given to documented, sustained high-level performance in a position recognizably more complex or demanding than that to which a specialist of this level would usually be assigned. The Board should also consider the specialist's

overall experience in the specialty; as it, together with performance, indicates the ability to perform higher-level responsibilities.

#### 4. Training

The selection of a specialist for training represents an investment in the future of the Service and constitutes an endorsement of the specialist's potential for development. The Board should ensure that specialists in extended training are given the same consideration as specialists elsewhere. Outstanding performance in long-term training assignments should be considered equal to outstanding performance in any other position. Independent efforts at cultural and professional self-improvement, particularly on the specialist's own time, also should be given special consideration when there is a direct and documented relationship to BBG activities.

#### 5. Seniority in Class

While overall experience should be considered, the length of time a specialist has been in the same or comparable class should not be either a positive or a negative factor in recommending promotion.

#### 6. Language Proficiency

The Board should give positive weight to specialists who have improved, independently, their competence in any language, but give additional positive weight to those who improved their competence in languages that are relevant to their specialty or assignment.

#### 7. Assignment to Other Agencies

In order to broaden specialists' experience, the Agency has sought to make assignments to private institutions and other agencies and departments. Such assignments are considered as a normal phase in career development. Performance of specialists on such assignments should be evaluated on the same basis as that of specialists on assignments to Agency positions.

#### 8. Short-Term Assignments

The fact that a specialist has had a series of short-term assignments during the rating period is generally the result of Agency need, not a reflection of the specialist's skills. Performance effectiveness during these assignments must be evaluated on the same basis as if a specialist had been assigned to a single position.

#### 9. Leave Without Pay

When Agency staffing needs permit, and tour of duty requirements are satisfied, specialists may be granted leave without pay (LWOP) to broaden their skills through academic programs, temporary activities in the private sector, or through other activities which are relevant to IBB requirements. Specialists who are on or have been on LWOP for such pursuits should be given due consideration by the Board.

## 10. Absence

A specialist's authorized absences for extended periods due to illness, military service, or similar reasons should not be a negative factor in the considerations of the Board. The Board should focus on evaluations for those periods when the specialist was on duty as well as any evaluative material on activities during off-duty periods that seem relevant to a specialist's performance and growth potential. Specialists are encouraged to submit concise statements on relevant experience. Boards are advised that the Uniformed Services Employment and Reemployment Rights Act provides that members called to military service are entitled to "the additional seniority and rights and benefits that such person would have attained if the person had remained continuously employed" at the Agency. In light of this mandate, Boards are instructed to weigh carefully and consider military evaluation reports and award nominations provided by a member in connection with the period of time during which such member was on active military duty. In this regard, Boards should review carefully any statement submitted by a member concerning the relevance of their military service to their work in the Foreign Service.

## 11. Delinquent Reports

Some specialist's files may contain memoranda indicating that a specialist is responsible for one or more delinquent OERs prepared on subordinates. If the specialist has submitted an explanation for the delinquency, which should be attached to the memorandum, the Board must evaluate the explanation and determine the appropriate weight to be given the delinquency. If the Board is persuaded by the explanation that the delinquency was unavoidable (such as serious illness on the part of the Rating/Reviewing Officer or other extenuating circumstances clearly outside the specialist's control), the Panel should not allow the delinquency to prejudice the specialist's ranking. However, should the Board find the explanation unsatisfactory, this finding must be considered adversely in evaluating the specialist's managerial ability and fulfillment of his/her supervisory responsibilities.

## 12. Policy Dissent

While Foreign Service employees are expected to support U.S. policy publicly, the Agency encourages willingness to express and rationally defend views internally that differ from current policies and programs. Officers are entirely free to submit dissenting views on policy questions without fear of reprisal or other penalty by Agency officials. Selection Board Panels should give positive weight to officers who constructively state their dissent.

## 13. Equality of Consideration

The Board will evaluate all officers equitably, solely on the basis of relative merit. In particular, they will not advantage or disadvantage any officer, directly or indirectly, for reasons of: race, color, religion, sex, age, or national origin; marital status or marital plans; physical handicap; means of entry into the Foreign Service; political affiliation, membership in or activity in behalf of any labor organizations or other lawful employee organization; or initiation of or participation in grievance or EEO procedures.

While not required by Civil Rights Statutes, the Agency is committed to treating employees equally, without regard to marital status, political affiliation, sexual orientation, or other factors that do not affect performance or efficiency. Personal qualities should be considered only to the extent to which they affect a specialist's performance or potential.

The Board should also discount any apparent bias or unfairness, either conscious or unconscious, including stereotypes, group assumptions, and sexist or ethnic comments. Members will ignore any "inadmissible" information or exercise their authority to bring to the attention of the OHR Director or OHR Foreign Service Personnel Officer "inadmissible comments" for the purpose of having the comments removed. The complete list of "inadmissible comments" in BAM 5-B 454.5 will be provided to the Board.

The Board should report to the OHR Director or the OHR Foreign Service Personnel Officer for appropriate action, evidence that any of the above factors have influenced an Officer's performance evaluation.

The OHR Director or OHR Foreign Service Personnel Officer will advise the exclusive representative concerning the number of such cases, the nature of the irregularity and the action taken to correct the record; advise the officers concerned; and admonish the responsible parties.

### C. Non-Germane Considerations

Some information that appears in OERs or may be deduced should not be taken into consideration:

#### 1. Position Grade

The Board should discount the grade of the position that an officer occupied during a particular rating period or whether the position is permanent, temporary, complement, over-complement, etc. Rather, the Board should assess the difficulty of an officer's position based on the statement of Work Requirements and the narrative descriptions of performance in the OER.

#### 2. Seniority in Class

The Agency sets minimum periods of time-in-class before officers are eligible for promotion. Beyond that, the Board should base its decisions on officers' performance records, and whether the officer has clearly demonstrated the required skills and abilities for their specialty and effectiveness over a sufficient period of time to demonstrate these qualities and characteristics of the officer, and not draw any conclusions from how long they have been in their current class.

#### 3. Personal Factors

Medical problems, personal qualities, and physical characteristics should not be considered unless they clearly affect performance or potential. Please refer to BAM 5-B 454.5 for a complete listing of inadmissible comments.

#### D. Briefing Material and Documents for Evaluating Performance

1. Staff from the Office of Human Resources (OHR) will brief the Board on procedures. The exclusive representative will be invited to attend this general briefing. Questions on the Selection Board's work should be addressed only to the OHR Director or the OHR Foreign Service Personnel Officer, who will coordinate responses.
2. Each Board member will be provided with a briefing book containing:
  - a. A set of these Precepts;
  - b. Each officer's performance file;
  - c. Instructions for preparation of the Officer Evaluation Report (OER) form;
  - d. A copy of relevant segments of the Foreign Service Act of 1980 and related regulations covering the performance evaluation and promotion system (BAM 5-B 450 and 460); and
  - e. A list by class and specialty of all specialists to be reviewed by the Board.
3. As deemed appropriate by the OHR Director, individual panels may be briefed on the specific nature of individual specialties; related Agency organizations, operations, and goals; the technical, managerial, or administrative demands of the various positions involved; and similar relevant facts. The briefing in no way will discuss the performance of any specialist.
4. Each Board panel will base its decisions only on the performance file (which includes the Professional Experience Profile maintained on each specialist, and may include military evaluation reports received during periods of time the officer was on active duty).
5. Board members will not seek or receive any information pertaining to the health, security suitability, assignability, or reputation of a specialist under consideration, or any written material not part of the Performance File.
6. Board members are not authorized to bring additional information on specialists under review to the attention of Board members.
7. It is imperative that Board members heed their oath of office and adhere to the instructions contained in the Precepts. Failure to observe these requirements may result in disciplinary action or the penalties of the Privacy Act. In addition, Board members should report to the OHR Director or OHR Foreign Service Personnel Officer any attempt to provide them with information other than that authorized by these Precepts.

#### E. Recommendation for Career Status

1. A decision by a Selection Board Panel to recommend an officer for career status should be determined by:

- a. The extent to which the specialist has clearly developed and maintained the skills required of the specialty (see attached skills and abilities lists by specialty);
- b. Whether the specialist's oral and written communication skills are adequate to meet the needs of the specialty;
- c. Whether the specialist has demonstrated the ability to work harmoniously with superiors, peers, and subordinates in a Foreign Service environment;
- d. Whether the specialist has demonstrated tact and sensitivity in dealing with Foreign National Employees and host country nationals;
- e. The extent to which the specialist has achieved the Agency's strategic goals and performance objectives;
- f. The extent to which the specialist has demonstrated evidence of successful managerial, leadership, resource management, and programmatic creativity or accomplishments indicative of executive excellence.
- g. Whether the specialist has demonstrated evidence of supervisory and administrative abilities to promote a flexible, creative, and productive work environment for subordinate staff;
- h. The extent to which the specialist has adapted successfully to Foreign Service life and the rigors of overseas service;
- i. Whether the specialist has exhibited sensitivity to EEO concerns and fairness in dealing with people of other races, religions, etc.; and
- j. Whether the specialist has developed and demonstrated sound organizational skills and personal work habits, such as the ability to plan and organize assigned work effectively, to establish priorities and meet deadlines, to effectively manage programs, resources, and special events, and to follow up on completed tasks.

2. A Board Panel should not recommend a specialist for career status if the specialist is found to have significant deficiencies in the skills and abilities required by the specialty involved, or in one or more of the above areas, which, in the Board's view, make the specialist unsuitable for a career in the Foreign Service. The Panel may elect to defer a candidate for one year.

#### F. Failure to Meet Standards of the Class

Failure to meet the standards of the class means that an officer's performance displays significant deficiencies, which should no longer be expected, given the level to which the officer has been promoted and the number of years the officer has had to develop professional competence. The



Selection Board is required to identify specialists whose performance fails to meet the standard of their class and specialty or the standard required for the efficient conduct of the Service. (Refer to Part II, Section C.3.) These officers will be informed of the Board's conclusions so that they can take positive steps to address the shortcomings cited. In the case of serious or persistent deficiencies, the Board's conclusions may also lead to denial of basic pay adjustments or even mandatory retirement. Career specialists may be selected-out if they fail to meet the standards of their class. See BAM 5-B 743.

1. Causes for identifying a specialist include:

- a. Weakness and/or demonstrated poor motivation in developing and maintaining those skills and abilities required for the specialist's specialty;
- b. Marginal productivity in terms of established reasonable goals;
- c. Documented recurrent weakness in carrying out major assigned tasks;
- d. Professional deficiencies in terms of continuing development of required communication skills;
- e. Consistent lack of ability in dealing with people in a way that stimulates confidence and supports Agency objectives (where applicable to the specialist's specialty and assignment);
- f. Lack of knowledge and ability to explain and promote the achievements of American foreign policy (where applicable to the employee's specialty and assignment);
- g. Weakness in the development of an understanding of American society, its values and those domestic issues which contribute to the formation of American foreign policy (where applicable to the employee's specialty and assignment);
- h. Weakness in the development and maintenance of language proficiency and understanding of a foreign culture (where applicable to the employee's specialty and assignment);
- i. Failure to demonstrate effective organizational skills and personal work habits such as the ability to plan and organize assigned work effectively, to establish priorities, or to follow-up and complete tasks.
- j. Well documented recurrences in more than one assignment of situations in which the Specialist has not worked cooperatively and effectively with supervisors, colleagues, and subordinates;
- k. Difficulties in meeting job requirements; and
- l. Documented finding by the Agency of prejudiced or discriminatory conduct.

2. While potential for success at a higher level of responsibility is a vital factor in considering specialists for promotion, lack of potential is not per se sufficient grounds for finding that a specialist failed to meet the standards of the class or the standard required for the efficient conduct of the service.

#### G. Denial of Within-Class Salary Increases

Section 406 of the Foreign Service Act of 1980 provides for within-class salary increases for specialists whose services meet the standards required for the efficient conduct of the work of his or her salary class.

A decision to deny a specialist the next regular within-class salary increase will be based on the Board's decision that the specialist's services during the most recent rating period did not meet the standard required for the efficient conduct of the work of the Service.

The relative ranking assigned by a Board Panel will not determine whether a specialist should be denied the next regular within-class salary increase, but serious consideration should be given to denial of an increase when a recommendation for selection-out, separation, or termination of or denial of renewal of appointment is made.

1. Reasons for such a finding may include, but are not limited to:

- a. A low rate of productivity;
- b. Lack of initiative or resourcefulness in carrying out assigned duties;
- c. Consistently poor judgment;
- d. Serious weakness in meeting supervisory responsibilities during the most recent rating period;  
or
- e. Documented finding by the Agency of prejudiced or discriminatory conduct.

2. In any case in which a specialist is recommended for denial of a within-class salary increase, a separate statement of reasons shall be prepared by the Panel and furnished to the specialist by the Office of Human Resources, in accordance with procedures outlined in BAM 5-B 235.5.

H. Submission of Findings and Recommendations - Each of the following instructions must be completed before each Board Panel is dismissed:

1. The Panel will prepare a rank-order list by class and specialty of those specialists who, on the basis of their performance and growth potential, are recommended for promotion into the Senior Foreign Service, where applicable, or to the next higher class.

2. The Panel will prepare an alphabetical list by class and specialty of specialists with limited tenure who, on the basis of their performance and growth potential are recommended for career status.

3. The Panel will prepare an alphabetical list by class and specialty of specialists with limited tenure, who are deferred from career status for one year.

For each such specialist, the panel will prepare a written statement in support of each recommendation in sufficient substantive detail to permit the specialist and the Agency to review the specific reasons for the Panel's determination. The specialist concerned will be provided with a copy of the statement, under a cover letter from the Director of Human Resources (M/H), but neither will become a part of the specialist's performance file.

4. The Panel will prepare an alphabetical list of specialists who have failed to meet the standards of their class and specialty and whom the Panel recommends for selection-out or whose unsatisfactory performance warrants termination of appointment:

a. For each such specialist, the Panel will prepare a memorandum in sufficient substantive detail to permit the specialist and the Agency to understand the specific reasons for the, Panel's determination. The memorandum must refer to the standards established in these Precepts for the competitive evaluation of specialists and to those elements of the specialist's performance which form the basis for the Panel's determination. If the Panel found inadmissible material in the specialist's file, the memorandum should state that the material was disregarded in ranking the specialist. (The Panels have authority to bring "inadmissible comments" to the attention of the OHR Director or OHR Foreign Service Personnel Officer for removal.

b. These findings will be utilized for consideration of the retirement for relative performance of specialists with career tenure or the termination or non-renewal of appointment of those with limited tenure. The Panel's findings will be furnished to the employee concerned, but will not become a part of the employee's performance file for future Selection Boards. However, the findings will be supplied to the Foreign Service Grievance Board as appropriate.

5. Each Board Panel will prepare an alphabetical list of the remaining specialists who, on the basis of their performance and/or lack of growth potential, are not recommended for promotion to the next higher class at this time.

6. Each Board Panel will prepare a list of specialists whose overall performance during the most recent rating period is considered by the Panel to not meet the standards required for the efficient conduct of the work of the service, and who are therefore recommended for denial of their next regular within-class salary increase. The Panel will prepare a written statement in support of each recommendation in sufficient substantive detail to permit the specialist and the Agency to perceive the specific reasons for the Panel's determination. The specialist concerned will be provided with a copy of the statement, but the letter will not become a part of the specialist's performance file. The letter will become a part of the specialist's administrative file if the denial is sustained (BAM 5-B 235.5 contains procedures for denial of a within-class salary increase upon recommendation of the Panel).

7. There may be certain specialists who are not now recommended for retirement for relative performance, termination or non-renewal of appointment, or denial of within-class increase, but whose performance is considered by the Board to be marginal either individually or in relation to other members of the same class and specialty. At the Board's discretion, it may write such specialists a low ranking letter informing them that the Board perceived their performance as marginal. Such a letter must be fully documented and justified by the Board in each specialist's case and may not be based on such secondary considerations as relatively recent promotion, type or pattern of assignments, less extensively documented successful performance, or disciplinary matters that are not performance related. The low ranking letter will state that failure to improve performance could lead to the specialist's separation from the Service. A copy of each such letter will be sent to the specialist but will not become a part of the specialist's performance file.
8. If cases where a specialist's file may not be documented to the extent desired by the Board Panel, the Panel will refer to BAM 5-B 456 and Exhibit 450A for guidance and procedures concerning deficient evaluation reports.
9. Each Board Panel is requested to make specific recommendations or suggestions with respect to training or assignment regarding any employee when, in its judgment, such recommendation will improve the specialist's future utilization in the Service.
10. Each Board Panel may prepare recommendations concerning the policies and procedures for subsequent Boards, and improvements to the performance evaluation system, a copy of which will be provided to the OHR Director and to the exclusive representative.
11. Recommendations and statements prepared by the Board in accordance with subparagraphs 6, 7, and 8, will be furnished to the specialist by the OHR Foreign Service Personnel Officer.
12. Each Board's findings and recommendations will be submitted in original only to the OHR Director under cover of a transmittal letter signed by the Chairperson and members.

#### I. Approval of Findings

The OHR Director may accept each Board's findings and recommendations or, as set forth in paragraph (5) of the Promotion Safeguards Agreement, may return any or all of them for review if there are questions concerning procedures or conformance with the Precepts. In each case, the OHR Director will give the Selection Board Chairperson written reasons for returning the rank-order lists.

#### J. Adjournment of the Board

The work of each Selection Board Panel will be concluded when the Board Panel has been adjourned by the OHR Director.

## ADDENDUM A

### FOREIGN SERVICE OVERSEAS SPECIALIST SELECTION BOARD (Class 1 and Below)

#### LIMITED CAREER EXTENSIONS

##### 1. Purpose

The panels of the Foreign Service Specialist Selection Board will consider eligible specialists for Limited Career Extensions (LCEs). This addendum sets forth the procedure and criteria for identifying specialists for LCEs.

##### 2. Background and Procedures

###### a. General

The 1980 Foreign Service Act authorizes the Director of the International Broadcasting Bureau to grant Limited Career Extensions (LCEs) to career Overseas Specialists who are in the highest salary class (below Senior Foreign Service) of their respective occupational specialties or to Specialists in lower classes based on a very limited number of promotion opportunities or the staffing needs of lower classes.

The Director of IBB determines the number of LCEs to be authorized in each specialty by class. That determination is made in conjunction with the determination of annual promotion opportunities based on the need for expertise and experience in the Specialist Corps, on the one hand, and the need to provide a regular and predictable flow of talent through the ranks on the other.

LCEs are distributed in accordance with the recommendations of Selection Board Panels which shall be made as provided in these Precepts. LCEs will be three (3) years in duration during which the specialists extended will enjoy full career status including consideration for promotion and performance pay, if eligible, and the possibility of further LCEs up to mandatory retirement age.

Members in their last year of time-in-class who are not extended will be retired in accordance with the provisions of BAM 5-B 742.

###### b. Selection Board Procedures

Once each panel has completed its consideration of specialists in a competition category for promotion and possible selection out or low ranking, the OHR Foreign Service Personnel Officer will advise each panel whether any LCEs have been authorized for any of the specialties

reviewed by the panel. Panels will not be informed of the number of LCEs that have been authorized.

If LCEs have been authorized, the panel will be given the names of all career members in the specialty who are eligible but who were not recommended or did not rank high enough to be reached for promotion. The panels will review the last ten years of performance records, and professional experience profiles of all specialists by specialty and, in accordance with the criteria in paragraph “c” below, will recommend officers they deem qualified for a Limited Career Extension and rank them in order of merit.

If a Panel has recommended for Limited Career Extension an aggregate number of specialists less than the number of LCE opportunities set aside in escrow prior to the convening of the Board, the OHR Foreign Service Personnel Officer will advise the Panel that there are additional LCEs authorized. The Panel may then reopen its deliberations. Panels may be advised at this point of the number of additional LCEs authorized. The Panels may identify additional members as qualified for extension.

The Panels will rank the specialists so identified in order of merit in addition to those members previously recommended for a LCE. Panels must base such recommendations solely on the LCE criteria set forth in the Precepts without regard to the number of LCEs available.

LCEs will be granted by the Agency strictly in the rank order recommended by each Panel. Names may be removed from a Panel LCE rank-order list only under established conditions and procedures. (Refer to Part I Section B for specific details).

#### c. Criteria

In reviewing specialists for extension, the panels will apply the same performance criteria as are applicable to consideration of Specialists for promotion. However, recognizing that specialists extended generally will serve in their present class, the panels will consider primarily the quality of performance, past experience, and potential for continued successful service in the specialist’s present class.

In considering specialists for extension on a specialty-wide basis by class, the Board should give weight to evidence of accomplishment and competency demonstrating the development and/or maintenance of the skills required by the specialty. The Board also should give credit to evidence of knowledge and recorded achievements in leadership and management as applicable to the needs of the specialty. In addition, since world-wide availability is of critical importance in agency staffing, the Board may give positive consideration to officers who have demonstrated their availability for overseas service.

Equal credit is to be given to performance whether completed in a funded position or not; the measure of accomplishment is demonstrated capability and evaluated performance of responsibilities, not the type of position occupied. Should a period of performance not be rated by an evaluation report, the Board should not discount the officer's overall standing in any way.

d. Non-rates

Panels must review and reach a decision with regard to any specialist for whom periods of performance over the most recent five years are covered completely or in part by evaluation or training reports or justification explaining any unevaluated period of performance. Only with the concurrence of the Office of Human Resources that a file is insufficiently documented may a panel not rate a member. The Office of Human Resources expects such situations to occur rarely.

Whenever it is determined that a specialist must be non-rated for LCE consideration, the time-in-class of the officer non-rated will be extended by one year to permit a subsequent review for promotion and extension by the next session of the Selection Board. Each panel will prepare a statement justifying the non-rate decision in each case, a copy of which will be sent to the non-rated specialist.

## ADDENDUM B

### SKILLS AND ABILITIES FOR SPECIALISTS

#### SKILLS AND ABILITIES FOR MANAGERS AND DEPUTY MANAGERS

Demonstrated ability to react to contingency and emergency situations while maintaining a level of confidence, skills, and knowledge necessary to lead and motivate staff members in extraordinary situations.

Demonstrated ability to manage American and Foreign Service National personnel issues of performance and career development and to deal with personal and domestic matters that affect an employee's performance.

Demonstrated ability to develop and manage an operating budget that reflects actual station needs. Establishes effective management and controls resources, including capital, property, vehicles, and spare part inventories.

Demonstrated ability to maintain good working relationships with host country and American Embassy personnel.

Demonstrated ability to manage human resources effectively. Ensures that station performance evaluations are candid, thorough, timely, and are not inflated.

Demonstrated ability to effectively manage contracts for security, transportation, and buildings and grounds from scope of preparation to completion.



## ADDENDUM B

### SKILLS AND ABILITIES FOR SPECIALISTS

#### SKILLS AND ABILITIES FOR TRANSMITTER PLANT AND FACILITY SUPERVISORS

Demonstrated ability to manage emergency and contingency situations.

Demonstrated ability to manage human resources effectively. Ensures individual performance requirements are fair and accurate and that officer evaluation reports are candid, thorough, and timely.

Demonstrated ability to develop budgets that realistically reflect the needs of the station operation.

Demonstrated ability to provide support to all aspects of modernization, including worldwide studies and modernization projects.

Demonstrated ability to work harmoniously with superiors, peers, and subordinates in a foreign service environment. Continued demonstration of tact and sensitivity in dealing with Foreign Nationals.

Demonstrated ability to meet deadlines and achieve goals.

Ability to supervise construction projects and to certify compliance with Agency contract specifications when required.

## ADDENDUM B

### SKILLS AND ABILITIES FOR SPECIALISTS

#### SKILLS AND ABILITIES FOR LIAISON OFFICERS

Demonstrated knowledge of the operational and performance characteristics of the BBG relay station system. Represents Station Managers at Washington headquarters in all matters concerning the operations and maintenance of the stations' facilities.

Demonstrated knowledge and understanding of the current policies, priorities, objectives, requirements, and organization of worldwide operations; representing the Deputy Director for Engineering Operations in all matters of operations management to the Relay Stations.

Demonstrated ability to identify problems, analyze data to support findings, and provide effective solutions and recommendations.

Demonstrated ability to communicate effectively in both written and oral expression to provide clear and concise reports and presentations.

Demonstrated knowledge of personnel management principles. Participates in the assignments process that responds to the needs of the organizations, the individuals' career and/or personnel needs, and the rotation parameters to ensure a smooth and uninterrupted transmitting station system operation.

Demonstrated ability to provide technical expertise in evaluating and interviewing applicants for Foreign Service and Civil Service positions. Assists the OHR Foreign Service Personnel Officer on all recruitment and classification initiatives for both American and Foreign National positions.

## ADDENDUM B

### SKILLS AND ABILITIES FOR SPECIALISTS

#### SKILLS AND ABILITIES FOR RESIDENT ENGINEERS

Demonstrated ability to provide technical oversight of contractor installation of complex state-of-the-art broadcast system components.

Demonstrated ability to provide professional judgment in evaluating capabilities of engineering, architect, and consultant contractors in performance of their respective services.

Demonstrated ability to provide professional judgment in developing and pursuing alternative courses of action necessary during the installation of technical systems.

Demonstrated skills in engineering disciplines, outside of specialty area, to permit proposed modifications to scheduled design and planning priorities.

Demonstrated ability to plan, schedule, estimate, and control the progress of project implementation from the initial installation to operational readiness.

Demonstrated ability to communicate clearly and concisely with construction staff, TDY support personnel, other government agencies, and contractors.

## ADDENDUM B

### SKILLS AND ABILITIES FOR SPECIALISTS

#### SKILLS AND ABILITIES FOR NETWORK SUPPORT MANAGERS

Demonstrated knowledge of the operational and performance characteristics of the relay station system. Represents Station Managers to Washington headquarters in all matters concerning the operations and maintenance of the stations' facilities.

Demonstrated knowledge and understanding of the current policies, priorities, objectives, requirements, and organization of worldwide operations; representing the Deputy Director for Engineering Operations in all matters of operations management to the Relay Stations.

Demonstrated ability to identify problems, analyze data to support findings, and provide clear and effective solutions and recommendations.

Demonstrated ability to communicate effectively orally and in writing to provide clear and concise reports and presentations.

Demonstrated knowledge of personnel management principles. Participates in the assignments process that responds to the needs of the organization, including individual officers' career and/or personal needs and assignment rotation parameters to ensure a smooth and uninterrupted relay station system operation.

Demonstrated ability to provide technical expertise in evaluating and interviewing applicants for Foreign Service and Civil Service positions. Assists the OHR Foreign Service Personnel Officer on all recruitment and classification initiatives for both American and Foreign National positions.

## ADDENDUM B

### SKILLS AND ABILITIES FOR SPECIALISTS

#### SKILLS AND ABILITIES FOR VOA NEWS FOREIGN CORRESPONDENTS

Professional journalistic ability, i.e., ability to collect, verify, analyze, and summarize facts in an objective, accurate, and appropriate product for use in radio, television, and internet broadcasting. Knowledge of broadcast journalism, e.g., reporting, interviewing, voicing, editing, and producing full radio, television, and/or Internet pieces; use of microphones, recorders, computers, and telecommunication transmissions via satellite phones and/or Internet.

Ability to understand and write about domestic and international news events for audiences of varying backgrounds and interests.

Ability to function effectively as a news correspondent while living and working overseas, particularly in areas of conflict.

Ability to manage available time and resources independently to meet daily and hourly deadlines.

Ability to plan, organize, and handle multiple assignments simultaneously under stringent timeframes and changing priorities and conditions.

Ability to exercise sound and independent judgment to determine the relative importance of different news events and how best to approach their coverage.

Ability to develop and maintain news contacts and conduct effective interviews.

Ability to voice radio and television correspondent reports effectively, including on air work, for international broadcasting in accordance with professional standards.

Competence in foreign languages relevant to possible VOA assignments. Ability to recruit, develop, assign, and guide stringers and other Foreign Nationals and carry out related administrative responsibilities.

Ability to manage a foreign correspondent bureau, including management of contracts and other administrative matters and supervise a culturally diverse locally employed staff.

## EXHIBIT 460D

### Senior Foreign Service Selection Board Safeguard Agreement

In order to maintain a high degree of confidence in the integrity of the Selection Board process, the Broadcasting Board of Governors (BBG) and the American Foreign Service Association (AFSA) set forth their agreement on the following provisions concerning the Selection Board process:

- (1) For each Senior Foreign Service (SFS) class and specialty, Selection Boards will submit:
  - (a) rank-order lists of officers recommended for promotion and limited career extension;
  - (b) rank-order lists of officers recommended for Agency performance awards. Officers will be ranked separately by tercile in accordance with BAM 5-B 237;
  - (c) rank-order lists of all officers eligible for a basic pay adjustment. Officers will be ranked separately by tercile in accordance with BAM 5-B 237;
  - (d) rank-order lists of officers recommended for Presidential Rank Awards;
  - (e) alphabetical lists of officers not recommended for promotion and limited career extensions;
  - (f) alphabetical lists of officers who rank in the low rank zone. These lists will be submitted without composite scores;
  - (g) alphabetical lists of officers identified as having failed to maintain the standards of their class; and
  - (h) alphabetical lists of officers who should be denied a basic pay adjustment or reduced in basic pay.
- (2) Except as provided in paragraph (8), after a Selection Board has submitted a rank-order list to the Director, Office of Human Resources (OHR), no alteration shall be made in the order of the names on the list and, without the consent of the individual concerned, no names falling within the promotion zone, names falling within the LCE zone, names falling within the performance award zone, or names ranked for basic pay adjustment shall be excluded from these lists except for one of the following reasons: death, retirement, resignation, or separation from the Service. A promotion of a person whose name falls within the promotion zone will be deferred if he or she has:
  - (a) a promotion limitation due to lack of language proficiency or

(b) been referred to the Office of Security, the Office of the Inspector General, or to the OHR Director on the grounds that the individual is the subject of investigation or proceedings involving loyalty, security, suitability, misconduct, or malfeasance. Promotion of these officers will be processed in accordance with published Agency promotion regulations. No name will be removed from the basic pay adjustment or performance award list because of death or retirement after the end of the rating period.

In each such case, any employee still in the Service whose name has been excluded or deferred shall be officially notified in writing of the particulars. The Agency shall notify AFSA of the numbers (but not names) of individuals excluded and the reasons for such exclusions. Such information shall be held in complete confidence.

(3) Except as provided herein, no person whose name was rank-ordered for promotion by the Selection Board but whose name did not fall within the promotion zone shall have his/her name placed on a promotion list. The names of persons falling into the following categories may be placed on a promotion list:

(a) any person recommended for promotion by the BBG in accordance with a recommendation of the Foreign Service Grievance Board, or by an equal employment opportunity appeals examiner; or

(b) any person whose name had previously been deferred in accordance with paragraph (2) of the agreement and the reason for that deferral has ceased to exist; or

(c) any person who is the next highest individual on the rank-order list and therefore moves into the promotion zone as the result of the proper exclusion from the promotion list of another name from within the zone in accordance with paragraph (2) of this agreement.

The Agency will notify AFSA of the numbers of individuals placed on a promotion list in accordance with each of the exceptions and the rationale for each addition.

(4) The number of promotions to Career Minister is at the discretion of the BBG, though the BBG must respect the rank-order of recommendations by the Selection Board.

(5) The number of promotions BBG expects to recommend or make to Minister Counselor and below shall be established by class and specialty at the time of the convening of the Selection Boards. The Agency shall predetermine the numbers of promotion opportunities and limited career extensions by class and specialty. A memorandum setting forth these predetermined numbers shall be placed in an envelope by the Executive Secretary for the Selection Boards.

(6) The Agency shall predetermine the available numbers of Agency performance awards by class and specialty and by pay tercile within each class and specialty. A memorandum setting forth these predetermined numbers shall be placed in an envelope by the Executive Secretary for the Selection Boards.

(7) Upon the convening of the Selection Boards, the envelope or envelopes containing the predetermined numbers described in paragraphs (5) and (6) above shall be sealed by the Agency

and signed by a representative of each party. Each sealed and signed envelope shall be deposited in a locked safe in the custody of the OHR Director. After each Selection Board Panel has submitted its respective list of recommended promotions, the Panel may, upon request by and in the presence of an AFSA representative, be advised of the number of promotion opportunities.

Following submission of all the Selection Board rank-order lists, the envelope(s) containing the predetermined numbers described in paragraphs (5) and (6) above shall be retrieved in the joint presence of AFSA and Agency representatives who shall proceed to inspect the memorandum(s). The parties recognize that changes of circumstances may dictate changes in these numbers. In the case of any discrepancy between the predetermined numbers and the final number of promotions in any class, the OHR Director shall brief AFSA, fully explaining the discrepancy and the number of officers affected, before the promotion lists are made public. Both parties agree on the need to treat with appropriate discretion matters of a sensitive nature that may be disclosed during the briefing.

(8) The OHR Director may accept the rank-order lists of the Selection Boards or return them for review if he or she questions adherence of any Board to established Agency procedures or conformity of any list to the Precepts. In each such case, the OHR Director shall give the Selection Board chairperson his or her written reasons for returning the rank-order lists and shall provide, in confidence, a copy of such statement of reasons to AFSA. The OHR Director also may defer or deny a basic pay increase or performance award in accordance with the provisions of BAM 5-B 237.2(h) or 237.3.

(9) Following the submission of all the Selection Board's rank-order lists, BBG will make individual Agency performance awards within the SFS Tercile ranges contained in BAM 5-B 237. No officer will receive an Agency performance award of a higher percentage of basic pay than an officer rank-ordered above him or her.

(10) Following the submission of all the Selection Board's rank-order lists, BBG will make basic pay adjustments for each eligible officer in accordance with the Tercile ranges contained in BAM 5-B 237. No officer will receive a basic pay adjustment of a higher percentage of basic pay than an officer rank-ordered above him or her.

An officer whose promotion into or within the Senior Foreign Service was effective within the 12 months immediately preceding the convening of the Selection Board will be ineligible to receive a basic pay increase.

(11) In the event that members of Selection Boards have reason to question whether the above provisions have been followed, they should address their inquiry in writing to the OHR Director. A copy of the inquiry and the reply shall be provided to AFSA in confidence.

(12) Either party may publish the contents of this agreement.

(13) An individual's grievance concerning the application or interpretation of the Agency's practices, policies, or regulations based on this agreement may be resolved by the filing of a grievance under the Foreign Service Grievance Procedure.



## EXHIBIT 460E

### Senior Foreign Service Agreement for the Establishment and Composition of Selection Boards

#### SECTION I

In recognition of the fact that the Selection Board process involves personnel policies and procedures of vital importance to both the Agency and the Senior Foreign Service officers, it is agreed that the following procedures shall be adopted by the Agency with respect to the establishment of its Senior Foreign Service Selection Boards.

a. Except under extraordinary circumstances, the Agency shall submit to AFSA a copy of the proposed precepts not less than ninety (90) days before the Selection Board is scheduled to convene. In the event that extraordinary circumstances preclude a timely submission to AFSA, the Agency shall make such submission to AFSA together with a detailed explanation of the circumstances that precluded their timely submission. The Agency and AFSA shall consult promptly on such proposed precepts.

b. The Agency shall make every reasonable effort to submit to AFSA, as early as practicable, but generally not less than sixty (60) days before the Selection Board is to convene, a list of all potential Foreign Service and public sector candidates for membership thereon. If this is not possible, the Agency will indicate to AFSA the reasons for the delay. The list presented by the Agency shall be held in confidence by AFSA, but it is understood that AFSA is free to make discreet inquiries with respect to individuals whose names appear on the list.

c. AFSA, within thirty (30) days of its receipt of the list referred to in subparagraph (b), shall submit to the Agency in writing and in confidence any views and comments on the potential Selection Board candidates. Such views and comments may include AFSA's judgment as to which Selection Board Panel a proposed candidate may qualify for assignment. Management shall take into account and hold confidential such views expressed by AFSA when determining actual membership of such Panels. If, however, AFSA should comment adversely on a candidate from another agency, the Agency may send a copy of AFSA's comments to the management of that agency. The final decision with respect to the membership of the Board rests with Management.

d. The obligation of confidentiality imposed on the Agency and AFSA by this agreement shall terminate upon the publication of the designated names of the Board members by the Agency.

#### SECTION II

With respect to the composition of the Senior Foreign Service Selection Boards, the Agency and AFSA agree to the following:

- a. The Senior Foreign Service Panel (promotion from Counselor to Minister-Counselor and SFS basic pay adjustments and Agency performance awards) shall be composed of three members: a Senior Foreign Service Officer at the Minister-Counselor level or higher from State or AID, a career member of the Agency's Senior Executive Service (if there is no eligible Agency employee available at the Minister-Counselor level), and a public member.
- b. In determining the composition of the Selection Board, the Agency will seek to insure that, within the scope of discretion accorded to it in this agreement, there is substantial representation of women and members of minority groups.

## EXHIBIT 460F

### Precepts for the Senior Foreign Service Selection Board

#### PART I

PURPOSE - This Exhibit contains the approved Precepts for the Senior Foreign Service Selection Board as agreed upon by BBG Management and AFSA. These precepts prescribe the criteria, rules, and procedures for Senior Foreign Service Selection Board Panels in recommending and ranking employees for promotion to the Minister-Counselor (MC) class, performance awards, and limited career extensions beyond five years from the effective date of promotion into the Minister-Counselor (MC) class; ranking specialists who are eligible for basic pay adjustments; identifying non-competitive or unsatisfactory performance; and related functions more fully described in Part II.

These Precepts are also policy statements of what constitutes positive and desirable performance by members of the Senior Foreign Service and should serve as a guide in establishing annual work goals or, on the negative side, what is considered unacceptable performance. Specialists and their rating officers should, therefore, be familiar with the Precepts. The performance criteria can be used as general guidance for discussions on the performance of their duties and the development of their careers.

OATH OF OFFICE FOR MEMBERS OF BOARDS - "I, [name] do solemnly swear (or affirm) that I will, without prejudice or partiality, perform faithfully and to the best of my ability the duties imposed on me as a member of a Selection Board; that I will preserve the confidential character of personnel records used by the Board; that I will adhere to the instructions in the Precepts; and that I will not reveal to any unauthorized person information concerning the deliberations, findings, and recommendations of the Board."

#### COVERAGE AND ELIGIBILITY

1. The Senior Foreign Service Selection Board will review the performance of career and career candidate members of the Senior Foreign Service.
2. The Selection Board will not consider specialists who, at the time the Board convenes, have received a definitive notice of separation. In addition, the Board will not consider specialists whose effective date of retirement, resignation, or separation occurs during the time the Board is in session. (Those whose effective date of retirement, resignation, or separation occurs following the Board's adjournment will be considered.)
3. The Director, Office of Human Resources (OHR), will exclude from any resulting promotion list the name of any specialist pending separation and any officer under investigation or proceedings involving loyalty, security, misconduct, or malfeasance.

## SCOPE AND ORGANIZATION

1. One of the major objectives of the Foreign Service Act of 1980 was establishing a Senior Foreign Service (SFS) characterized by strong policy formulation capabilities, outstanding executive leadership qualities, and highly developed functional, foreign language, and area expertise. Members of BBG's Senior Foreign Service serve in highly demanding and sensitive positions in the Agency, both overseas and in the United States.

In general, to be promoted within the Senior Foreign Service, an officer must have successfully completed several diverse and increasingly responsible assignments, both overseas and in the U.S. and have demonstrated:

- (a) strong proficiency in most, if not all, of the core Senior Foreign Service Skills. (Refer to Addendum B)
  - (b) success in melding and drawing on these core skills in developing and implementing BBG programs which serve U.S. foreign policy objectives;
  - (c) success in managing and leading major facilities, resources, and staff to achieve the Agency's strategic goals and performance objectives.
  - (d) continuing development of core Senior Foreign Service Skills to achieve success in meeting annual work requirements. Attainment and continuing development of these skills is essential to realizing executive potential. Persistent weakness in any core skill area will normally preclude advancement and/or retention in the SFS.
2. The Board will consider Career members of the Senior Foreign Service for promotion to the class of Minister-Counselor. Promotion into this class is the highest class attainable by a specialist. Promotion should be recommended only for those specialists who possess exceptional experience, ability, and personal characteristics for service in key executive positions.

## PART II

### GENERAL DIRECTIVES

#### A. MAJOR RESPONSIBILITIES

- 1. To identify and rank-order specialists who, by their demonstrated performance and evidence of potential at higher levels of responsibility in their functional specialty, merit recommendation for promotion within the Senior Foreign Service.
- 2. To identify and rank order specialists who, because of their superior accomplishments during the last evaluation report period, warrant an Agency performance award or a Presidential Rank Award.
- 3. To rank order all specialists who are eligible for a basic pay adjustment.

4. To identify specialists with limited career tenure who, by their demonstrated performance and potential, merit recommendation for career status.
5. To identify specialists who, on the basis of performance growth potential, have failed to meet the standard of their class and specialty, and should be selected-out or separated or whose limited appointment should be terminated. A statement must be prepared for each officer explaining why the officer has been so identified.
6. To identify specialists whose performance during the last evaluation report period does not warrant a basic pay adjustment.
7. To make recommendations for improvement of the Agency's policies and procedures for performance evaluations and Selection Board operations.
8. To make recommendations for Limited Career Extensions within the limits set by management. See Addendum A for specific background and procedures.

## B. FACTORS TO BE CONSIDERED

### 1. GENERAL

- (a) The two most important factors to be considered by the Board in rank-ordering specialists are performance and potential. (For guidance see pertinent factors in B. 2 and 3.)
- (b) In evaluating the records of specialists, the Board should place emphasis on the most recent reports of performance. For this purpose, the OHR Foreign Service Personnel Officer will provide the Panels with evaluation reports for the preceding five years and explanations of any gaps. Evaluation reports for the period subsequent to the end of the current rating cycle in which the current Selection Board is based will not be made available to the Board.
- (c) The Agency encourages and seeks candid and constructive criticism in evaluation reports. Such criticism should be weighed carefully by the Board against the specialist's overall performance and efforts to improve on the areas in question and should not automatically preclude the Board from recommending an officer for promotion.

Unfavorable comments by only one Rating or Reviewing Officer sharply at variance with those of other Rating and Reviewing Officers should not be given undue weight.

### 2. PERFORMANCE

In considering performance, emphasis should be placed on:

- a. The extent to which the specialist has developed and maintained the skills required of the specialty (see Addendum B for specific skills and abilities);
  - b. The extent to which the specialist has achieved the Agency's strategic goals and performance objectives;
  - c. The documented evidence of innovative and/or creative ideas that have served or can reasonably be expected to serve the national interest;
  - d. The documented and/or demonstrated evidence of successful managerial, leadership, resource management, and programmatic creativity or related accomplishments;
  - e. Demonstrated ability to contribute to the efforts of work teams and to understand the importance of advancing post/mission goals; and
  - f. The extent to which the specialist has developed and maintained the skills required of the specialty (see Addendum B for specific skills and abilities). However, weight should be given to performance outside the primary specialist category that relates to the skills required by a Senior Foreign Service Officer since these assignments serve the interests of the Agency as well as the broad developmental interests of the member.
3. **POTENTIAL** - In evaluating potential, positive weight should be given to documented, sustained high-level performance in a position recognizably more complex or demanding than that to which a specialist of this level would usually be assigned. The Board should also consider the specialist's overall experience in the specialty; as it, together with performance, indicates the ability to perform higher-level responsibilities.
4. **TRAINING** - The selection of a specialist for training represents an investment in the future of the Service and constitutes an endorsement of the specialist's potential for development. The Board should ensure that specialists in extended training are given the same consideration as specialists elsewhere. Outstanding performance in long-term training assignments should be considered equal to outstanding performance in any other position. Independent efforts at cultural and professional self-improvement, particularly on the specialist's own time, also should be given special consideration when there is a direct and documented relationship to BBG activities.
5. **SENIORITY IN CLASS** - While overall experience should be considered, the length of time a specialist has been in the same or comparable class should not be either a positive or a negative factor in recommending promotion or other benefit.
6. **LANGUAGE PROFICIENCY** - The Board should give positive weight to specialists who have improved, independently, their competence in any language, but give additional positive weight to those who improved their competence in languages that are relevant to their specialty or assignment.

7. **ASSIGNMENT TO OTHER AGENCIES** - In order to broaden specialists' experience, the Agency has sought to make assignments to private institutions and other agencies and departments. Such assignments are considered as a normal phase in career development. Performance of specialists on such assignments should be evaluated on the same basis as that of specialists on assignments to Agency positions.

8. **SHORT-TERM ASSIGNMENTS** - The fact that a specialist has had a series of short-term assignments during the rating period is generally the result of Agency need, not a reflection of the specialist's skills. Performance effectiveness during these assignments must be evaluated on the same basis as that of a specialist who had been assigned to a single position.

9. **LEAVE WITHOUT PAY** - When Agency staffing needs permit, and tour of duty requirements are satisfied, specialists may be granted leave without pay (LWOP) to broaden their skills through academic programs, temporary activities in the private sector, or through other activities that are relevant to BBG requirements. Specialists who are on or have been on LWOP for such pursuits should be given due consideration by the Board.

10. **ABSENCE** - A specialist's authorized absences for extended periods due to illness, military service, or similar reasons should not be a negative factor in the considerations of the Board. The Board should focus on evaluations for those periods when the specialist was on duty as well as any evaluative material on activities during off-duty periods that seems relevant to a specialist's performance and growth potential. Specialists are encouraged to submit concise statements on relevant experience. Boards are advised that the Uniformed Services Employment and Reemployment Rights Act provides that members called to military service are entitled to "the additional seniority and rights and benefits that such person would have attained if the person had remained continuously employed" at the Agency. In light of this mandate, Boards are instructed to weigh carefully and consider military evaluation reports and award nominations provided by a member in connection with the period of time during which such member was on active military duty. In this regard, Boards should review carefully any statement submitted by a member concerning the relevance of their military service to their work in the Foreign Service.

11. **DELINQUENT REPORTS** - Some specialists' files may contain memoranda indicating that a specialist is responsible for one or more delinquent OERs prepared on subordinates. If the specialist has submitted an explanation for delinquency, which should be attached to the memorandum, the Board must evaluate the explanation and determine the appropriate weight to be given the delinquency. If the Board is persuaded by the explanation that the delinquency was unavoidable (such as serious illness on the part of the Rating/Reviewing Officer or other extenuating circumstances clearly outside the specialist's control), the Panel should not allow the delinquency to prejudice the specialist's ranking. However, should the Board find the explanation unsatisfactory, this finding must be considered adversely in evaluating the specialist's managerial ability and fulfillment of his/her supervisory responsibilities.

12. **POLICY DISSENT** - While Foreign Service employees are expected to support U.S. policy publicly, the Agency encourages willingness to express and rationally defend views internally that differ from current policies and programs. Officers are entirely free to submit dissenting views on policy questions without fear of reprisal or other penalty by Agency officials.

Selection Board Panels should give positive weight to officers who constructively state their dissent.

13. EQUALITY OF CONSIDERATION - The Board will evaluate all officers equitably, solely on the basis of relative merit. In particular, they will not advantage or disadvantage any officer, directly or indirectly, for reasons of: race, color, religion, sex, age, or national origin; marital status or marital plans; physical handicap; means of entry into the Foreign Service; political affiliation; membership in or activity in behalf of any labor organization or other lawful employee organization; or initiation of or participation in grievance or EEO procedures.

While not required by Civil Rights Statutes, the Agency is committed to treating employees equally, without regard to marital status, political affiliation, sexual orientation, or other factors that do not affect performance or efficiency. Personal qualities should be considered only to the extent to which they affect a specialist's performance or potential.

The Board should also discount any apparent bias or unfairness, either conscious or unconscious, including stereotypes, group assumptions, and sexist or ethnic comments. Members will ignore any "inadmissible" information or exercise their authority to bring to the attention of the OHR Director or OHR Foreign Service Personnel Officer "inadmissible comments" for the purpose of having the comments removed. The complete list of "inadmissible comments" in BAM 5-B 454.5 will be provided to the Board.

The Board should report to the OHR Director or OHR Foreign Service Personnel Officer, for appropriate action, evidence that any of the above factors have influenced an Officer's performance evaluation.

The OHR Director or OHR Foreign Service Personnel Officer will advise the exclusive representative concerning the number of such cases, the nature of the irregularity, and the action taken to correct the record; advise the officers concerned; and admonish the responsible parties.

## C. NON-GERMANE CONSIDERATIONS

Some information that appears in OERs or may be deduced should not be taken into consideration:

1. POSITION GRADE - The Board should discount the grade of the position that an officer occupied during a particular rating period or whether the position is permanent, temporary, complement, over-complement, etc. Rather, the Board should assess the difficulty of an officer's position based on the Statement of Work Requirements and the narrative description of performance in the OER.

2. SENIORITY IN CLASS - The Agency sets minimum periods of time-in-class before officers are eligible for promotion. Beyond that, the Board should base its decisions on officers' performance records and not draw any conclusions from how long they have been in their current class.



3. PERSONAL FACTORS - Medical problems, personal qualities, and physical characteristics should not be considered unless they clearly affect performance or potential. Please refer to BAM 5-B 454.5 for a complete listing of inadmissible comments.

#### D. BRIEFING MATERIAL AND DOCUMENTS FOR EVALUATING PERFORMANCE

1. Staff from the Office of Human Resources (OHR) will brief the Board on procedures. The exclusive representative will be invited to attend this general briefing. Questions on the Selection Board's work should be addressed only to the OHR Director or OHR Foreign Service Personnel Officer, who will coordinate responses.

2. Each Board member will be provided with a briefing book containing:

a) A set of these Precepts;

b) Each officer's performance file;

c) Instructions for preparation of the Officer Evaluation Report (OER) form;

d) A copy of regulations covering the performance evaluation and promotion system (BAM 5-B 450 and 460); and

e) A list by class and specialty and pay tercile of all specialists to be reviewed by the Board.

3. As deemed appropriate by the OHR Director individual panels may be briefed on the specific nature of individual specialties; related Agency organizations, operations, and goals; the technical, managerial, or administrative demands of the various positions involved; and similar relevant facts. The briefing in no way will discuss the performance of any specialist.

4. Each Board panel will base its decisions only on the performance file (which includes the Professional Experience Profile maintained on each specialist and may include a military evaluation for periods of time during which the officer was recalled to active duty).

5. Board members will not seek or receive any information pertaining to the health, security, suitability, assignability, or reputation of a specialist under consideration, or any written material not part of the Performance File.

6. Board members are not authorized to bring additional information on specialists under review to the attention of Board members.

7. It is imperative that Board members heed their oath of office and adhere to the instructions contained in the Precepts. Failure to observe these requirements may result in disciplinary action or the penalties of the Privacy Act. In addition, Board members should report to the OHR Director or OHR Foreign Service Personnel Officer any attempt to provide them with information other than that authorized by these Precepts.

## E. RECOMMENDATION FOR CAREER STATUS

1. A decision by a Selection Board Panel to recommend an officer for career status should be determined by:

- a. The extent to which the specialist has developed and maintained the skills required of the specialty (see attached skills and abilities lists by specialty);
- b. Whether the specialist's oral and written communication skills are adequate to meet the needs of the specialty;
- c. Whether the specialist has demonstrated the ability to work harmoniously with superiors, peers, and subordinates in a Foreign Service environment;
- d. Whether the specialist has demonstrated tact and sensitivity in dealing with Foreign National Employees and host country nationals;
- e. The extent to which the officer has achieved the Agency's strategic goals and performance objectives;
- f. The extent to which the officer has demonstrated evidence of successful managerial, leadership, resource management, and programmatic creativity or accomplishments indicative of executive excellence;
- g. Whether the specialist has demonstrated evidence of supervisory and administrative abilities to promote a flexible, creative, and productive work environment for subordinate staff;
- h. The extent to which the specialist has adapted successfully to Foreign Service life and the rigors of overseas service.
- i. Whether the specialist has exhibited sensitivity to EEO concerns and fairness in dealing with people of other races, religions, etc.; and
- j. Whether the specialist has developed and demonstrated sound organizational skills and personal work habits, such as the ability to plan and organize assigned work effectively, to establish priorities and meet deadlines, to effectively manage programs, resources, and special events, and to follow up on completed tasks.

2. A Board Panel should not recommend a specialist for career status if the specialist is found to have significant deficiencies in one or more of the above areas, which in the Board's view make the specialist unsuitable for a career in the Foreign Service. The panel may elect to defer a candidate for one year.

## F. FAILURE TO MEET STANDARDS OF THE CLASS

Failure to meet the standards of the class means that an officer's performance displays serious deficiencies, which should no longer be expected, given the level to which the officer has been promoted and the number of years the officer has had to develop professional competence. The Selection Board is required to identify specialists whose performance fails to meet the standard of their class and specialty or the standard required for the efficient conduct of the Service. (Refer to Part II, Section C.3.) These officers will be informed of the Board's conclusions so that they can take positive steps to address the shortcomings cited. In the case of serious or persistent deficiencies, the Board's conclusions may also lead to denial of basic pay adjustments or even mandatory retirement. Career specialists may be selected-out if they fail to meet the standards of their class. See BAM 5-B 743.

1. Causes for so identifying a specialist are:

- a. Weakness and/or demonstrated poor motivation in developing and maintaining those basic skills required for the specialist's specialty;
- b. Marginal productivity in terms of established reasonable goals;
- c. Documented consistent weakness in carrying out major assigned tasks;
- d. Professional deficiencies in terms of continuing development of required communication skills;
- e. Consistent lack of ability in dealing with people in a way that stimulates confidence and supports U.S. objectives (where applicable to the specialist's specialty and assignment);
- f. Lack of knowledge and ability to explain and promote the achievements of American foreign policy (where applicable to the employee's specialty and assignment);
- g. Weakness in the development of an understanding of American society, its values, and those domestic issues which contribute to the formation of American foreign policy (where applicable to the employee's specialty and assignment);
- h. Weakness in the development and maintenance of language proficiency and understanding of a foreign culture (where applicable to the employee's specialty and assignment);
- i. Failure to demonstrate sound organizational skills and personal work habits such as the ability to plan and organize assigned work effectively, to establish priorities, or to follow-up and complete tasks;
- j. Well-documented recurrences in more than one assignment of situations in which the Specialist has not worked cooperatively and effectively with supervisors, colleagues, and/or subordinates;
- k. Difficulties in meeting job requirements; and

1. Documented finding by the Agency of prejudiced or discriminatory conduct.
2. While potential for greater usefulness is a vital factor in considering specialists for promotion, lack of potential is not per se sufficient grounds for finding that a specialist failed to meet the standards of the class or the standard required for the efficient conduct of the service.

#### G. SFS BASIC PAY ADJUSTMENTS

##### 1. BACKGROUND (REFER to BAM 5-B 237)

Senior Foreign Service members' salaries are set within the ranges below:

The range of basic pay for officers in the Minister Counselor Class is from the pay rate of a GS-15 Step 1 to 107 percent of the basic pay rate for Executive Level III.

The range of basic pay for officers in the Counselor Class is from the pay rate of a GS-15 Step 1 to 102 percent of the basic pay rate for Executive Level III.

##### 2. RECOMMENDATION OF DENIAL OF BASIC PAY ADJUSTMENT OR REDUCTION IN BASIC PAY

A Selection Board panel should consider recommending that an officer's performance during the last evaluation report period does not warrant a pay adjustment if it finds that the officer has been performing below the standard of performance expected of officers in the same class. The Panel should also consider recommending that an officer's performance during the last evaluation report period does not warrant a pay adjustment when it determines the officer's performance is marginal in relation to other members of the same class and specialty.

Whenever a panel recommends that an officer's performance during the last evaluation report period does not warrant a pay adjustment or warrants a reduction in basic pay in accordance with BAM 5-B 237, it must prepare a statement explaining its reasons for its recommendation. A copy of this statement will be provided to the officer in question. The statement will also be placed in the officer's administrative file to support the action; but it will not be made part of the officer's performance file.

Reasons for such a finding may include, but are not limited to:

- a. A low rate of productivity;
  - b. Lack of initiative or resourcefulness in carrying out assigned duties;
  - c. Consistently poor judgment;
  - d. Serious weakness in meeting supervisory responsibilities during the most recent rating period;
- or

e. Documented finding by the Agency of prejudiced or discriminatory conduct.

In any case in which such a recommendation is made, a separate statement of reasons shall be prepared by the Panel and furnished to the specialist by the Office of Human Resources, in accordance with procedures outlined in BAM 5-B 235.6.

## H. SENIOR FOREIGN SERVICE PERFORMANCE AWARDS

(Detailed regulations on SFS performance awards may be found in BAM 5-B 237.)

1. Agency performance awards are conferred on the basis of performance during the most recent rating period. These individual performance awards may not exceed 20 percent of base salary and are subject to the limits on total number of awards established by law or the U.S. Office of Personnel Management regarding performance bonuses for members of the Senior Executive Service.

2. Presidential awards are conferred on the basis of recommendations by an Inter-agency Selection Board to the Secretary of State reviewing SFS members nominated by the Foreign Affairs Agencies. By law, the Secretary of State submits the final recommendations to the President for action. The Presidential awards consist of the Distinguished Service Award for sustained extraordinary accomplishment, which carries a payment of 35% of base pay; and the Meritorious Service Award for sustained superior accomplishment, which carries a cash payment of up to 20% of base pay.

3. Awards shall not be recommended:

- Solely as a consolation for not receiving a promotion;
- As a reward for long service which would not otherwise merit such an award; or
- As a reward for working overtime.

If the individual already received a cash award for performance during the most recent rating period, the Panel must provide adequate justification for recommending a performance award.

4. Any recommendation by the Panel must be fully justified and submitted in writing to the OHR Director who will review the recommendations for adequacy and compliance with the requirements of BAM 5-A 570 (a copy of which will be provided to each panel).

## I. SUBMISSION OF FINDINGS AND RECOMMENDATIONS

Each of the following instructions must be completed before each Board Panel is dismissed:

1. The Panel will prepare a rank-order list by class and specialty of those specialists who, on the basis of their performance and growth potential, are recommended for promotion within the Senior Foreign Service.
2. The Panel will prepare a rank-order list by class, specialty, and tercile (see BAM 5-B 237) of all eligible officers on the basis of their performance during the last evaluation report period for the purpose of determining basic pay adjustments.
3. The Panel will prepare a rank-order list by class, specialty, and pay tercile (see BAM 5-B 237) of those officers who, on the basis of their performance during the last evaluation report period, are recommended for an Agency performance award.
4. The Panel will prepare a rank-order list by class and specialty of those officers who, on the basis of their performance during the last evaluation report period, are recommended for a Presidential Rank Award.
5. The Panel will prepare an alphabetical list by class and specialty of specialists with limited tenure who, on the basis of their performance and growth potential are recommended for career status.
6. The Panel will prepare an alphabetical list by class and specialty of specialists with limited tenure, who are deferred from career status for one year.

The panel will prepare a written statement in support of each recommendation in sufficient substantive detail to permit the specialist and the Agency to review the specific reasons for the Panel's determination. The specialist concerned will be provided with a copy of the statement, under a cover letter from the OHR Director but neither will become part of the specialist's performance file.

7. Each Board panel will prepare an alphabetical list of specialists who have failed to meet the standards of their class and specialty and whom the Panel recommends for selection-out or whose unsatisfactory performance warrants termination of appointment.
  - a. For each such specialist, the Panel will prepare a memorandum in sufficient substantive detail to permit the specialist and the Agency to understand the specific reasons for the Panel's determination. The memorandum must refer to the standards established in these Precepts for the competitive evaluation of specialists and to those elements of the specialist's performance that form the basis for the Panel's determination. If the Panel found inadmissible material in the specialist's file, the memorandum should state that the material was disregarded in ranking the specialist. (The Panels have authority to bring "inadmissible comments" to the attention of the OHR Director or OHR Foreign Service Personnel Officer for removal.)
  - b. These findings will be utilized for consideration of the retirement for relative performance of specialists with career tenure or the termination or non-renewal of appointment of those with limited tenure. The Panel's findings will be furnished to the employee concerned, but will not

become a part of the employee's performance file for future Selection Boards. However, the findings will be supplied to the Foreign Service Grievance Board as appropriate.

8. Each Board Panel will prepare an alphabetical list of the remaining specialists who, on the basis of their performance and/or lack of growth potential, are not recommended for promotion to the next higher class at this time.

9. Each Board Panel will prepare a list of specialists whose overall performance during the most recent rating period is considered by the Panel not to meet the standards required for the efficient conduct of the work of the service, and, therefore, does not warrant a basic pay adjustment or warrants a reduction in basic pay. The Panel will prepare a written statement in support of each recommendation in sufficient substantive detail to permit the specialist and the Agency to perceive the specific reasons for the Panel's determination. The specialist concerned will be provided with a copy of the statement, but the letter will not become a part of the specialist's administrative file.

10. There may be certain specialists who are not now recommended for retirement for relative performance or termination or non-renewal of appointment but whose performance is considered by the Board to be marginal in relation to other members of the same class and specialty. At the Board's discretion, it may write such specialists a memorandum informing them that the Board perceived their performance as marginal. Such memoranda must be fully documented and justified by the Board in each specialist's case. A copy of each such memorandum will be sent to the specialist concerned but will not become a part of the specialist's performance file.

11. In cases where a specialist's file may not be documented to the extent desired by the Board Panel, the Panel will refer to BAM 5-B 456 and BAM 5-B Exhibit 450A for guidance and procedures concerning deficient evaluation reports.

12. Each Board Panel is requested to make specific recommendations or suggestions with respect to training or assignment regarding any employee when, in its judgment, such recommendation will improve the specialist's future utilization in the Service.

13. Each Board Panel may prepare recommendations concerning the policies and procedures for subsequent Boards, and improvements to the performance evaluation system, a copy of which will be provided to the Office of Human Resources and to the exclusive representative.

14. Recommendations and statements prepared by the Board in accordance with subparagraphs 6, 7, and 9, will be furnished to the specialist by the OHR Foreign Service Personnel Officer.

15. Each Board's findings and recommendations will be submitted in original only to the OHR Director under cover of a transmittal letter signed by the Chairperson and members.

## J. APPROVAL OF FINDINGS

The OHR Director may accept each Board's findings and recommendations or, as set forth in paragraph (8) of the Promotion Safeguards Agreement (BAM 5-B 460 Exhibit D), may return any or all of them for review if there are questions concerning procedures or conformance with the Precepts. In each case, the OHR Director will give the Selection Board Chairperson written reasons for returning the rank-order lists.

#### K. ADJOURNMENT OF THE BOARD

The work of each Selection Board panel will be concluded when the Board Panel has been adjourned by the Director, Office of Human Resources.



## ADDENDUM A

### SENIOR FOREIGN SERVICE SELECTION BOARD

#### LIMITED CAREER EXTENSIONS

**PURPOSE** - The panel of the Senior Foreign Service (SFS) Selection Board will consider eligible specialists for Limited Career Extensions (LCEs). This addendum sets forth the procedure and criteria for identifying specialists for LCEs.

#### BACKGROUND AND PROCEDURES

##### a. General

The 1980 Foreign Service Act authorizes the Broadcasting Board of Governors to grant Limited Career Extensions (LCEs) to career Senior Foreign Service members who are in their last year of time-in-class (TIC).

The Director of IBB determines the number of LCEs to be authorized in each specialty by class. That determination is made in conjunction with the determination of annual promotion opportunities based on the need for expertise and experience in the Senior Foreign Service and, on the other hand, the need to provide a regular and predictable flow of talent through the ranks and into the SFS.

LCEs are distributed in accordance with the recommendations of Selection Board Panels which shall be made as provided in these Precepts. LCEs will be three (3) years in duration, during which the specialists extended will enjoy full career status including consideration for promotion and performance pay, if eligible, and the possibility of further LCEs up to mandatory retirement age.

##### b. Selection Board Procedures

Once the panel has completed its consideration of specialists in a competition category for promotion and possible selection out or low ranking, the OHR Foreign Service Personnel Officer will advise each panel whether any LCEs have been authorized for any of the specialists reviewed by the panel. Panels will not be informed of the number of LCEs that have been authorized.

If LCEs have been authorized, the panel will be given the names of all career members in the specialty who are eligible but who were not recommended or did not rank high enough to be reached for promotion. The panels will review the last ten years of performance records, and professional experience profiles of all specialists by specialty and, in accordance with the criteria in paragraph "c" below, will recommend officers they deem qualified for a Limited Career Extension and rank them in order of merit.

If a Panel has recommended for Limited Career Extension an aggregate number of specialists less than the number of LCE opportunities set aside in escrow prior to the convening of the Board, the OHR Foreign Service Personnel Officer will advise the Panel that there are additional LCEs authorized. The Panel may then reopen its deliberations. Panels may be advised at this point of the number of additional LCEs authorized. The Panels may identify additional members as qualified for extension.

The Panel will rank the specialists so identified in order of merit in addition to those members previously recommended for an LCE. The panel must base such recommendations solely on the LCE criteria set forth in the Precepts without regard to the number of LCEs available.

LCEs will be granted by the Agency strictly in the rank order recommended by each Panel. Names may be removed from a Panel LCE rank-order list only under the same conditions and procedures established for removing names from promotion rank-order lists. (Refer to Part I of these Precepts.)

#### c. Criteria

In reviewing specialists for extension, the panels will apply the same performance criteria as are applicable to consideration of specialists for promotion. However, recognizing that specialists extended generally will serve in present class, the panels will consider primarily the quality of performance, past experience, and potential for continued successful service in the specialist's present class.

In considering specialists for extension on a specialty-wide basis by class, the Board should give weight to evidence of accomplishment and competency demonstrating the development and/or maintenance of the skills required by the specialty. The Board also should give credit to evidence of knowledge and recorded achievements in leadership and management as applicable to the needs of the specialty.

In addition, since worldwide availability is of critical importance in agency staffing, the Board may give positive consideration to officers who have demonstrated their availability for overseas service.

Equal credit is to be given to performance whether completed in a funded position or not; the measure of accomplishment is demonstrated capability and evaluated performance of responsibilities, not the type of position occupied. Should a period of performance not be rated by an evaluation report, the Board should not discount the officer's overall standing in any way.

#### d. Non-rates

The Panel must review and reach a decision with regard to any specialist for whom periods of performance over the most recent five years are covered completely or in part by evaluation or training reports or justification explaining any unevaluated period of performance. Only with the concurrence of the Office of Human Resources that a file is insufficiently documented may a panel not rate a member. The Office of Human Resources expects such situations to occur rarely.

Whenever it is determined that a specialist must be non-rated for LCE consideration, the time-in-class of the officer non-rated will be extended by one year to permit a subsequent review for promotion and extension by the next session of the Selection Board. The panel will prepare a statement justifying the non-rate decision in each case, a copy of which will be sent to the non-rated specialist.

## ADDENDUM B

### SKILLS AND ABILITIES FOR SENIOR FOREIGN SERVICE

To plan and implement effective Agency programs, SFS members must understand the context in which the Agency operates and be able to relate Agency functions to broad U.S. foreign policy objectives.

Demonstrated ability to provide strong leadership to enhance the development, achievement, and effective use of subordinate personnel; carry out a performance appraisal program characterized by regular feedback and timely, objective, and candid evaluation reports; and achieve equal employment opportunity goals.

Demonstrated ability to achieve the Agency's strategic goals and performance objectives.

Must have a strong command of the specialized knowledge required by their specialty as well as the general operations, resources, and management policies of the Agency and other foreign affairs agencies.

Demonstrated ability to communicate effectively with influential members of host country audiences on a wide range of Agency programming themes. Skill in presenting ideas and-enlisting support within the Agency, overseas missions, and the larger foreign affairs community.

Demonstrated ability to produce quality work products, achieve performance goals in a timely and economical manner, and maintain high quality and effective programs even with reduced resources.

Demonstrated ability to anticipate future requirements, plan and establish priorities, and organize and administer complex programs related to the achievement of major foreign policy objectives.

Demonstrated ability and skill in interpersonal relations including: sensitivity to the views and perspectives of others and willingness to take them into account; tact and diplomacy to make a point strongly but inoffensively; sensitivity to the needs and aspirations of subordinates; and skill in building bridges between those of different views and perspectives.

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PART V-B PERSONNEL (FOREIGN SERVICE), 400 SUPERVISORY EMPLOYEE RELATIONS

Section 470

MILITARY STATUS OF EMPLOYEE-RESERVISTS

471 Certification

471.1 Determining Essentiality

471.2 Handling Individual Requests for Certification

471 CERTIFICATION - The Departments of the Navy and Air Force require that all reservists in the employ of the Federal Government secure a certification from their employing agency of their immediate availability if full or partial mobilization should be declared. The Department of the Army requires such certification from the individual reservist.

471.1 Determining Essentiality

a. Employee-reservists occupying key positions will be certified as "essential". Key positions are limited to those positions which are deemed necessary to carry out the functions of Government directly concerned with maintaining the security of the nation and which also involve serious difficulty of replacement because of a scarcity of available qualified personnel and which require extended periods of training or specialized experience for effective performance of duties.

b. The Office of Personnel will consult with the employee-reservist's immediate supervisor to determine the essentiality of the employee without waiting for a specific request for certification from a military establishment. Personnel will maintain a record of cases on which certification of essentiality has been made and will make annual reports to the Department of Defense on the status of employee-reservists.

c. As changes in assignment occur that may affect an employee-reservist's essentiality or availability, the Office of Personnel will consult with the employee's new supervisor for a redetermination.

d. New appointees who are members of the military reserve will be so identified as promptly as possible after entrance on duty.

e. Each employee-reservist will be informed by Personnel concerning his or her essentiality. A determination of "essential" may result in an employee's removal from the Ready Reserve.

#### 471.2 Handling Individual Requests for Certification

a. When an employee-reservist receives a request from a military establishment for certification of availability, the employee will forward the request promptly to the Director, Office of Personnel. The Director, Office of Personnel will approve or disapprove the request on the basis of the employee's element's determination regarding the employee's essentiality.

b. If the employee receives a request to certify his or her own availability, the employee will consult with the Office of Personnel and be guided by its determination regarding essentiality.

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PART V-B PERSONNEL (FOREIGN SERVICE), 500 BENEFITS  
Section 500

BENEFITS (Cross-Reference Sheet)

The regulations published in the Foreign Affairs Manual of the Department of State apply jointly to Foreign Service personnel of Broadcasting and the Department of State.

501 FEDERAL EMPLOYEES GROUP LIFE INSURANCE (FEGLIA) (3 FAM 694).

502 CIVIL SERVICE RETIREMENT SYSTEM (3 FAM 675).

503 SOCIAL SECURITY COVERAGE (3 FAM 679).

504 UNEMPLOYMENT COMPENSATION (3 FAM 693).

505 POST REPORTS (2 FAM 170).

506 CLAIMS FOR PRIVATE PERSONAL PROPERTY LOSSES (6 FAM 300) - When the Office of Operations, Department of State, completes action, it forwards the claims to Broadcasting for final determinations and processing (see MOA VII-420).

507 FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM (FEHB) (3 FAM 696).

508 FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM - The provisions of 3 FAM 670 through 673.8.



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PART V-B PERSONNEL (FOREIGN SERVICE), 500 BENEFITS

Section 510

RIGHTS AND PRIVILEGES

Section 510

RIGHTS AND PRIVILEGES

511 EQUAL EMPLOYMENT OPPORTUNITY (Cross-reference sheet)

The regulations published in the Department of State Foreign Affairs Manual, 3 FAM 130, apply to all employees of the Department of State and Broadcasting or qualified applicants for employment with the Department or Broadcasting, excluding aliens employed outside the limits of the United States.

Please refer to the Foreign Service Act of 1980 (P.L. 96-465) a copy is available in the Office of Personnel.

For Labor Management Relations refer to COLLECTIVE BARGAINING AGREEMENT BETWEEN THE UNITED STATES INFORMATION AGENCY (BROADCASTING) AND THE AMERICAN FOREIGN SERVICE ASSOCIATION. A copy is available in the Office of Personnel or from the American Foreign Service Association.

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PART V-B PERSONNEL (FOREIGN SERVICE), 500 BENEFITS  
Section 520

MEDICAL AND HEALTH PROGRAM

521 Authority

522 Medical Examinations

522.1 Pre-Employment

522.2 During Employment

522.3 Upon Separation, Retirement, or Death

522.4 Special Examinations

523 Waiver of Medical Clearance

Section 520

MEDICAL AND HEALTH PROGRAM

521 AUTHORITY - The Medical and Health Program for Foreign Service employees and their dependents who accompany them to posts of assignment outside the United States is administered under arrangement with the Department of State in accordance with uniform regulations published in the Foreign Affairs Manual (3 FAM ). 3 FAM 1900 applies to all Foreign Service personnel who are assigned on a rotational basis to positions overseas and in the United States. The following notes internal Agency procedures to be followed in granting medical clearances or waivers of clearances.

522 MEDICAL EXAMINATIONS

522.1 Pre-Employment - All candidates for appointment with the Foreign Service and their dependents (as defined by 3 FAM 1900) who are to accompany them to the overseas post of assignment are required to complete the medical examination prescribed by the regulations (3 FAM

1900) before appointment action may be completed. Medical fitness requirements are, of necessity, more rigorous than for most other professions. In general, any medical condition is disqualifying if it would unduly restrict overseas assignability on a worldwide basis; constitute an unnecessary or significant risk to the life or limb of the applicant, dependents, or fellow employees; or be of such a nature as to require medical support not readily available at overseas posts. Generally, medical conditions which require frequent observation and examination or prolonged treatment, which may be aggravated by certain geographic or climatic conditions or which may require excessive time lost from duty or premature separation from the Foreign Service, are found to be disqualifying. (See V-B 523 for Waivers). Medical exams in the United States will normally be conducted by the medical facilities of the Department of State, of the Army, Navy, Air Force, Public Health Service, or other United States Government agency. Under certain circumstances, a private physician or clinic may be used (see 3 FAM 1900). Examinations in locations other than the Department of State Medical Facility are given according to instructions in FS-435, Guidelines for the Examining Physician. Personnel issues the authorization for applicants to take the medical exam, results of which must be analyzed by the Department of State Medical Division, and a medical clearance issued for applicant and his or her dependents prior to appointment.

522.2 During Employment - Foreign Service employees and their dependents (as defined in 3 FAM 1900) are required to take the prescribed medical examination prior to departure for a post and upon return to the United States for assignment, separation, or home leave. It is the responsibility of each employee to obtain the required medical clearance, or waiver, for himself or herself and each dependent prior to proceeding abroad. While abroad, the employee is also responsible for avoiding any personal or official activities which would violate any imposed medical limitation. Employees are responsible for obtaining medical clearances in accordance with procedures outlined in 3 FAM 1900. Notices of the medical clearances are forwarded by the Department of State Medical Division to the Office of Personnel for inclusion in the employee's Official Personnel Folder.

522.3 Upon Separation, Retirement, or Death - Employees who are separating or retiring from the Service should arrange for medical examinations for themselves and eligible dependents who had ever accompanied the employee abroad, at least 30 days prior to separation. If the required medical examination is not completed by the separation date or initiated with M/MED 30 days prior to separation, the employee and dependents will be required to complete form DS-1689, Waiver of Medical Claim, for future medical services, unless M/MED determines that the delay was no fault of the employee. Medical clearances, or waivers, must be submitted to the Office of Personnel for separating and retiring employees. Within 60 days after the death of an employee, dependents will be asked to complete the medical examination or submit form DS-1689, Waiver of Medical Claim. If the medical examination is not completed within 90 days following the employee's death, all future medical claims by dependents are automatically waived unless the Medical Director, Department of State, determines that the delay was no fault of the

dependent. The Office of Personnel will process the medical claim and/or medical examination for dependents of deceased employees.

522.4 Special Examinations - The Director, Office of Personnel may request the Medical Director to order a special medical examination for either an employee or dependent(s) whenever the question of transfer, continuation of an assignment, or eligibility for retirement is raised because of health reasons. A special examination may also be required before return to duty of an employee who has been absent because of illness or injury.

523 WAIVER OF MEDICAL CLEARANCE - Broadcasting will convene a Medical Waiver Committee which reviews any cases of medical disqualification referred to it. The Committee reviews the files of outside Foreign Service applicants, of Civil Service employees who are applying for Foreign Service appointments/assignments, and of Foreign Service employees. After consultation with the appropriate medical officer at STATE/MED/M, the Committee makes recommendations to the Director, Office of Personnel who may waive the medical clearance requirement for employment applicants and their dependents and employees and their dependents under the circumstances set forth in 3 FAM 1900). Applicants or employees who wish to apply for waivers should address their requests to the Director, Office of Personnel.

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Section 550

EMPLOYEE RESPONSIBILITIES AND CONDUCT

551 Applicable Regulations

552 Responsibilities of Officers

553 Reporting Violations of Regulations

Section 550

EMPLOYEE RESPONSIBILITIES AND CONDUCT

551 APPLICABLE REGULATIONS

The regulations published in 3 FAM 620, Employee Responsibilities and Conduct; 3 FAM 621, Gifts and Decorations from Foreign Governments; and 3 FAM 622, Suitability Guidelines for Appointment and Continued Employment apply jointly to Foreign Service Personnel of Broadcasting and the Department of State.

552 RESPONSIBILITIES OF OFFICERS

Heads of Offices, and Services are responsible for seeing that all employees receive copies of the regulations, and that appropriate personnel receive copies of the JF-1 or JF-1A forms required by Subpart D of 3 FAM 620 and SF-278 required by the Ethics in Government Act. Completed Forms JF-1, or JF-1A, alternate Form 106, should be returned by the Heads of Offices or Services to the Office of the General Counsel each year. SF-278 should be returned to the Heads of Offices, or Services, or designee, The responsible office will forward the forms to GC along with a current job description for each employee and a certification that all employees have complied.

### 553 REPORTING VIOLATIONS OF REGULATIONS

In those instances where violations of the conduct regulations or of suitability guidelines (3 FAM 622) cannot be resolved at a supervisory level in the field, report violations through official channels. For purposes of reporting on employee conduct (unless the employee's conduct falls into one of the categories listed in MOA VIII-250, then the report must be forwarded to the Office of Security official channels are defined as follows in ascending order.

- a. From immediate supervisor to;
- b. Officer in charge of establishment to;
- c. Office of Personnel, with a copy to the Director of Broadcasting.

Disciplinary action, when taken, will be done in accordance with procedures in 3 FAM 760.

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Section 560

DISCIPLINARY ACTION

Regulations published in 3 FAM 4300 apply jointly to Broadcasting and Department of State Foreign Service Employees. Please refer to 3 FAM 4300 a copy is available in the Office of Personnel.



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Section 570

AWARDS PROGRAM

Please refer to MOA V-A 570 for the Broadcasting Awards Program. Since Broadcasting's overseas employees are few in number, the award program is handled out of the Office of Personnel in Washington, D. C.

571.1 Documenting and Routing Nominations for Foreign Service Nationals

a. The immediate supervisor prepares a nomination for submission to the office head. Nominations must be descriptive of the duties performed by the nominee and must include concrete evidence of exceptional achievement, initiative and skill. Where applicable, the recommendation should be signed by at least two officers in the line of supervision.

b. Nominations for honor awards and Special Achievement Cash Awards for special acts are submitted on Form DS-1577 in six copies, through supervisory channels to the Executive Secretary of the Awards Committee for review and recommendation to the Awards Committee.

c. Nominations for Meritorious Step Increases and Sustained Superior Performance Cash Awards are submitted on plain white paper in six copies, through supervisory channels to the Executive Secretary of the Awards Committee for review by the committee.

571.2. Effective Date - Step increases become effective at the beginning of the first pay period following the date of approval by the head of the Washington element.

571.3 Relationship to Regular Within-Grade and Within-Class Increases  
Meritorious Service or Meritorious Step Increases are in addition to regular within-grade increases and are not considered to be equivalent increases in compensation. An employee who receives a Meritorious Service

or Meritorious Step Increase does not start a new waiting period to meet the time requirements for a regular within-grade increase. No employee may receive more than one Meritorious Service or Meritorious Step Increase during any 52 week period.

571.4 Informing Employees - In accordance with the requirements of Executive Order 11073, listings of approved awards are published periodically in TUNE IN.

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Section 590

COMPLIANCE WITH THE ETHICS IN GOVERNMENT ACT OF 1978

591 Purpose

592 Background

593 Definitions

594 Procedures

594.1 Financial Disclosure Statement

594.2 Filing Requirements

594.3 Effective Dates and Deadline for Submission of the Financial Disclosure Statements

594.4 Contents of Completed Reports

595 Responsibilities

595.1 Office of the General Counsel

595.2 Heads of Offices, and Services

595.3 Detailed Employees

595.4 Overseas Program Support Employees

595.5 Presidential Appointment of Principal Officers

595.6 Separated Employee

596 Penalty for Failure to File or Falsifying Reports

597 Rights of the Employee

598 Public Inspection of the Financial Disclosure Statements

Section 590

COMPLIANCE WITH THE ETHICS IN GOVERNMENT ACT OF 1978

## 591 PURPOSE

This section provides regulations and procedures for the filing, control of, and public access to financial disclosure reports which certain prospective or present employees are required by law to prepare and to submit for review.

## 592 BACKGROUND

The Ethics in Government Act of 1978 requires certain employees to prepare a comprehensive report on their financial situation to be reviewed for possible conflicts of interest by the Ethics Officer, who is the designated official, and in specified cases by officials of the Office of Government Ethics. By law, these reports must be available for public inspection and copies must be provided on request. The Act also imposes significant new restrictions on post-employment contacts between former employees and Broadcasting.

## 593 DEFINITIONS

a. "Designated official" means the official designated by the Director of Broadcasting to administer the provisions of the Act. (see paragraph 595.1).

b. "Covered employee" means an employee including a special Government employee, whose position is classified at GS or GM-16 or higher, and a member of the Senior Foreign Service. It also includes individuals appointed to positions by the President by and with the advice and consent of the Senate; employees in positions which are of a confidential or policy-making character, unless their positions have been excluded by regulations issued by the Director, Office of Government Ethics; and certain others described in the Office of Personnel Management Regulations governing Executive Personnel Financial Disclosure Requirements.

c. "Special Government employee" means an officer or employee who is retained, designated, appointed, or employed to perform, with or without compensation, for not to exceed 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis.

d. "Government-wide regulations" means regulations heretofore or hereafter issued by the Office of Personnel management (OPM), and specifically the regulations published in the Federal Register on March 25, 1980.

e. "The Act: means the Ethics in government Act of 1978 (P.L. 95-521; 92 Stat. 1824-1885; approved on October 26, 1978), as amended.

## 594 PROCEDURES

594.1 Financial Disclosure Statement - There is at present one financial Disclosure Statement Form (Standard Form 278 Revised). It may be used:

a. By employees filing annual statements and termination of employment statements under the Act; and

b. By newly appointed or elected officials and, at the time of nomination, by those persons nominated by the President to positions requiring the advice and consent of the Senate, who must file statements under the Act (see paragraph 593b).

594.2 Filing Requirements - A covered employee must prepare a financial disclosure report on the appropriate standard form issued by the Office of Personnel Management and file it as follows:

a. An individual who assumes a position covered by the Act must file a completed Standard Form 278 within 30 days of assuming the positions (e.g., a GS-15 promoted to GS or GM-16) unless the individual:

(1) has left another covered position within 30 days prior to assuming the new position; or

(2) has already filed a report in connection with a nomination or as a candidate for the position.

b. An individual who occupies a covered position and performs the duties of that position for more than 60 days during any calendar year must file a completed Standard Form 278 on or before May 15 of each succeeding calendar year. The reports filed on or before May 15 are to include information for the preceding calendar year.

c. An individual whose employment in a covered position terminates must file a completed Standard Form 278 unless the individual has accepted employment in another covered position. The report required by this paragraph covers the preceding calendar year, unless the May 15 report covering that year has been filed, plus the period of the current year up to the individual's termination from employment.

594.3 Effective Dates and Deadline for Submission of the Financial Disclosure Statements All Statements must be submitted to the General Counsel no later than May 15 of each year. Except as otherwise specifically provided in this section, and except for officers assigned overseas who must file by June 15.

#### 594.4 Contents of Completed Reports

a. Each covered employee should read the Information Sheet on the Standard Form to assure it is the Form appropriate to the circumstances of the employee and to understand the information which is required to be included. Employees with questions are referred in the first instance to the Government-wide regulations or to the instructions to Standard Form 278. Any questions still unanswered should be referred to the General Counsel.

b. Each covered employee is instructed to include the employee's grade or class in the block entitled "Position for which filing" on page 1 of Standard Form 278.

c. Under Schedule C of the Financial Disclosure Statement, an officer need not identify or disclose gifts that were offered and accepted as part of a publicly recognized representational function (e.g., diplomatic dinner or reception). These are more properly covered by the Foreign Gifts Act (5 USC 7342) and are excluded from coverage under these regulations.

## 595 RESPONSIBILITIES

595.1 Office of the General Counsel - The General Counsel provides advice to the Ethics Officer who serves as the designated official to administer the provisions of the Act.

### 595.2 Heads of Offices, and Services

On March 1 of each year, the head of each Office, or Service is requested to designate a subordinate officer who will:

(1) identify the covered employees, i.e., every employee who must file a Financial Disclosure Statement (Standard Form 278) by reason of the employee's personal class in the Foreign Service or of the position which the employee occupies in the Civil Service;

(2) distribute the Financial Disclosure Statements to these employees

(3) request each covered employee to fill out the Financial Disclosure Statement;

(4) obtain a current job description for each covered employee and identify the employee to whom the description relates;

(5) request missing information from an employee who has filed an incomplete Statement; and

(6) forward the job descriptions and the completed Statements to the Ethics Officer no later than May 15, (June 15 in the case of officers assigned overseas) with certification that all employees have complied. IT IS MOST IMPORTANT THAT JOB DESCRIPTIONS ACCOMPANY THE COMPLETED STATEMENTS. It is the responsibility of the designated subordinate officer to ensure that the job descriptions are forwarded to the Ethics Officer.

As an aid in identifying covered employees, the Office of Personnel, acting through the Transactions Staff, will provide to each Office Director, a list of employees whose incumbency in a civil service position or whose personal foreign service rank subjects them to the reporting obligations. In Offices having an Administrative Officer, that Officer is normally assigned this responsibility.

In case of doubt whether an employee is obligated to submit a Statement, the officer required to obtain the Statement from the employee should consult the Ethics Officer.

The name and location of each officer who fails or refuses to submit a Financial Disclosure Statement should be provided to the Office of the General Counsel, together with a narrative statement of the efforts made by the Office to obtain the officer's compliance with the obligation.

595.3 Detailed Employees - All covered detailed employees will file completed Financial Disclosure Statements with the Designated Ethics Official of the agency to which they are detailed.

595.4 Overseas Program Support Employees - Program Support Elements will be responsible for obtaining job descriptions for and Financial Disclosure Statements from their employees abroad as well as from those in the United States. (For example, the designated Broadcasting officer will be responsible for obtaining job descriptions for and the Statements from covered employees at all Broadcasting overseas establishments.)

595.5 Presidential Appointment of Principal Officers - The General Counsel shall obtain the completed Financial Disclosure Statement (Standard Form 278) of proposed Presidential appointees.

595.6 Separated Employees - The heads of Offices or Services will obtain the last applicable job descriptions and Financial Disclosure Statements for employees who, immediately before separation were employed in a covered position.

The completed Statement and job description pertaining to a covered employee who has been separated will be forwarded within thirty (30) days after separation to the Ethics Officer. Periodically, the Director, Office of Personnel will provide the Ethics Officer with a list of employees who have been separated. The Ethics Officer will check the list against the Statements of separated employees on file and notify the Director, Office of Personnel of any former employees who have not filed Statements. The Director, Office of Personnel, acting through the appropriate Office, Service, or the Retirement Division in the Office of Personnel will notify any such former employees of the requirement to file the Statements and of applicable penalties.

#### 596 PENALTY FOR FAILURE TO FILE OR FALSIFYING REPORTS

The Attorney General may bring a civil action in any United States District Court with jurisdiction against any individual who knowingly and willfully falsifies or who knowingly or willfully fails to file or to report any information required by the Act. The court in which such action is brought may assess against such individual a civil penalty not to exceed \$5,000.

#### 597 RIGHTS OF THE EMPLOYEES

a. Steps to Determine the Existence of the Obligation to Report - When the Ethics Officer has been informed by the Office Director that an employee has failed or refuses to submit a complete Statement, an Assistant General Counsel shall communicate to the employee the reasons for which the obligation has been applied to the employee, and the obligation incumbent on the General Counsel:



(1) to refer to the Attorney General the name of any individual who, the General Counsel has reason to believe, has knowingly and willfully falsified or knowingly or willfully failed to file or to report any information required to be reported; or

(2) to recommend that disciplinary action be taken against the employee.

The Ethics Officer shall notify the employee in writing that the decision to refer the employee's name to the Attorney General as well as to take any appropriate disciplinary action in accordance with applicable law or regulation is under consideration and that the employee is required within ten (10) working days of receipt of the written notice to submit the completed Statement or to furnish any evidence or arguments before further action is taken.

After receipt of the employee's reply or where no reply has been submitted, the Assistant General Counsel shall review the entire available record, decide whether to accept the employee's argument, or to recommend to the General Counsel that the employee's name be referred to the Attorney General or that disciplinary action be taken (or both) and notify the employee in writing of the decision and the reasons for it.

The Assistant General Counsel shall not discuss the proposed decision with the General Counsel or Deputy General Counsel while the decision is pending.

b. Appeal - An employee may appeal a decision of an Assistant General Counsel:

(1) that the employee must submit a complete Financial Disclosure Statement;

(2) that specific information is required to be submitted;

(3) that the required information has not been submitted;

(4) that a conflict of interest exists; or

(5) proposing to refer the employee's name to the Attorney General.

The appeal directed to the General Counsel through the Ethics Officer shall be in writing, and shall be sent within then (10) working days after an employee receives written notice of the decision to be appealed. This appeal shall not preclude any other appeal provided by law or regulation of the Office of Personnel Management or of the Office of Government Ethics.

The General Counsel or the Deputy General Counsel shall decide the appeal on the written record and notify the employee in writing of the decision and of the reasons for it.

On written request, the Office of Administration will make available to the Public the filed job descriptions and completed Financial Disclosure Statements. If a job description is not attached to a Statement which has been requested for inspection, an Assistant General Counsel will obtain the job description for an overseas position from the appropriate Office. A record shall be kept of each person who inspects or requests a copy of a particular Statement and of the date on which inspection took place or the document was furnished. The Director, Office of Administration, will post prominently at the place where Statements are inspected by the public, and will attach to the Statements furnished, a notice describing the penalties for misuse of the Financial Disclosure Statements or of their contents. The Director, office of Administration, will dispose of Financial Disclosure Statements on file in accordance with section 734.603 (b) & (c) of the OPM Government-wide Regulations.

The General Counsel or the Deputy General Counsel shall be responsible for review of Statements filed by Presidential nominees to the positions of Associate Director or above and of the Statements which are subjects of appeals by employees.

All referrals to the Attorney General or to the Director of the office of Government Ethics shall be by the General Counsel.

International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

Material within this Manual of Operations and Administration may no longer be current. To ensure having the most current policy or procedure, please contact the Agency office responsible for the subject matter, e.g., information about performance appraisal, staffing, or compensation should be directed to the Office of Human Resources. For assistance in determining which office to contact, please contact Cathy Brown or Renee Tyrance-Gauff of the Analysis and Administration Division on (202) 203-4664 or feel free to email this staff at cabrown@bbg.gov or crgauff@bbg.gov.

MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART V-B PERSONNEL (FOREIGN SERVICE), 600 ATTENDANCE AND LEAVE  
Section 610

Telecommuting

- 610.1 Definition
- 610.2 Authority
- 610.3 Coverage
- 610.4 Background
- 610.5 How Telecommuting Works
- 610.6 Workers Compensation
- 610.7 Telecommunication and Equipment
- 610.8 Security
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PART V-B SECTION 610  
TELECOMMUTING

610 TELECOMMUTING

610.1 Definition - Telecommuting is a program which gives employees the opportunity to work part of their work schedule at an alternate work site, either at home or at a telecenter. In this circular, the term "alternate work site" will refer to working at home. Broadcasting cannot consider renting telecenter space at this time due to budget limitations.

610.2 Authority - Presidential Memorandum of July 11, 1994 and June 21, 1996.

610.3 Coverage - All employees, Civil Service and Foreign Service, full-time and part-time, in the U.S. and overseas, may be considered for participation in telecommuting.

The work requirements of some organizations or overseas environments may not be compatible with telecommuting practices. Further, overseas employees are subject to approval by the marketing office chief, transmitting station chief, or correspondent bureau chief. Approving officials overseas and in the U.S. must determine the extent to which the telecommuting policy can be implemented consistent with Broadcasting needs and available resources.

610.4 Background - In 1990, the President's Council on Management Improvement established the Federal Flexible Workplace Pilot Project (Flexiplace), which was co-directed by the Office of Personnel Management and the General Services Administration. In President Clinton's 1993 Climate Change Action Plan, he called for the Department of Transportation to develop a telecommuting program aimed at decreasing greenhouse emissions through reduced vehicle trips, energy consumption, and auto emissions. On July 21, 1994 and June 21, 1996, President Clinton issued Presidential Memorandums directing Executive Departments and Agencies to support the expansion of flexible family-friendly work arrangements, including the increase of telecommuters throughout the Federal Government.

610.5 How Telecommuting Works - An employee may volunteer to work at an alternate work site. If the supervisor agrees that the work of the position is such that at least part of it may be accomplished outside the office, the employee and supervisor establish a written agreement, signed by both, which provides guidelines and requirements for telecommuting. The employee works one or two days at the alternate work site each week and spends the remainder of the workweek in the office.

a. The Telecommuter - There is no entitlement, or right, to telecommuting, nor can an employee be forced to telecommute. The employee who telecommutes must be a self-starter, dependable and highly motivated, and must be in a position which is adaptable to telecommuting. An employee who is on leave restriction or has less than a Fully Successful performance appraisal rating of record should not be considered for telecommuting.

b. Supervising Telecommuting - All telecommuting situations must be approved by the appropriate supervisor. Upon an employee's request to telecommute, a supervisor must evaluate the duties of the position and decide if all or some of them may be achieved outside the office setting and the impact on other employees. Telecommuting should be used in a way which will not place an additional burden on employees who are staffing the office. Technological support and resources may also be a consideration.

The supervisor is responsible for certifying time and attendance records including periods of telecommuting. A degree of trust is required, and the supervisor may choose to manage by results (i.e., based on projects successfully completed). However, a supervisor may also manage by asking the employee to keep a journal of tasks completed and telephone calls made, or to check in via E-Mail or telephone, or through some other method.

A 90-day test period is recommended. The supervisor and the telecommuter should keep detailed records on successful and timely completion of work done at home, impact on the office, and any other factors relevant to the

experience. At the end of the 90 days, the supervisor should assess the test period, and decide on continuation of telecommuting.

Telecommuting may be terminated at any time if there is a change in duties or workplace conditions; or the performance of the telecommuter or the office has been adversely affected. The supervisor must give the employee reasonable advance notice, two weeks if possible.

Telecommuting may also be terminated if the telecommuter does not abide by the telecommuting agreement and Broadcasting policy. Advance notice of the end of the telecommuting may be given, but is not required under these circumstances.

c. The Telecommuting Agreement - Prior to establishing a formal agreement, an employee interested in telecommuting should prepare a proposal for the supervisor outlining an individual telecommuting plan tailored to the employee's job, his/her needs, and the needs of the office. It should include: duties of the position which can be performed at home; materials and equipment which would be required to perform those duties; equipment which will be provided by the employee; hours and days which the employee would prefer to work; how to minimize any impact on coworkers; and any other information that would be useful to the supervisor in making a decision.

A written agreement must be established and signed by the supervisor and the telecommuter before a telecommuting situation begins. Such an agreement is additional protection if the telecommuter experiences an accident or injury at the alternate work site. The agreement will cover a variety of issues such as: the exact duty station (e.g., home address); the identification of the types of assignments to be done at the alternate work site; taking leave on a telecommuting day; responsibility for equipment and security; and liability and injury on the job.

d. Work Performed At The Alternate Work Site - There is no single definition for work which can be performed outside the office. Although many jobs can be adapted to a telecommuting situation, there are some which cannot be accomplished outside the office. Ultimately, this is the decision of the supervisor or team leader.

To telecommute, the position must include work which is portable and able to be performed effectively outside the office; job tasks should be measurable or primarily project oriented; the work done at the alternate work site must not be classified.

e. Work Schedules - The supervisor and telecommuter must decide on the frequency of regular telecommuting days, which days of the week, and if the work hours will be fixed or flexible (Maxiflex, Flextime, or compressed work schedule). Most telecommuters will work at an alternate work site for a maximum of one or two days each week on a regular basis. As much as possible, work-hours should parallel those worked in the office so that the telecommuter may be available by phone to coworkers and customers. In general, overtime work should be reserved for days an employee is in the office. The telecommuting agreement must stipulate these factors. If there are permanent changes, the telecommuter should be

given adequate notice, usually 30 days, and the agreement must be amended accordingly.

Intermittent telecommuting also may be utilized to complete special projects that require uninterrupted periods of concentration. For example, an employee may be permitted to work at home for an entire workweek to write a script or complete performance appraisals. In all situations, the supervisor's advance approval of any telecommuting schedule must be obtained.

It may be necessary for a supervisor to require the presence of an employee in the office on a day normally scheduled for telecommuting. Normally an employee is notified of such a change in advance, but sometimes advance notice is not always feasible when the circumstances are beyond the supervisor's control. Employees must be flexible in these situations.

f. Leave And Administrative Dismissal - Regulations and procedures for requesting annual and sick leave or leave without pay are found in MOA V-A 600 and apply to days worked in the office as well as telecommuting days.

The ability to work (and the nature of any impediments) whether at the alternate work site or at the official duty station, determines when an employee may be excused from duty. During emergencies such as inclement weather or transportation disruptions which affect the employee's ability to commute to the official duty station, a supervisor may permit employees to temporarily telecommute or allow a participating telecommuter to telecommute on an unscheduled day. The employee must be able to perform work tasks at the alternate work site and provide a work product or evidence of tasks completed. There may not be sufficient work to fill an eight-hour day workday. If not, the employee should request an appropriate type and amount OF leave for part of the day.

610.6 Worker's Compensation - Telecommuting employees are covered by the Federal Tort Claims Act of the Federal Employees Compensation Act (FECA) and can qualify for continuation of pay or workers' compensation for on-the-job injury or occupational illness. Completing injury report forms, notification of the supervisor, and other requirements adhered to in the traditional office setting must also be followed at an alternate work site.

610.7 Telecommunications And Equipment - Employees who telecommute at home will be responsible for providing the necessary equipment to do so. This may include computers, software, printers, fax machines, additional telephone lines, modems, diskettes, and related supplies. The employee is also responsible for repair and maintenance of personal equipment.

a. Equipment on Loan - Office Heads may determine that excess equipment such as computers and printers within their offices can be lent to employees for use at home. All such equipment must be properly charged out in accordance with procedures found in MOA IV, Part 710 and 720, and ownership and control of hardware, software, and data remain with the U.S. Government. The equipment must be used only by the employee and only for official business. The employee will be responsible for transporting to, and installing the equipment at home (training may be provided at the

office) and returning the equipment to the office for needed repairs. If government-owned equipment is damaged through negligence or by a non-employee, the employee is liable for the cost of the repairs or replacement of the equipment.

b. Telephone Calls - Long distance business telephone calls made from the home may be reimbursed with the supervisor's approval when the employee provides a copy of the telephone bill and identifies the business party called. At the supervisor's request, additional justification may be required. If an employee's residence is outside the local calling area of the office, he/she will be responsible for the expense of any long-distance calls to the office when telecommuting.

610.8 Security - Classified material may not be taken to alternate work sites, nor may it be accessed through the computer. A telecommuter must properly safeguard material and data which are subject to the Privacy Act or are otherwise considered sensitive. Such material may only be used at home with the supervisor's approval.

The designated alternate work site must have adequate physical or environmental security measures in place (e.g., door locks, passwords, etc.) to protect equipment from being accessed by unauthorized individuals. In addition, telecommuters must take appropriate actions to safeguard against computer viruses. Anti-virus software should be installed on the computer and software should be scanned for viruses.

Dial-up telecommunications access to U.S. Government computers presents special security concerns. A combination of physical controls, unique user identifiers, passwords, terminal identifiers, access control software, and strict adherence to security procedures is required to protect the information from unauthorized access.

610.9 Family Responsibilities - Telecommuting is not a substitute for child care or elder care. An employee must make other arrangements for a dependent in the home who requires care. However, it may decrease child care costs by reducing commuting time or reducing the need for before or after-school care. To the extent that they are controllable, other family responsibilities should not interfere with an employee working at home.

610.10 Telecommuting Committee/Coordinator - offices may establish a telecommuting committee or coordinator to provide guidance on telecommuting issues, assist in the development of work-at-home plans, provide training, ensure that appropriate safeguards on office materials and data have been implemented, and assess telecommuting within the element and prepare findings for the Office head and/or management.

## EXHIBIT 610 - TELECOMMUTING HANDBOOK

### PURPOSE

This Telecommuting Handbook provides information and guidelines on telecommuting for managers and employees.

### SCOPE

This handbook applies to all domestic and overseas offices of Broadcasting and is intended to serve as a flexible guide to enable elements to develop effective telecommuting arrangements. Organizational needs may vary. Offices may need to adjust their telecommuting programs, within the parameters outlined in this guidance, to suit their specific requirements.

Overseas posts should use this guidance insofar as it can be accommodated within any plan approved by the of the Office Director. Correspondent bureau chiefs, or transmitting station chiefs will determine in coordination with the appropriate element if telecommuting can be accommodated at any overseas sites.

## DEFINITIONS

Telecommuting is a program which gives employees the opportunity to work part of their tour of duty at an alternate work site. It is also known as flexiplace, flexiwork, telework, and work-at-home.

An alternate work site is a specific room or area in an employee's residence or telecommuting center (telecenter) which is used to perform work assignments.

Portable work includes those tasks that can be completed, in whole or in part, outside of an employee's official duty station within an 8-hour work day.

## BACKGROUND

In March 1990, then President George Bush introduced his Statement of National Transportation Policy by saying:

"Sometimes the best transportation policy means not moving people, but moving their work...a trend known as telecommuting. Millions have already found their productivity increases when they work nearer the people they're actually working for -- their families at home...Think of it as commuting to work at the speed of light."

Telecommuting in the Federal Government started as a pilot program in 1990. The President's Council on Management Improvement (PCMI), in cooperation with the Office of Personnel Management and the General Services Administration, established The Federal Flexible Workplace Pilot Project (Flexiplace). The nationwide program was established to improve the Federal Government's ability to recruit and retain capable employees, to improve employee quality of life, and to reduce Federal operating costs.

Flexiplace was designed to test the feasibility and use of specific alternate workplace arrangements. These arrangements included allowing Federal employees to work at their homes or at satellite work centers. The terms telecommuting and work-at-home refer to paid employment away from the traditional workplace. Telecommuting implies the use of communications technology (computers, modems, fax machines, telephones, voice mail, etc.) to connect the employee to the official duty station (Demers, 1994). Programs such as work-at-home may include the use of technology but may



have guidelines that differ somewhat from those used for telecenter arrangements.

Further Federal impetus to telecommuting came in President Clinton's 1993 Climate Change Action Plan. The plan underscored America's commitment to protecting the global environment by taking immediate actions to reduce greenhouse gas emissions to 1990 levels by the year 2000. Action #21 in the plan called for the Department of Transportation (DOT) to develop a telecommuting program aimed at decreasing greenhouse gas emissions through reduced vehicle trips, energy consumption, and auto emissions.

On March 1, 1994, Transportation Secretary Pena issued a directive to top-level DOT management to identify potential candidates for telecommuting programs in Los Angeles and Washington, D.C. On April 1, 1994, DOT issued a formal department policy on telecommuting.

On July 11, 1994, President Clinton, in support of a recommendation of the National Performance Review, issued a memorandum in which he directed the heads of Executive Departments and Agencies to "establish a program to encourage and support the expansion of flexible family-friendly work arrangements, including: job sharing; career part-time employment; alternate work schedules; telecommuting and satellite work locations...." On June 21, 1996, President Clinton reaffirmed his strong commitment to support family members in the Federal workplace by directing executive agencies to expand their family-friendly programs, to the extent feasible, to provide opportunities to telecommute.

## BENEFITS

Telecommuting is designed to benefit employees, management, and society.

### Management Benefits

- o Improves employee productivity, effectiveness, and morale.
- o Improves communications between supervisors and employees.
- o Retains skilled employees.
- o Decreases absenteeism.

### Employee Benefits

- o Allows the employee to become more productive and creative by providing a more relaxed working environment with fewer interruptions.
- o Reduces stressful commuting time.
- o Increases flexibility to coordinate work schedules with personal and family priorities.
- o Improves employee's organizational skills.
- o Gives the employee more control over his/her life.
- o Reduces costs for transportation, parking, and food.
- o Boosts morale and increases job satisfaction.
- o Improves communications with his/her supervisor.
- o Increases motivation.

### Societal Benefits

- o Reduces commuting trips and traffic congestion.
- o Reduces air pollution and conserves transportation fuels (energy conservation).
- o Lessens the wear and tear on cars and roads.
- o Improves employment opportunities for the disabled and mobility restricted.
- o Reduces problems associated with "latch-key" children.

#### PARTICIPATION IN A TELECOMMUTING PLAN

Before volunteering to be considered for telecommuting, employees must evaluate their jobs and their life-style requirements to determine if both are well-suited for telecommuting (see Attachment, Application for Participation in Telecommuting Program). The work tasks within a job, not a job title, determine suitability for telecommuting. Also critical are the employee's work history and personal characteristics. A history of reliable and responsible discharge of work duties, an ability to establish priorities and manage time, and a proven track record of personal motivation are measures of successful telecommuters.

Once the employee has volunteered and received approval to telecommute, sufficient time should be allowed to iron out any wrinkles or to overcome any obstacles to success. Participating supervisors and employees are encouraged to remain in the program for at least 90 days to provide a fair test of the telecommuting arrangement.

Telecommuting is an employee privilege, not an employee right. After an employee has identified work tasks which may be suitable for telecommuting, the supervisor has to determine if the position is suitable for off-site work. The supervisor also must evaluate the content of the work to be performed off-site and the past performance of the employee. Because this telecommuting arrangement is a supervisory work option, the employee does not have an automatic right to continue participation in the event of a change of supervisor.

If the employee is selected to participate in the program, the supervisor and employee will sign the Telecommuting Work Agreement (see attachment) to ensure that both parties fully understand program policies and procedures. The supervisor and the employee must establish appropriate arrangements for the employee to follow when working off-site. The overall interests of the office must take precedence. A supervisor may require an employee to be on-site on a regular off-site day if the needs of the office require this. In addition, one person's off-site work should not adversely affect the performance of other employees. Telecommuting should not put a burden on staff remaining in the office. Not only should an equitable distribution of workload be maintained, but methods should be instituted to ensure that office employees do not have to handle the telecommuter's work. Employees must complete the Telecommuting Program Safety Checklist and Employee Self-Certification (see Attachment).

The supervisor has the right to end participation of an employee in the program if the employee's performance declines or if the program fails to benefit organizational needs. Whenever possible, the supervisor should provide at least two weeks advance notice of cancellation of an employee's

participation in the program. The supervisor also should include the reasons for cancellation.

## RESPONSIBILITIES

### Supervisors Will:

- o Evaluate employee requests to participate in the program. Consider the employees' responsibilities, work tasks, and potential for successful participation in the program.
- o Develop performance work plans as needed for work performed away from the official duty station.
- o Complete and sign the telecommuting agreement.
- o Assign appropriate work to be performed at the alternate duty station.
- o Determine how the quantity and quality of work will be measured and evaluated.
- o Periodically evaluate the telecommuting program.
- o Request approval to use excess computers or other government-owned equipment for telecommuting.

### Employees approved for participation in the program will:

- o Complete and sign the telecommuting agreement.
- o Observe agreed-upon hours of work in accordance with established policies.
- o Observe policies for requesting leave.
- o Provide all necessary equipment to work at home unless government equipment can be provided.
- o Protect loaned U.S. Government equipment and use it for official purposes only.
- o Assist in evaluating telecommuting programs.

### Telecommuting Program Coordinator

Each Office may establish a mechanism to assist participation in the telecommuting program. This could be a Telecommuting Committee, a Telecommuting Program Coordinator, or a combination of the two. This committee or program coordinator also could be responsible for evaluating the impact of the program on the efficiency and effectiveness of work operations in the respective element.

Telecommuting Program Coordinator duties may include but are not limited to:

- o Providing orientation materials and briefings on telecommuting policies and procedures.
- o Ensuring that all participating supervisors and employees are aware of their responsibilities to measure and report performance and time and attendance accurately.
- o Providing information on the proper safeguarding of information, papers, diskettes, etc.
- o Coordinating inventory records and providing assistance on the maintenance and use of borrowed U.S. Government property and equipment.
- o Providing evaluation materials to the participating individuals and supervisors and co-workers of the telecommuters.
- o Assessing the telecommuting program.

#### CRITERIA FOR PARTICIPATION

Several criteria play in the selection of those allowed to participate in the telecommuting program: the nature of the work performed and the characteristics of the employee and supervisor.

##### Identifying a Position Suitable for Telecommuting

Careful examination of tasks to be performed at an alternate work site is key to a successful telecommuting program. Supervisors must determine whether some or all of an employee's duties are portable and may be performed at the alternate work site, and whether the goals of the office can be achieved without causing hardship for staff remaining in the office. Supervisors and employees must discuss their expectations of how work will be performed and evaluated. In addition, employees must recognize that standards of conduct apply at the alternate work site.

Telecommuting positions will have at least some of the following characteristics: work activities can be performed effectively outside the office; job tasks are easily quantifiable or primarily project oriented; an essential component of responsibility consists of reading/analytical tasks --e.g., evaluating proposals and reviews, making funding decisions, and conducting research; contact with other employees and service clientele is predictable; most work handled is not classified; the technology needed to perform the job is currently available; cyclical work does not present a problem; security of data, including sensitive, non-classified, privacy act concerns, etc. can be adequately ensured.

After deciding that a certain job contains sufficient portable work tasks, supervisors need to explore other considerations:

- o Contact Requirements - Is a significant percentage of the job devoted to "face-to-face" contact with other employees, the public, or internal agency staff? Can contact be readjusted to allow for telephone or computer communications or can such contact be conducted only when the employee is at the conventional office?

o Reference Materials Requirements - To what extent does the job require access to photocopiers, fax machines, or other specialized equipment? Can access needs be grouped and scheduled for days when the employee is in the conventional office?

o Travel Requirements - Does the job involve field work? Can trips begin or end at the alternate work site rather than the main office? Can paperwork be done at the alternate work site?

o Information Security Requirements - Does the employee rely primarily on sensitive or classified documents to perform work tasks?

#### Identifying A Successful Telecommuter

An employee who succeeds as a telecommuter is a self-starter, can function independently; has demonstrated dependability and discipline; is highly motivated; can deal with isolation for one or two days a week; has the ability to establish priorities and manage his/her own time; has a history of reliable and responsible discharge of work duties; has a full understanding of the operations of the organization; has the trust of his/her supervisor; has overall performance evaluations equivalent to fully successful or higher; can satisfy adequate alternate work site requirements; and can assure security of U.S. Government information and property at the alternate work site.

#### Supervising a Telecommuter

The supervisor of a telecommuter should be progressive and supportive of the telecommuting concept and should be willing to attempt to work through any problems or obstacles that may occur. He/She should be comfortable with evaluating work performance in a manner compatible with telecommuting, i.e., measuring performance by results and without direct observation; and must be an effective communicator and be able to define tasks and expectations clearly.

#### TELECOMMUTING WORK AGREEMENTS

Each participant must sign the Telecommuting Work Agreement (See attachment). This document constitutes an agreement between the employee and the supervisor on the terms and conditions of participating in the telecommuting program.

#### WORK SCHEDULES

Telecommuting work schedules should parallel those followed at the official duty station. The Telecommuting Work Agreement will specify the employee's work schedule and tour of duty. Generally, up to two days per week will be scheduled outside of the office. This will ensure that the employee is available in the office during the week for face-to-face meetings, access to facilities, etc. Furthermore, successful programs have shown employees need to spend at least part of the week in the office to minimize isolation and communication problems, to facilitate integration of the employee with those in the office, and to ease the supervisor's adjustment.

Intermittent use of telecommuting also is permissible. For example, to complete a special project, an employee may require a block of uninterrupted time. Agency supervisors have the authority to allow an employee to telecommute for a reasonable length of time to complete the project. The supervisor must evaluate the best means for the organization to meet its needs. Allowing an employee to telecommute beyond two days per week may provide that means.

A regular schedule makes it easier to stay in touch with colleagues and to be available to clients. Supervisors must approve telecommuting schedules in advance so that employee's time and attendance can be properly certified and to preclude any liability for premium or overtime pay. Absences from the alternative work site (e.g., to attend meetings) must be coordinated with the supervisor at the earliest time practicable.

Periodic adjustments are permitted, as needed, to achieve a schedule suiting employee and organizational requirements. Developing fixed times during the day for supervisor/employee telephone conversations may be helpful to ensure optimum communication.

Care must be taken not to approve any schedule that is inconsistent with provisions of an applicable negotiated labor agreement.

To reduce employee isolation, supervisors should ensure that telecommuters feel part of the team by keeping them aware of activities in the office while they are off-site; holding staff meetings on days when everyone is present at the official duty station; considering them equally with other employees in selection for special projects, etc. Employees should not be disadvantaged regarding performance appraisals, awards, or any other employee/employer matter because they are telecommuting.

## DUTIES

Changes to position descriptions will not normally be required. Supervisors should carefully specify the employee's official duties in their work requirements and priorities on the Performance Appraisal Report form. The supervisor and employee must reach an agreement on which of those duties can be performed off-site.

Critical elements and performance standards must have clearly defined performance requirements that are measurable and results oriented. The standards must provide a reasonable basis for measuring performance. Explicit and objective norms for work output should be based on experience with those required and sustained at the official duty station. Work output should be monitored through scheduled and required progress reports. The supervisor and employee should establish objective measures of quantity and quality.

An increase in an employee's effort or productivity may not occur if an employee is already performing at a highly successful or outstanding performance level. Standards of performance must be fair and consistent with those expected of employees at the official duty station.

## TIME AND ATTENDANCE

Hours of Duty: Employees may work standard schedules or follow alternate work schedules depending upon the agreement between the employee and the supervisor. The supervisor and employee select the telecommuting day(s). The supervisor will evaluate each circumstance on a case-by-case basis. Completely unstructured arrangements are not permitted.

Overseas staff follow established hours. Regular and flextime tours of duty in the U.S. are permitted as follows:

Regular - five 8-hour days, and a 45 minute non-paid lunch period.

Flextime - five 8-hour days, and a non-paid lunch period of 45 minutes each day.

Maxiflex - includes flexible arrival and departure, the option of earning credit hours to take a day off as often as every other week, and a non-paid lunch period of 45 minutes each day.

Compressed Work Schedules - includes two types of fixed schedules--the 5/4-9 schedule which is eight nine-hour days, one eight-hour day, and one day off; and the 4-10 schedule of four ten-hour days each week.

Leave and Overtime: The policies for requesting annual leave, sick leave, or leave without pay are the same for working on or off-site. The employee is responsible for requesting leave in advance from the supervisor and for keeping the timekeeper informed of leave usage.

A supervisor may approve overtime or credit hours if needed in extraordinary circumstances. The existing rules governing overtime in Title 5 USC and the Fair Labor Standards Act apply to telecommuting arrangements. Because the supervisor is responsible for regulating and controlling the use of overtime, the supervisor must approve all overtime in advance and be satisfied that more than eight hours in a day were worked.

With prior supervisory approval, the employee will be compensated for overtime work in accordance with applicable law, regulations, and policies. The employee understands that the supervisor will not certify unapproved overtime work.

Certification and Control of Time and Attendance: A high level of trust between the supervisor and employee is essential. Federal policy and procedures governing certification of time and attendance require agencies with employees working at remote sites to provide reasonable assurance that they are working when scheduled. Reasonable assurance may include occasional telephone calls between the offices and the telecommuter; evaluation of work output for the time spent; a log of work completed; or telephone calls or e-mail transmissions from the telecommuter to the timekeeper of starting and ending times of each telecommuting day. Supervisors must report time and attendance to ensure that employees are paid only for work performed and that absences from scheduled tours of duty are accounted for correctly.

Administrative Leave, Dismissals, Emergency Closings: Although a variety of circumstances may affect individual situations, the principles governing administrative leave, dismissals, and emergency closings remain unchanged.

The ability to work (and the nature of any impediments), whether at the alternate work site or at the official duty station, are factors considered when determining when an employee may be excused from duty. For example, if the employee is working at the alternate work site, and the main office closes, the telecommuter should continue working at the alternate work site. However, if the employee's electricity fails while working at the alternate work site, the supervisor may grant administrative leave or direct the employee to report to work, depending on which action is more appropriate given the circumstances, i.e., number of hours remaining in the employee's work day and the distance the employee commutes.

When an employee knows in advance of a situation that would preclude working at the alternate work site, the employee should either report to the official duty station or request leave.

Emergency Situations: Local emergency situations such as transportation disruptions, natural disasters, or inclement weather may adversely affect an employee's ability to commute to the official duty station. In such an event, a supervisor has the authority to grant temporary telecommuting arrangements for affected employees or to allow a participating telecommuting employee to telecommute on an unscheduled telecommuting day. The employees must be able to perform work tasks at the alternate work site station. In these circumstances, the supervisor may allow an employee to telecommute for a portion of the work day and to take appropriate leave for any remaining time.

#### WORKERS' COMPENSATION

Telecommuting employees are covered by the Federal Tort Claims Act of the Federal Employees Compensation Act (FECA) and can qualify for continuation of pay or workers' compensation for on-the-job injury or occupational illness. Employees, in all situations, bear responsibility for informing their immediate supervisors of injuries at the earliest time possible. They also must provide details to the Department of Labor when filing a claim. The supervisor's signature on the request for compensation attests only to what the supervisor can reasonably know, whether the event occurred at a conventional work site or at an alternative work site during official duty. Even under normal circumstances, supervisors are often not present when an employee sustains an injury.

Supervisors must ensure that claims of this type are brought to the attention of the personnel office:

- o employees should contact the Compensation and Benefits Division, Room 1543, Cohen Building, Telephone: (202) 619-3117.



The supervisor also must require the employee to designate one area in the employee's residence as the official work station and to specify the location in the Telecommuting Work Agreement.

#### EMPLOYEE COMPENSATION

Duty Station: For pay purposes, the "official duty station" is the employee's Federal office in Washington, D.C., field office, or assigned overseas post.

Locality Pay or Special Salary Rates: The employee's official duty station serves as the basis for determining any special salary rates or locality pay.

Premium Pay: MOA V-A 240 and 600 apply to overtime, night differential, Sunday and holiday pay for Civil Service employees (and noncommissioned foreign service employees) whether work is accomplished at the conventional or alternate work site. Official work schedules determine entitlement to premium pay.

#### FACILITIES

Work Space: An employee participating in the telecommuting program should have a designated work space or work station at the alternate work site for performance of telecommuting duties. Requirements will vary and depend on the nature of the work and the equipment needed to perform the work. At a minimum, an employee should be able to communicate easily by telephone with the supervisor during the telecommuting day.

Employees are responsible for ensuring that their alternate work sites are clean, free of obstructions and hazardous materials, and meet relevant building codes. Therefore, each participating employee must sign the Telecommuting Program Safety Checklist and Employee Self-Certification (see attachment).

Utility Expenses: Broadcasting will not pay for a telecommuter's utility costs at his/her personal residence. Potential savings to the employee resulting from reduced commuting, meals, etc. may offset any incidental increase in utility expenses. Exceptions apply only where the personal expense directly benefits the U.S. Government, e.g., business-related long distance calls on the employee's personal phone.

#### TELECOMMUNICATIONS AND EQUIPMENT

Management will review each participant's application to assess equipment requirements and costs. Some telecommuters may be able to perform assignments with minimal technological support while others may have assignments requiring extensive telecommunication capability. Participation in the telecommuting program may be contingent on equipment costs if considerable equipment is needed to accomplish portable work tasks and is not available with existing government equipment.

The policy on proper use of the internet is applicable to telecommuters.

**Telephones:** Employees must provide basic telephone service, modem, fax machines, and any other telephone equipment necessary for telecommuting. GSA regulation 41 CFR, 101-7i allows for reimbursement of long distance telephone expenses incurred as a result of official duties on SF-1164 (Claim for Reimbursement for Expenditures for Official Business), if approved by the employee's supervisor and accompanied by a copy of the telephone bill. If an employee's residence is outside the local calling area of the office, he/she will be responsible for the expense of any long-distance calls to the office when telecommuting.

**Employee Personal Property:** Employees who telecommute will be responsible for providing the necessary equipment at home to do so. This may include computers, software, printers, fax machines, additional telephone lines, modems, diskettes, and related supplies. The employee is also responsible for repair and maintenance of personal equipment.

**Government-Owned Equipment:** Office Heads may determine that excess equipment such as computers and printers exists within their offices and can be loaned to employees for use at home. All such equipment must be properly charged out in accordance with procedures found in MOA IV, Part 710 and 720, and ownership and control of hardware, software, and data remain with the U.S. Government. The equipment must be used for official business only and may not be used by family members or others.

The employee will be responsible for transporting to and installing the loaned equipment at home (training may be provided at the office), and for returning the equipment to the office for needed repairs. The employee must notify his/her supervisor immediately following a malfunction of U.S. Government-owned equipment. If repairs are extensive, the employee may be asked to report to the official duty station until equipment is usable. If government-loaned equipment is unsecured and consequently damaged by non-employees (for example, by dependents of the employee), employees will be held liable for the repair or replacement of the equipment, software, etc., to the same extent they are presently held liable when loaned equipment is damaged because of their negligence. (See Manual of Operations and Administration, Part IV, Section 712.5.)

**Reference Materials:** Employees are responsible for identifying the tools they will need while working at their alternate work sites. If an office has a limited number of reference books, publications or other tools normally used in the job, the telecommuter must provide his/her own copies. **Computer Security:** Although classified documents and information may not be kept or used at alternate work sites, telecommuters still need to pay close attention to security procedures and precautions at their alternate work sites to protect sensitive information.

Supervisors must be confident that the designated work space or work station of the employee has adequate physical or environmental security measures in place to protect the equipment from damage or from being accessed by unauthorized individuals. This can be accomplished by having the employee specifically identify the proposed work area and certify in writing the security measures that will be used. Telecommuters should use good judgment in safeguarding equipment and information at their alternate

work sites. This includes covering sensitive information when approached by visitors.

Dial-up telecommunication access to computers throughout the U.S. Government presents special security concerns. In Broadcasting facilities, precautions have been taken to avoid unwanted access. However, home computers are susceptible, so telecommuters must use physical controls, unique user identifiers, passwords, terminal identifiers, access control software, and strict adherence to security procedures to protect the information from unauthorized access. Computer support personnel can provide further details.

Employees need to be aware that telephones, particularly cordless and cellular telephones, represent a security vulnerability because conversations can be easily intercepted. Normal home telephones cannot be used to discuss classified information. A standard "corded" telephone must be used for sensitive conversations.

To safeguard against computer viruses, computer support personnel should be consulted regarding applicable software and its licensing. Periodically, anti-virus software must be updated, so telecommuters must see that this is done on home computers.

Telecommuters must follow property management procedures for their accountable property including computers, whether owned or borrowed, to ensure an immediately retrievable inventory and physical location identification of equipment and software.

#### OTHER CONSIDERATIONS

Privacy Act, Sensitive, or Classified Data: Proper use and handling of sensitive data and records subject to the Privacy Act are decided by supervisors who permit employees to telecommute. Off-site access to sensitive data may be permitted only if ADP/Security officials certify the adequacy of the security for such access. Classified data may not be removed from an employee's official duty station.

Records subject to the Privacy Act must be maintained and protected in accordance with Broadcasting and government-wide regulations. Sensitive non-classified data may not be disclosed to anyone except to those who are authorized access to such information to perform their duties. Offices allowing employees access to records subject to the Privacy Act from a remote work site must maintain appropriate administrative, technical, and physical safeguards to ensure the confidentiality, integrity, and availability of the records.

Dependent Care Costs: Studies show that working at home and child care are not compatible. Young children create too many distractions for the parent working at home. Telecommuting is not intended to serve as a substitute for child care, but it may decrease child care costs because the telecommuter's commuting time is reduced or the need for before and after school day care is reduced or eliminated.

The employee is responsible for ensuring that a proper work environment is maintained. For example, dependent care arrangements must be made so as to not interfere with the work, personal disruptions such as non-business telephone calls and visitors must be kept to a minimum, and employees and their families must understand that the home office is a space set aside for the employee to work. Family or other responsibilities must not interfere (to the extent they are controllable) with work time at the alternate work site.

**Tax Benefits:** Generally, an employee who uses a portion of his or her home as an alternate work site does not qualify for any Federal tax deductions. However, employees should consult their tax advisors or the Internal Revenue Service for information on tax laws and interpretations that address their specific circumstances.

**Pitfalls to Avoid:** Many of the common pitfalls and traps that new telecommuting employees and their supervisors may encounter have already been identified. Fortunately, ways to avoid these situations also have been developed. The following are examples of some of the common troublesome situations and ways to create a "win/win" telecommuting environment.

#### CREATING A WIN/WIN TELECOMMUTING ENVIRONMENT

##### SITUATION    ALTERNATIVES

Managers are concerned about the employee's ability to retrieve files from a remote work site.

- o Notify the supervisor a day or two ahead of the telecommuting day of the work to be accomplished at the alternate work site and if any office or shared files are needed.
- o Work closely with administrative professionals to ensure that files are well organized, indexed, and easily retrievable. Needed items could then be sent by facsimile or E-Mail to the telecommuter.
- o Increase the use of the Local Area Network (LAN) to support and streamline file access.
- o Transfer hard copy items to diskettes.

Managers plan important meetings during scheduled telecommuting days.

- o Set up a conference call.
- o Plan one day per week when all employees will be present at the official duty station.

Managers and employees do not have a clear understanding of work expectations.

- o Define work expectations, deadlines, and reporting procedures jointly and in advance to avoid misunderstanding.
- o Establish performance goals and objectives together.
- o Review completed tasks on a weekly or bi-weekly basis, either in person or in an E-Mail report.

Co-workers don't know when the employee will be in the office. There is a general sense that the employee is "never around."

- o Post a schedule when employees are telecommuting and when they are out, e.g., on approved leave, in training, or at meetings.

Co-workers are not able to contact the employee (and are sometimes actively discouraged). Staff are unclear on how or when to contact the employee, and some staff are reluctant to call employees "at home" on their telecommuting days.

- o Provide staff with the telephone number of each telecommuter.
- o Encourage staff to call employees on their telecommuting days.

Supervisors should set an example by calling employees on their telecommuting work days and by insisting that others continue to transact business with employees at their alternate work sites.

- o Refrain from use of term "working at home."

#### SITUATION    ALTERNATIVES

Employees are reluctant to leave the phone on their telecommuting days, even to use the restroom or take a break, because someone who called might think they are not working.

- o Use answering machines to take messages during absences and follow up with callers immediately upon return to the alternate work site.
- o Let administrative staff know of any extended absences, including lunch-break.

Employees run into technical problems with their computers, and no one is available to assist them.

- o Establish procedures for call-in troubleshooting with the organization's computer staff.

Telecommuting is joked about as "goofing off." Telecommuting days are referred to by co-workers as days off.

- o Explain or distribute information on the benefits of telecommuting to other staff members.
- o Use faxes or E-Mail on the computer to share or edit written material with colleagues.
- o Make visible the work products that the telecommuting employee produces while working off-site.
- o Discuss telecommuting during staff meetings.

Employee feels a sense of isolation and loss of interaction with co-workers.

- o Encourage active communication through E-Mail, voice mail, and telephone contact between telecommuters and office staff.

Employees are distracted or have difficulty establishing a disciplined work routine at their alternate work site.

- o Keep the office separate from the living area by placing it in a separate room as far removed from the living area as possible.
- o Keep a definite schedule of work time and personal time and stick to it.

The organization incurs additional expenses associated with the provision of equipment and services such as telephone charges for computer connections and long-distance calls.

- o Weigh additional costs against current and projected organizational needs.
- o Factor in potential recruitment savings, savings in training funds, and other "bottom line" savings to the organization.

EMPLOYEE APPLICATION FOR PARTICIPATION IN TELECOMMUTING PROGRAM

EMPLOYEE NAME:

OFFICE:

TITLE, GRADE, AND SERIES:

Describe portable work that could be performed at an alternate work site:

What equipment and supplies do you need to perform the above duties:

- 1.
- 2.
- 3.

Address the type and amount of costs you may incur:

Do you expect Broadcasting to reimburse you for costs you may incur?

Explain how your telecommuting will benefit your organization. Indicate why Broadcasting should support your request to telecommute.

Provide examples of your performance that demonstrate the following characteristics: Independence, Initiative, and Reliability.

Most recent performance appraisal rating:

Number of requested telecommuting days per pay period:  
(Up to two days per week is allowed; a supervisor may grant exceptions.)

TELECOMMUTING PROGRAM SAFETY CHECKLIST AND EMPLOYEE SELF-CERTIFICATION

EMPLOYEE NAME:

OFFICE:

OFFICE TELEPHONE:

The following checklist is designed to assess the overall safety of the alternate work site. Each participant should read and complete the self-certification safety checklist. Upon completion, the participating employee should sign and date the checklist. This safety checklist is designed to ensure that the employee has a safe and secure working environment and that liability to the Federal Government is minimized.

ADDRESS OF ALTERNATE WORK SITE:

ALTERNATE WORK SITE TELEPHONE:

DESCRIPTION OF ALTERNATE WORK AREA:

- 2 -

NO.	QUESTION	YES	NO
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WORK SITE ENVIRONMENT

1. Are temperature, noise, ventilation, and lighting levels adequate for maintaining your normal level of job performance?
2. Are all stairs with four or more steps equipped with handrails?
3. Does the electrical system conform to appropriate local building codes?
4. Are aisles, doorways, and corners free of obstructions to permit visibility and movement?
5. Are file cabinets and storage closets arranged so drawers and doors do not open into walkways?
6. Do chairs have any loose casters (wheels)?
7. Are the legs of the chairs sturdy?
8. Are the phone lines, electrical cords, and extension wires secured under a desk or alongside a baseboard?
9. Is the office space neat, clear, and free of excessive amounts of combustibles?
10. Are floor surfaces (including carpets) clear, dry, level, and free of worn or frayed seams?
11. Does the work site have a smoke detector and readily accessible fire extinguisher?
12. Can the exterior entrances to the residence containing the alternate work site be locked and are keys controlled?

COMPUTER WORKSTATION

1. Is there enough light for reading?
2. Is your chair adjustable?
3. Is your back adequately supported by a backrest?
4. Is your computer monitor eye level?
5. When keying, are your forearms close to parallel with the floor?
6. Are your wrists fairly straight when keying?

EMPLOYEE SIGNATURE DATE

TELECOMMUTING WORK AGREEMENT

This document constitutes an agreement between Broadcasting and (Name of employee) on the terms and conditions of participating in the Telecommuting Program.

EMPLOYEE PARTICIPATION

1. The employee volunteers to participate in the program and agrees to follow all applicable policies and procedures.

2. The employee recognizes that the telecommuting arrangement is not an employee benefit but an additional means for Broadcasting to accomplish work objectives.

3. The employee agrees to a one-year term of participation beginning (month/day/year) and ending ( month/day/year), with a 90 day probationary period.

Participation in the program may extend beyond the initial first year if agreeable to the employee and supervisor. In such a case, the employee and supervisor must review and update the terms of the agreement as necessary.

#### OFFICIAL DUTIES

4. The supervisor and employee must clearly identify tasks to be performed at the alternate work site and include only those duties carried out at the official duty station. No personal business, dependent care, or home repairs may be conducted at the alternate work site during work hours. Broadcasting standards of conduct apply to each employee at the alternate work site.

#### DUTY STATION

5. All pay, salary, benefits, leave, and travel entitlement are based on the employee's official duty station in (city, county) and will not change as a result of this telecommuting arrangement. The employee will continue in pay status while working at the alternate work site.

Alternate work site address:

Alternate work site telephone:

#### WORK SCHEDULE AND TOUR OF DUTY

6. The employee will work at the alternate work site on (day(s) of the week) from to (duty hours).

The employee agrees to work an 8-hour and 45-minute day unless the supervisor and employee specify otherwise. (Tour of duty includes a non-paid 45-minute meal period during which the employee will be excused from duty.)

7. The supervisor may grant additional telecommuting days in instances of inclement weather or other emergency situations if the employee can specify portable tasks to accomplish at the alternate work site.

8. If the employee's physical presence is required at the official duty station on a scheduled telecommuting day, the employee agrees to return to the official duty station when requested. The time remaining in the employee's work day, the distance the employee would have to commute to return to the official duty station, and rush hour constraints will be considered by the supervisor before making the request.



9. The employee may select a different telecommuting day during the work week if the supervisor approves.

#### LEAVE AND OVERTIME

10. The employee agrees to follow established procedures for requesting and obtaining approval for leave.

11. A supervisor may approve overtime or credit hours if needed. The supervisor must approve all overtime in advance. The employee will be compensated for overtime work in accordance with applicable law, regulations, and policies. The employee understands that the supervisor will not accept the results of unapproved overtime work.

#### TIME AND ATTENDANCE

12. The employee must be available at his/her alternate work site during established work hours. The employee agrees to apprise appropriate administrative personnel of any extended absence from the alternate work site, including lunch breaks, during the scheduled work day.

13. The employee's supervisor and timekeeper will maintain copies of the employee's telecommuting schedule.

The employee's timekeeper will record the employee's starting and ending times for each telecommuting day based on (telephone calls) (e-mail transmissions) (describe other method).

The supervisor will certify biweekly the hours worked by the employee at the official duty station and at the alternate work site based on (describe pre-established method) .

#### EQUIPMENT AND SUPPLIES

14. The employee will use personal equipment to complete official duty tasks at the alternate work site. The employee agrees to install, service, and maintain any personal equipment used.

Borrowing of U.S. Government equipment by employees is subject to Office approval, availability of equipment, and completion of all requisite property pass documentation. The employee agrees to use borrowed U.S. Government equipment for official purposes only. The following equipment has been issued to Ms./Mr. :

15. With appropriate supervisory approval, Broadcasting will provide or reimburse employees for all necessary office supplies, business-based long-distance telephone calls, and other expenses incurred while conducting business for the U.S. Government as provided by statute and implementing regulations. The supervisor has the authority to limit costs incurred.

The U.S. Government is not responsible for any operating costs that are associated with the employee's use of the alternate work site at a personal residence (e.g., home maintenance, insurance, utilities, etc.).

## SECURITY

16. The employee agrees to protect all borrowed U.S. Government equipment from possible theft and environmental damage in compliance with applicable regulations.

17. The employee agrees to safeguard all equipment and information used to perform official duties.

18. The employee agrees to neither use nor store classified documents (hard copy or electronic) at the alternate work site.

19. The employee agrees to protect Federal records from unauthorized disclosure or damage and to comply with the requirements of the Privacy Act of 1974, 5 USC 552a.

## LIABILITY AND INJURY COMPENSATION

20. The U.S. Government is not liable for damages to an employee's personal or real property while the employee is working at the approved alternate work site except as provided by the Federal Tort Claims Act or the Military Personnel and Civilian Employees Claims Act.

21. The employee is covered under the Federal Employee's Compensation Act if injured while performing duties at the official duty station or alternate work site. The employee agrees to notify the supervisor immediately of any accident or injury that occurs at the alternate work site. The supervisor must investigate all injury reports immediately following notification.

## WORK AREA AND WORK SITE INSPECTION

22. The employee agrees to designate one area in the home as the official alternate work site. By completing the Safety Checklist and Employee Self-Certification, the employee certifies that the alternate work site area is adequate for performance of official duties and meets applicable building and safety codes. This includes but is not limited to: ensuring that the electrical system is adequate for use of U.S. Government equipment; ensuring a smoke detector is present and working; and safeguarding U.S. Government equipment and records.

## WORK ASSIGNMENTS AND EMPLOYEE PERFORMANCE

23. The employee must have a fully successful or higher performance rating to participate or continue in the telecommuting program.

24. The employee will meet with the supervisor to receive assignments and to review completed work as necessary or appropriate. All assigned work will be completed in accordance with guidelines and standards in the employee's performance plan and according to procedures agreed to by the supervisor and employee. The supervisor may require regular progress reports from the employee to assist in judging performance. A decline in

performance may be grounds for canceling employee participation in the program.

25. The employee agrees to limit performance of duties to the official duty station or to the approved alternate work site. Failure to comply with this provision may result in loss of pay, removal from the telecommuting program, or other disciplinary action.

#### CANCELLATION

26. After notice to the supervisor, the employee may resume working his/her regular schedule at the official duty station. After notice to the employee, the supervisor may instruct the employee to resume working his/her regular schedule at the official duty station.

#### OTHER

27. Broadcasting maintains the right to take appropriate disciplinary or adverse action against an employee who fails to comply with the provisions of this agreement.

Signature indicates that the parties understand and agree to follow the terms and conditions stated in this Telecommuting Work Agreement.

EMPLOYEE SIGNATURE AND DATE OFFICE SYMBOL

SUPERVISOR SIGNATURE AND DATE OFFICE SYMBOL

\_\_\_\_\_  
COORDINATOR OFFICE SYMBOL TELECOMMUTING PROGRAM

SIGNATURE AND DATE (OPTIONAL)

International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

Material within this Manual of Operations and Administration may no longer be current. To ensure having the most current policy or procedure, please contact the Agency office responsible for the subject matter, e.g., information about performance appraisal, staffing, or compensation should be directed to the Office of Human Resources. For assistance in determining which office to contact, please contact Cathy Brown or Renee Tyrance-Gauff of the Analysis and Administration Division on (202) 203-4664 or feel free to email this staff at [cabrown@bbg.gov](mailto:cabrown@bbg.gov) or [crgauff@bbg.gov](mailto:crgauff@bbg.gov).

MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART V-B PERSONNEL (FOREIGN SERVICE), 600 ATTENDANCE AND LEAVE

International Broadcasting Bureau  
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MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART V-B PERSONNEL (FOREIGN SERVICE), 600 ATTENDANCE AND LEAVE  
Section 680

DISPOSITION OF LEAVE BALANCES (3 FAM 490)

681 Transfer between Agencies

- 681.1 Transfer of Annual Leave Balances (3 FAM 491.1)
- 681.2 Transfer of Sick Leave Balances (3 FAM 491.2)
- 681.3 Transfer of Home Leave Balances (3 FAM 491.3)
- 681.4 Transfer to Another Government Agency
- 681.5 Transfer from Another Government Agency

682 Separation From the Federal Service

- 682.1 Lump-Sum Payments for Annual leave Balances (3 FAM 492.1)
- 682.2 Approval of Lump-Sum Payments
- 682.3 Payment of Lump-Sum Payments
- 682.4 Indebtedness for Unearned Annual or Sick Leave (3 FAM 492.3)

683 Re-employment After Separation From The Federal Service (3 FAM 493)

- 683.1 Recredit of Annual Leave After Refund of Lump-Sum Payment Upon Re-employment (3 FAM 493.2)
- 683.2 Recredit of Home Leave (3 FAM 493.1 and 493.2)
- 683.3 Recredit of Sick Leave upon Re-employment (3 FAM 493.3)
- 683.4 Re-employed Civil Service Annuitants (3 FAM 493.4)
- 683.5 Responsibilities

684 Disposition of leave Balances in Connection with Active Military Service

- 684.1 Upon Entering Active Military Service (3 FAM 494.1)
- 684.2 Upon Restoration After Active Military Service (3 FAM 494.2)
- 684.3 Responsibilities

685 Disposition of Leave Balances in Connection with Transfer to an International Organization under PL 85-795 (3 FAM 495 and V-B-712)

686 Restoration of Leave Balances after Appeal (3 FAM 496)

687 Disposition of Leave Balances Upon Death (3 FAM 497)

687.1 Payment for Annual Leave

687.2 Designation of Beneficiary to Receive Payment

687.3 Filing Claim for Payment

688 Transfer Between Domestic and Foreign Service

## Section 680

DISPOSITION OF LEAVE BALANCES (3 FAM 490)

681 TRANSFER BETWEEN AGENCIES - see 3 FAM 491

681.1 Transfer of Annual Leave Balances - see 3 FAM 491.1

681.2 Transfer of Sick Leave Balances - see 3 FAM 491.2

681.3 Transfer of Home Leave Balances - see 3 FAM 491.3

681.4 Transfer to Another Government Agency - The Payroll and Leave Liaison officer, is responsible for completing SF-1150, Record of leave Transferred, for employees assigned to Washington, D.C. and for submitting a copy to the Office of Personnel for filing on the right-hand side of the employee's Official Personnel Folder (OPF) before the folder is released to the employing agency. If the employee was assigned overseas immediately prior to transfer, the element will be responsible for obtaining annual, sick and leave-without-pay data from the overseas post, and certifying leave balances by memo to the Payroll and Leave Liaison officer who completes and forwards the SF-1150 to Personnel for inclusion in the OPF prior to release of the OPF to the employing agency. Information on leave data is obtained from the employee's individual leave record which is forwarded to the Payroll and Leave Liaison Officer by the overseas post as soon as the employee relinquishes duties at the post to transfer to the other agency.

681.5 Transfer From Another Government Agency - When the employee's Official Personnel Folder is received from the previous employing agency, Personnel will advise the Payroll and Leave Liaison Officer and the appropriate domestic timekeeper of annual, sick and leave-without-pay charges or credits. If the employee entered on duty abroad, the element will advise the post of leave charges and credits. Leave data are obtained from the SF-1150, Record of Leave Transferred, prepared by the previous employing agency and filed in the employee's Official Personnel Folder.

682 SEPARATIONS FROM THE FEDERAL SERVICE

682.1 Lump-Sum Payments for Annual Leave Balances (see 3 FAM 492.1)

682.2 Approval of Lump-Sum Payments - Authorization by the Office of Personnel Services is required for all lump-sum payments for annual leave

for American employees separating from the Service. The separation Notification of Personnel Action (SF-50) establishes the effective date of separation and includes in the "Remarks" block a statement as to whether lump-sum payment is authorized.

682.3 Payment of Lump-Sum Payments - The Payroll and Leave Liaison Officer is responsible for computing lump-sum payments for separated employees, both domestic and overseas, as authorized on the SF-50. Forms required for clearance for final salary payment (see MOA V-B-707 and 708) should be submitted so that the lump-sum payment may be effected.

682.4 Indebtedness for Unearned Annual or Sick Leave - See 3 FAM 492.3.

683 RE-EMPLOYMENT AFTER SEPARATION FROM THE FEDERAL SERVICE - See 3 FAM 493

683.1 Recredit of Annual Leave After Refund of Lump-Sum Payment Upon Re-employment - See 3 FAM 493.2

683.2 Recredit of Home Leave - See 3 FAM 493.1 and 491.3

683.3 Recredit of Sick Leave Upon Re-employment - See 3 FAM 493.3

683.4 Re-employed Civil Service Annuitants - See 3 FAM 493.4

683.5 Responsibilities

a. Office of Personnel

(1) Office of Personnel is responsible for making the determinations required by paragraphs 3 FAM 493.1 and 3 FAM 493.3, and will notify the Payroll and Leave Liaison Officer of any refund of lump-sum payment required.

(2) The Office of Personnel will remove the SF-1150 prepared by a previous agency from the employee's official personnel folder and forward it to the Payroll and Leave Liaison Officer if the employee is appointed in the United States. (However, a record of any creditable home leave balance will be retained in Budget and Finance. If the employee was appointed abroad, the element will advise the post of leave charges and credits.

b. Payroll and Leave Liaison Officer - The officer will arrange to obtain any required refunds of lump-sum payments from employees appointed in the United States and will instruct the Regional Finance Center to do so from employees appointed abroad.

684 DISPOSITION OF LEAVE BALANCES IN CONNECTION WITH ACTIVE MILITARY SERVICE

684.1 Upon Entering Active Military Service - See 3 FAM 494.1

684.2 Upon Restoration After Active Military Service - See 3 FAM 494.2

### 684.3 Responsibilities

a. Office of Personnel - When an employee leaves the Foreign Service to enter active military service, Personnel will determine from the employee prior to separation whether he or she elects to receive lump-sum payment or have annual leave remain to his or her credit. When the employee is not returning to Washington before entrance on active military duty, the post will obtain this information and forward it to Personnel. Personnel will have the employee's leave account noted properly and will take action to arrange for lump-sum payment when requested, in accordance with paragraph 682.2. When an employee who separated to enter active military service is re-employed, Personnel will obtain any necessary documentation to support the recredit of annual or sick leave, and will arrange to have the employee's leave account adjusted accordingly.

b. Payroll and Leave Liaison Officer- is responsible for computing lump-sum payment when requested by the employee, in accordance with paragraph 682.3.

685 DISPOSITION OF LEAVE BALANCES IN CONNECTION WITH TRANSFER TO AN INTERNATIONAL ORGANIZATION UNDER PUBLIC LAW 85-795 - See 3 FAM 495 and MOA V-B-712.

686 RESTORATION OF LEAVE BALANCES AFTER APPEAL - See 3 FAM 496

687 DISPOSITION OF LEAVE BALANCES UPON DEATH - See FAM 497

687.1 Payment for Annual Leave - Survivors are entitled to pay for all accumulated and accrued annual leave which such employee had to his or her credit at the time of death.

687.2 Designation of Beneficiary to Receive Payment - Beneficiaries may be designated by the employee on Standard Form 1152, Designation of Beneficiary - Unpaid Compensation of Deceased Civilian Employees, or by a suitable witnessed written statement signed by the employee.

When no beneficiary has been designated, or when no designated beneficiary is living at the time of death of the employee, payment for annual leave is made in the following order of precedence:

- a. To the widow or widower.
- b. If neither of the above, to the child or children in equal shares, with the share of any deceased child distributed among the descendants of that child.
- c. If none of the above, to the parents in equal shares or the entire amount to the surviving parent.
- d. If none of the above, to the executor of the estate of the descendant.
- e. If none of the above, to the next of kin under the laws of the State in which the descendant was domiciled.



687.3 Filing Claim for Payment - The Retirement Division, will assist persons in filing claims for payment of leave of a deceased employee. (For other information regarding death claims, see MOA V-B 750).

#### 688 TRANSFER BETWEEN DOMESTIC AND FOREIGN SERVICES

a. The Domestic and Foreign Services are under the same leave system, except that employees in the Foreign Service earn home leave while on assignment abroad. No lump-sum payments are made upon transfer between the services. Annual and sick leave accounts are transferred with the employee.

b. FS employees may carry over a higher annual leave balance (360 for FS overseas employees while stationed outside the U.S.). See 3 FAM 431.6.

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PART V-B PERSONNEL (FOREIGN SERVICE), 600 ATTENDANCE AND LEAVE  
Section 690

LEAVE RECORDS AND REPORTS

691 Foreign Service Leave Record Card, OF-202

- 691.1 Use
- 691.2 Preparing and Posting OF-202
- 691.3 Transfer of OF-202 Between Overseas Posts
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- 691.5 Disposition of OF-202 (All Other)
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- 691.7 Leave Reports on Separation

692 Time and Attendance Reports for Foreign Service American Employees

- 692.1 For Employees on Duty at Overseas Posts
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693 Records of Attendance and Leave En Route To and From the United States

Section 690

LEAVE RECORDS AND REPORTS

691 FOREIGN SERVICE LEAVE RECORD CARD, OF-202

691.1 Use

a. OF-202, Leave Record Card, is prescribed for use as the official leave record for all Foreign Service American employees and local employees except those assigned to Washington.

b. Leave Record Cards are kept on a leave-year basis. Normally only one Leave Record Card for each Foreign Service American employee will be

maintained which will be the official record of all leave earned, taken, advanced, and accumulated by the employee during a leave year. Additional Leave Record Cards may be authorized to record the use of restored annual leave (see 4 FAM 537).

#### 691.2 Preparing and Posting OF-202

a. The post of assignment and/or a Regional Finance Center will prepare leave cards immediately at the beginning of each leave year for each Foreign Service employee on the staff. Cards will be prepared also at such time as employees are appointed locally. The appropriate office will post the top line of leave cards for Foreign Service employees when they leave the United States for an overseas assignment and forward the cards with a copy of the TM Eight to the appropriate Administrative Officer for completing and forwarding to the employee's post of assignment (see par. 693d.).

b. Follow the instructions below in filling out the Leave Record Card:

(1) Front

(a) Post on each employee's card his/her name, employee number, post/organization, social security number, whether U.S. or local employee, date of entrance on duty in the Foreign Service, service computation date, the leave year, and date on which pay period ends.

(b) Post annual, sick, and home leave Balance Forwarded: from previous leave year. Deficit balance of sick leave as a result of advance leave is posted in red.

Example:

For an employee who has exhausted all accumulated and accrued sick leave and is advanced 30 days (240 hours) of sick leave, the 240 hours will be entered in the sick leave "Balance" column in red. Each subsequent pay period in which sick leave is earned, the deficit will be reduced by 4 hours.

(c) As leave accrues and is charged, post accruals and charges in the appropriate spaces as reflected on time and attendance reports (see 3 FAM 431, 442.1, and 943.2).

(d) Post home leave accrual monthly and show the number of days accrued and date of accrual. See 3 FAM 453.4. The timekeeper posts home leave taken opposite the pay period in which taken. Home leave is charged in multiples of one day. See 3 FAM 455.1.

(e) Post the pay period number in which compensatory time is worked and taken, and period in which leave without pay is taken.

(f) Identify compensatory time forfeited or converted to paid overtime by showing the number of hours involved followed by the appropriate letter F or P (i.e., 13F would represent 13 hours of compensatory time forfeited).

(g) The employee's annual leave accrual rate will change at the beginning of the first pay period commencing after completion of 3 years or 15 years of service. Enter the expected 3-year or 15-year anniversary date. When an accrual of 80 or more hours of absence without pay is reached in a leave year, charges against annual and sick leave must be made at the rate of 4, 6, or 8 hours of annual and 4 hours of sick leave, for each 80 hours of absence without pay. Absence in a non-pay status totaling less than 80 hours is not carried forward at the beginning of a new leave year. The total deductions in sick and annual leave credits on account of non-pay status in any one leave year cannot exceed the leave accrual recorded during such periods of absence without pay. Make entries of leave deduction resulting from absence without pay in red.

(2) Back

(a) Enter post of assignment and date of initial arrival at post. This date will not be changed if an employee returns to the same post after home leave. For employees appointed at the post, enter the effective date of appointment as reflected on the SF-50, Notification of Personnel Action.

(b) Enter date of arrival abroad (for computing continuous service abroad for home leave eligibility in accordance with 3 FAM 452.2). Leave at personal expense without authorized transit time in the United States, its territories, or possessions, requires an adjustment of the date of arrival abroad for home leave purposes by the number of calendar days falling within such period of leave. (See 3 FAM 452.2-5).

(c) Show home leaving earning rate in days per year. See 3 FAM 453.2.

### 691.3 Transfer of OF-202 Between Overseas Posts

a. If the employee is transferred to another post during the leave year, post the OF-202 through the date of departure. The date of departure will be noted on the front of the card, and the card will be certified through that date. (See par. 693b when last day of duty at post is other than end of pay period.)

(1) OF-202 is retained by the losing post until requested by the receiving post.

(2) Leave records maintained by a Regional Finance Center will be completed in accordance with paragraph 691.2a, above, and mailed to the employee's next post.

b. Before an employee departs from his/her overseas post for transfer to another overseas post, he/she must request prior approval from Washington for any leave he/she intends to take en route. This information is necessary for preparing travel orders and notifying new post of expected arrival date.

### 691.4 Disposition of OF-202 of Separated Employees

a. If an employee is separated from the Foreign Service, post the OF-202 through the employee's last day of duty at the post, note the date of departure on the front of the card, and certify the card through that date.

b. Transmit the Leave Record Card to Washington by Office Memorandum within 48 hours after the employee's last day of duty status. See MOA V-B 682.4 and 691.7.

#### 691.5 Disposition of OF-202 (All Others)

a. At the end of each leave year complete the OF-202 and transfer the pertinent information to OF-202A, Leave Summary. Forms OF-202 will be retained by the preparing post for five years before destruction in order to furnish any detailed information required by Broadcasting or other posts.

b. In separation cases, where lump-sum and final salary payment is made from Washington, the OF-202 or the equivalent computer leave record will be transmitted to Washington in lieu of the OF-202A.

691.6 Disposition of OF-202A - At the end of each year prepare the OF-202A, Leave Summary, for each American Foreign Service employee. This report provides a summary of the leave data for the full year, including service at another post. In those instances where the leave records are maintained by a data processing center, such as RMC Paris, an automated leave summary report is prepared in an identical, or equivalent, format. The preparing post transmits completed Forms OF-202A to the appropriate element as soon after the end of the leave year as is practicable. Forms OF-202A for personnel on leave in the United States at the end of the leave year will be held by the preparing post until such personnel return, then forwarded to Washington. Such Forms OF-202A should be transmitted not later than April 1 of the next calendar year.

#### 691.7 Leave Reports on Separation

a. Employees Separating During or Immediately Following Assignments Abroad -The appropriate element will obtain OF-202 as provided in paragraph 691.4 and will forward it to the Payroll and Leave Liaison Officer, who will upon completion of audit and payment of any lump-sum payment due, will prepare SF-1150, Record of Leave Data, in duplicate. The original will be forwarded to Personnel for filing with the personnel actions in the employee's administrative file, and the duplicate will be retained in the Office of Budget and Finance.

b. Employees Separating during or Immediately Following Assignments in the United States - Immediately following payment of any lump-sum payment due, the Payroll and Leave Liaison Officer will prepare SF-1150, Record of Leave Data, in duplicate, reflecting annual leave, sick leave, and leave without pay data. The original will be forwarded to Personnel for filing with the personnel actions in the employee's administrative file, and the duplicate will be retained in the Office of Budget and Finance.

#### 692 TIME AND ATTENDANCE REPORTS FOR FOREIGN SERVICE AMERICAN EMPLOYEES

692.1 For Employees on Duty at Overseas Posts - Instructions for time and attendance reporting at overseas posts are contained in MOA VII-960.

692.2 For Employees on Duty in the United States - Time and attendance reports for Foreign Service American employees on duty in the United States and being pay-rolled by the Washington payroll office (including those assigned to positions in the domestic service, in training, on medical or administrative orders, or awaiting assignment) will be reported in accordance with applicable instructions (MOA VII-500).

a. Employees Assigned or Detailed to Positions in the Domestic Service - The organizational units to which employees are assigned are responsible for preparing and submitting the time and attendance report.

b. Employees in Training and Not Otherwise Assigned or Detailed to a Domestic Position - The Training and Development Division, Office of Personnel is responsible for preparing and submitting the time and attendance report.

c. Employees Not in Training and Not Assigned or Detailed to Domestic Positions - The Foreign Personnel Officer, Office of Personnel is responsible for preparing and submitting the time and attendance report.

d. Employees Departing Washington - When an employee pay-rolled in Washington departs for a foreign post, this fact will be noted on the final time and attendance report.

693 RECORDS OF ATTENDANCE AND LEAVE EN ROUTE TO AND FROM THE UNITED STATES - Records of attendance and leave of Foreign Service employees for periods of travel to and from the United States for leave, transfer, separation, and other travel purposes are maintained in the following manner:

a. Before an employee departs from his/her overseas post for leave, transfer, or separation travel to the United States, the employee must request prior approval from the element for any annual leave he/she intends to take en route.

b. When a Foreign Service employee who has been pay-rolled in Washington departs from Washington for an overseas assignment, the element will certify to the employee's post of assignment, the status of the employee's leave balances as of close of the pay period preceding his/her departure.

c. If the employee wishes to request leave en route from the United States to his/her overseas post, the employee should complete Request for Leave En Route, in duplicate, and submit it to the appropriate element for approval. Approved forms serve as the basis for posting the employee's Leave Record Card upon completion of travel at an overseas post. One copy of the form is attached to the Leave Record Card and sent to the overseas post and one copy is retained in the employee's leave file in Washington.

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PART V-B PERSONNEL (FOREIGN SERVICE), 700 SEPARATION  
SECTION 700

RETIREMENT AND SEPARATION

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703 Fixing the Effective Date of Retirement or Separation

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## SECTION 700

## RETIREMENT AND SEPARATION

### 701 COVERAGE

Chapter 700 contains policies, regulations and procedures that apply to the retirement or separation of Foreign Service employees (not former FAS Domestic Specialists) through transfer, resignation, voluntary retirement, disability retirement, death, termination for cause (disciplinary action), mandatory retirement for age, mandatory retirement for expiration of time-in-class, retirement based on relative performance, or termination for expiration of a limited appointment.

### 702 DEFINITIONS

702.1 "Separation" refers to the removal of an employee from Broadcasting rolls because of transfer to another government agency, resignation, death, termination or expiration of a limited appointment, or misconduct. It does not refer to leave without pay, suspension, furlough or movement between the Foreign Service and the Civil Service within Broadcasting.

702.2 "Retirement" refers to the removal of an employee from the rolls due to voluntary retirement, disability retirement, mandatory retirement at age 65, retirement for expiration of time-in-class, or retirement based on relative performance (not meeting the standards of performance for the class).

### 703 FIXING THE EFFECTIVE DATE OF RETIREMENT OR SEPARATION

703.1 General Rules - Sufficient time should be allowed for appropriate action by the Office of Personnel to process retirement or separation actions and for necessary advance notice to the employee required by law, regulation or Broadcasting policy. The effective date may be a non-workday whenever such action would be of benefit to the employee. Where negotiations with other agencies or organizations are necessary to establish the effective date, such negotiations will be the responsibility of the appropriate Personnel Officer. The MOA and 3 FAM (as indicated in paragraph 703.2 below) should be consulted whenever an effective date for retirement or separation is being determined.

### 703.2 Effective Dates Determined by Nature of Retirement or Separation

a. Transfer to another federal agency - See MOA V-B 711.2 and paragraph 703.3 below;



- b. Resignation - See MOA V-B 727 and paragraph 703.3 below;
- c. Death - See MOA V-B 730;
- d. Termination or expiration of a limited appointment - See MOA V-B 746.4 and paragraph 703.3 below;
- e. Disciplinary action - See 3 FAM 760;
- f. Retirement or separation for expiration of time-in-class - See MOA V-B 742.5 and V-B 742.7 - An employee who will be overseas at the time of his or her scheduled retirement will be allowed to return for consultation or reassignment in the U.S. 60 days in advance of the effective date of that retirement.
- g. Retirement or separation based on relative performance - See MOA V-B 743.6 and V-B 744.9 (if applicable).
- h. Disability retirement - See MOA V-B 792 (3 FAM 672.3-5 for Foreign Service retirement and MOA V-A 502 and 3 FAM 675 (Appendix A, page 45) for Civil Service retirement).
- i. Retirement - See MOA V-B 780 (3 FAM 672.1-3 for Foreign Service retirement and MOA V-A 502 and 3 FAM 675 (Appendix A, page 31) for Civil Service retirement.)

#### 703.3 Determining Effective Dates When Transit Time or Leave-Without-Pay (LWOP) are Involved

- a. When transit time is used and LWOP has not been granted, the effective date of separation or retirement is the close of business on the last day of the allowable period of transit time to the employee's place of residence.
- b. When LWOP is granted but transit time is not used, the effective separation or retirement date is the close of business on the last day of the period of LWOP.
- c. When transit time and LWOP are both involved, the effective date of separation or retirement is the close of business on the last day of the period of LWOP or the last day of the allowable period of transit time to the place of residence, whichever is later.

#### 704 GRANTING OF LEAVE OR TRANSIT TIME PRIOR TO RETIREMENT OR SEPARATION

704.1 Granting of Annual Leave - Generally, annual leave will not be granted immediately before separation from the Service except where it is necessary for an employee to use annual leave to his or her credit for which lump-sum payment cannot be made. (See 3 FAM 432.8 for specifics).

704.2 Granting of Sick Leave - Employees who are ill or disabled may be granted all current accrued and accumulated sick leave due them. If an ill or disabled employee resigns while on leave, his or her leave-with pay status shall terminate not later than the end of the payroll period

current when the notification is received in the appropriate Office of Personnel. (See 3 FAM 444 for specifics and exceptions).

704.3 Determining Allowable Period of Transit Time - Transit time is allowable when travel commences on the first workday following relinquishment of duty or, when leave is granted, not later than the expiration date of approved leave. (See 6 FAM 131.1c for type and mode of travel allowable).

704.4 Home Leave - Home leave will be granted only when it is planned that the employee will complete another tour of duty abroad, either immediately or upon completion of assignment in the U.S. therefore employee separating shall not be entitled to home leave.

#### 705 ELIGIBILITY FOR TRAVEL AT GOVERNMENT EXPENSE

705.1 Criteria - Broadcasting will authorize travel and shipment of effects to the point designated by the employee on Optional Form 126 (Residence and Dependency Report) if any one of the following conditions is met:

- a. If an employee voluntarily retires or is mandatorily retired or separated from the Foreign Service while serving at an overseas post; or
- b. If a resigning employee on his or her first assignment overseas has completed at least two years of that assignment and has not taken home leave within 12 months of the effective date of resignation; or
- c. If a resigning employee on his or her second or subsequent assignment overseas has completed at least one year of that assignment, and has not taken home leave within 12 months of the effective date of resignation; or
- d. If a resigning employee who has had an assignment overseas and is:
  - (1) on home leave;
  - (2) on consultation in the United States; or
  - (3) assigned in the U.S. and has been so assigned for at least six months; or
- e. If an employee who has not served overseas and has traveled at government expense to a first assignment in the U.S. and has completed two years of that assignment and retires, or is separated involuntarily from the Foreign Service or has had five years of continuous service in the Foreign Service; or
- f. If an employee not meeting the conditions in (e) above was appointed to the Foreign Service or converted from the Civil Service to the Foreign Service at any Broadcasting location in the U.S. and was transferred to one or more other locations in the U.S. and served at these locations until retired or separated and providing that he or she retires or is separated involuntarily.

705.2 Crediting Other Federal Service - Service overseas for other agencies of the Federal government (including the Armed Forces) immediately preceding appointment in the Foreign Service (for purposes of return travel and shipment of effects) counts toward the service requirements specified in paragraph 705.1 above, provided the employee has served overseas at least six months in the Foreign Service.

705.3 Waiver of Service Requirements - The service requirements specified in paragraph 705.1 above may be waived by the Director, Office of Personnel, when acceptance of a resignation is determined to be in the interest of the Government.

705.4 When Travel and Shipment of Effects are Not Authorized - Travel and shipment of effects will not be authorized for an employee ineligible under paragraph 705.1 above or for an employee who was appointed to the Foreign Service or converted from the Civil Service to Foreign Service (FR, FS, FP, FO or FE) at any Agency location in the U.S. and served at the same location until retirement or separation. This policy will apply regardless of previous service overseas with Broadcasting or another Federal agency prior to attaining the Civil Service status from which he or she was converted into the Foreign Service.

705.5 Travel Authorizations - Travel authorizations for Foreign Service employees who are eligible for travel at government expense in connection with a retirement or separation are issued by Broadcasting. Procedures and regulations for authorizing and paying travel expenses for Foreign Service employees are contained in 6 FAM 100.

#### 706 NOTICE TO EMPLOYEES

The substance and timing of retirement and separation notices to employees will be determined largely by the nature of the retirement or separation itself. Specific requirements are listed in the sections of the MOA and 3 FAM covering the spectrum of retirements and separations (see listing in paragraph 703.2 above. An employee who is not notified of a retirement or separation action until after the proposed effective date and who therefore continues to work beyond that date, is entitled to compensation for services actually rendered until he or she receives the proper notice.

#### 707 AMENDING RETIREMENT OR SEPARATION ACTIONS

The nature of a retirement or separation action may be amended after the action has become effective only if subsequent review or investigation results in a positive finding that the original nature of the action was in error or unjustified and provided that all required procedures have been complied with. If new evidence is uncovered after the action has become effective which alters the original decision in the case, or if the reasons or circumstances surrounding the retirement or separation should be amended, this should be indicated under "Remarks" and/or "Nature of Action" on the SF-50.

#### 708 PRE-EXIT INTERVIEWS

Any employee retiring or separating voluntarily should have at least one pre-exit interview conducted by the employee's supervisor or Office of Personnel.

#### 708.1 Objective of the Interview

- a. To retain competent employees through adjustments where feasible.
- b. To obtain facts regarding the causes of retirement or separation in order to develop corrective programs and reduce future losses of competent employees.
- c. To assist employees by providing information on insurance, health benefits, retirement, unemployment compensation, restoration or reinstatement rights (if applicable).

#### 709 FINAL SALARY CLEARANCE

No employee will receive a final salary payment or annual leave lump-sum payment after retirement or separation until final clearance is completed. This clearance is to ensure that all government property, including diplomatic or official passports, is accounted for; that suitable arrangements have been made to clear any indebtedness to Broadcasting; and that security requirements have been met.

709.1 Employees Overseas - Employees stationed overseas must have their administrative officer (or other responsible official at post) complete and submit forms DS-8, Final Salary Clearance, DS-8A, Administrative Clearance for Separation, and OF-109, Separation Statement (with ID card), to the appropriate personnel office. The telegraphic TMFIVE message also must be sent to the appropriate personnel office immediately after the employee's departure from post.

709.2 Employees in the U. S. - Employees stationed in the U.S. must complete Clearance for Final Salary Payment and relinquish the ID card along with form OF-109, Separation Statement to the Office of Security.

The personnel office will review form Clearance for Final Salary Payment to ensure proper clearances have been obtained and then forward the form for final salary and annual leave lump-sum payment, if applicable. 709.3 Forms to be Issued to All Foreign Service Employees - The following forms are issued when an employee separates or retires:

- a. SF-8, Notice to Federal Employees About Unemployment Insurance;
- b. SF-2819, Notice of Conversion Privilege (for employees ineligible to continue FEGLI coverage who wish to convert their insurance to a private policy) or, SF-2821, Certification of Life Insurance Status (for employees who will continue FEGLI coverage into retirement);
- c. SF-2810, Notice of Change in Health Benefits Enrollment (notifies employee of conversion privilege or continuing coverage);

d. OF-138, Application for Refund of Retirement Contributions (for employees ineligible for retirement) must be executed by the employee if he or she desires a refund of the contributions made to the Foreign Service Retirement Fund or a signed statement from the employee of his or her intent to leave the Foreign Service retirement contributions in the retirement fund and apply for a deferred annuity three months before reaching age 60. The SF-50, Notification of Personnel Action, should show the appropriate statement in the remarks column.

NOTE: Employees with more than five years of service may wish to consult with the Retirement Section concerning the advantages or disadvantages of leaving retirement contributions in the Fund.

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PART V-B PERSONNEL (FOREIGN SERVICE), 700 SEPARATION  
Section 710

SEPARATION BY TRANSFER

711 Transfer to Another Government Agency

- 711.1 Nature of Personnel Action
- 711.2 Establishing Effective Date of Separation
- 711.3 Pre-Departure Procedures
- 711.4 Re-employment Rights

712 Transfer to Public International Organizations

- 712.1 Authority
- 712.2 Policy
- 712.3 Eligibility for Transfer
- 712.4 Rights and Benefits Upon Transfer
- 712.5 Procedures for Effecting Transfer
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- 712.7 Right of Appeal From Failure to Re-employ

Section 710

SEPARATION BY TRANSFER

711 TRANSFER TO ANOTHER UNITED STATES GOVERNMENT AGENCY

711.1 Nature of Personnel Action

a. When a Foreign Service employee moves, without a break in service of one full day, to a non-temporary Foreign Service or competitive Civil Service appointment in another United States government agency, the nature of action will be "Separation-Transfer". An employee is not required to resign when transferring to another agency under these conditions.

b. When an employee resigns to accept an appointment in another government agency with a break in service, the nature of action will be "Separation (or "Resignation) - appointment in (name of Agency)." An employee may either resign or be separated when accepting employment in another agency under these conditions.

c. If the employee is eligible for travel at government expense in connection with a resignation (MOA V-B 705), the employee may be permitted to resign, and transportation will be authorized when it is in the best interests of the Government (if not already authorized under Section V-B 705). The action is then processed as a resignation (MOA V-B-720).

711.2 Establishing Effective Date of Separation - Guidelines in MOA V-B-703 will be used in establishing the effective date of separation. Negotiation between agencies regarding establishment of the effective date is the responsibility of the Personnel Officers.

711.3 Pre-Departure Procedures - Procedures outlined in MOA V-B 708 will be followed when an employee transfers to another government agency. In addition, the Personnel Officer will ensure that the employee makes application for a refund of Foreign Service Retirement Contributions when the employee is resigning from the Foreign Service.

711.4 Re-employment Rights - Unless specifically required by law, employees transferring from Broadcasting will not be granted re-employment rights.

## 712 TRANSFER TO PUBLIC INTERNATIONAL ORGANIZATIONS

712.1 Authority - Sections 3343 and 3581 through 3584 of Title 5 of the United States Code authorizes details and transfers of Federal employees for service with public international organizations.

712.2 Policy - Whenever it is in Broadcasting's interest to do so, it is Broadcasting's policy to make eligible employees available for detail or transfer to public international organizations in which the United States Government participates. Each case will be decided on its merits taking into consideration the problems created by the loss of such employee's services, filling the position, the necessary training to be given the replacement, the advantages to the employee's career development and benefits to Broadcasting.

712.3 Eligibility for Transfer - All Career Foreign Service employees are eligible for transfer to public international organizations.

### 712.4 Rights and Benefits Upon Transfer

a. Retirement, Health Benefits, and Group Life Insurance - A transferred employee is deemed to remain a Broadcasting employee for retirement, health benefits, and group life insurance purposes. At the time of consent to the transfer, the employee will be notified in writing, by the Office of Personnel, of the procedures to be followed in order to retain

coverage. The employee will acknowledge receipt, in writing, and state whether he or she wishes to retain coverage by continuing required employee payments.

b. Equalization Allowance - Upon his or her re-employment or death during the transfer, an employee is entitled to be paid an amount equal to the difference between the pay, allowances, post differential and other monetary benefits paid by the international organization and those paid by Broadcasting had he or she been detailed to the international organization.

c. Leave - The employee may elect to retain to his or her credit all accrued annual leave which would otherwise be liquidated by a lump-sum payment. On the request of an employee at any time prior to re-employment with Broadcasting, payment will be made for all of the leave retained. In any case in which an employee receives a lump-sum payment and re-employment occurs within six months following the date of transfer the employee must refund the amount of the lump-sum payment. (Also see 3 FAM 495.)

The employee will have reccredited to the home leave account all unused home leave which he or she had to his or her credit prior to transfer to the international organization. Upon re-employment, the sick leave account of the employee will be restored by credit, minus any charge to its status at the time he or she left the Federal service; and the period of separation will be considered creditable service for all appropriate Federal employment purposes, e.g., toward completion of the waiting period required for a periodic step increase and toward the years of service required in connection with the accrual of annual leave.

d. Pay - The employee will receive the rate of basic compensation to which he or she would be entitled had he or she remained in the Federal service.

e. Consideration for Promotion - Whether on detail or transferred, the employee will be considered for all promotions for which he or she would be considered were he or she not absent. A promotion effected during the detail or transfer is effective on the date it would have been made if the employee were not absent.

#### 712.5 Procedures for Effecting Transfer

Upon written request by an international organization for the services of an employee, the Director of Personnel, may authorize the transfer for any period not to exceed four years. When the Director of Personnel determines it to be in the national interest, a period of employment by transfer may be extended. Refusal by the Director to authorize the transfer or extension of a transfer is not reviewable or appealable outside Broadcasting. Consent to the transfer will be given in writing to the international organization, with a copy to the employee. The effective date of the transfer will be established by mutual agreement between Broadcasting and the international organization. The employee will be furnished a statement of his or her leave account upon separation for transfer. The SF-50, Notification of Personnel Action, effecting the employee's separation for transfer, will identify the public



international organization to which he or she transfers and include a clear statement of the period during which he or she has re-employment rights under Section 3582 of Title 5, United States Code, and the legal and regulatory conditions of re-employment.

712.6 Re-employment Rights - A transferred employee is entitled to be re-employed in his or her former position or one of like seniority, status, and pay within 30 days of receipt of his or her application for re-employment if he or she meets the following conditions:

- a. He or she is separated voluntarily or involuntarily within his or her term of employment with the international organization;
- b. He or she applies for re-employment not later than 90 days after separation.

An employee may apply for re-employment either before or after separation by the international organization. If before separation, the 30-day period begins either with the date of the application or 30 days before the employee's date of separation, whichever is later.

712.7 Right of Appeal From Failure to Re-employ - If Broadcasting fails to issue a decision on re-employment to the employee within 30 days from application for re-employment, the employee is entitled to appeal the failure of Broadcasting to the Merit Systems Protection Board (MSPB) within a reasonable time thereafter.

The decision of the MSPB is final, and Broadcasting must comply with the recommendations of the MSPB for corrective action. A proper appeal filed prior to the death of an appellant will be processed to completion and adjudicated. As necessary, a corrective action in such an appeal may provide for amendment of Broadcasting's records to show a retroactive restoration and continuance on the rolls to the date of death.

International Broadcasting Bureau  
Manual of Operations & Administration

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MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART V-B PERSONNEL (FOREIGN SERVICE), 700 SEPARATION  
Section 720

RESIGNATION

721 Designation

722 Policy

723 Notice of Resignation

724 Submitting Resignations

724.1 While in the United States

724.2 Overseas

725 Acceptance and Withdrawal of Resignation

726 Effective Date of Resignations

726.1 When Neither Transit Time Nor Leave Without Pay is Involved

726.2 When Transit Time or Leave Without Pay is Involved

727 Procedures

Section 720

RESIGNATION

721 DEFINITION - Separation by resignation is the separation of an employee from the rolls of Broadcasting at the employee's written or oral request.

722 POLICY - No employee will be denied the right to resign at any time nor be coerced to resign when action is pending to separate him or her for any reason. A resignation is binding once submitted in writing by an employee or after 24 hours when it has been submitted orally. The

Director, Office of Personnel may, however, permit an employee to withdraw his or her resignation at any time before its effective date.

In all cases of resignation, the Office of Personnel or the overseas post will advise the employee of all benefits available to him or her as a result of Federal employment and assist him or her, as necessary, to apply for such benefits.

#### 723 NOTICE OF RESIGNATION

a. Notice of resignation should be given at least two weeks prior to the effective date and should include the reason for resigning. When an employee submits a resignation while overseas, he or she should give the maximum possible notice to enable Broadcasting to secure a replacement.

b. A written resignation is preferred in all instances to avoid possible misunderstandings. However, failure to submit a written resignation does not make the resignation invalid.

c. When a resignation is submitted orally, the Office of Personnel will confirm the fact of the resignation by appropriate written response. Such response is not essential to the final consummation of the resignation.

d. A written resignation is required and must show the reason for resignation when an employee resigns under the following circumstances:

(1) To enter on active duty in the armed forces;

(2) After receiving notice of separation in reduction-in-force action;

(3) After receiving an offer of reassignment or demotion in lieu of separation for reduction-in-force.

e. An employee is not required to resign when separating from Broadcasting to transfer to another government agency without a break in service.

f. Conditional resignations are not accepted by Broadcasting. If an employee describes terms and conditions under which he or she will resign, the employee should be advised that the acceptance of the resignation will be an acknowledgment of the resignation and not an agreement to specified terms or conditions. In such a case, the employee may be allowed to withdraw the conditional resignation and resubmit an unconditional resignation.

#### 724 SUBMITTING RESIGNATIONS

724.1 While in the United States - An employee who resigns while on duty in Washington or on leave in the United States will address the resignation to the Director, Office of Personnel.

724.2 Overseas - - A Foreign Service American employee who gives notice of resignation while overseas will address the resignation to the Director, Office of Personnel, and submit it through the head of the

element's overseas establishment. The Chief of the overseas establishment also should notify the Office of Personnel as soon as he or she has been informed of an employee's intention to resign.

725 ACCEPTANCE AND WITHDRAWAL OF RESIGNATION - Since a resignation is a voluntary action on the part of the employee and Broadcasting has no right to reject it, the submission of a written resignation is regarded as a completed act on the employee's part and the employee may not withdraw the resignation unless the withdrawal is agreed to by the Director, Office of Personnel. If the Director, Office of Personnel does not permit a withdrawal, an explanation of the reason for denial must be provided the employee. Some reasons for denial would include anticipated administrative disruption caused by acceptance of the withdrawal; completed assignment of a replacement for the employee; indication that the resignation was submitted to avoid an overseas assignment; departure of the employee from an overseas assignment and subsequent travel. In the case of an oral resignation the employee will have a subsequent 24-hour period in which to withdraw the resignation. Absent a withdrawal of that oral resignation within 24 hours, Broadcasting will regard the resignation as a completed act on the employee's part and the employee may not withdraw the resignation unless the withdrawal is agreed to by the Director, Office of Personnel.

#### 726 EFFECTIVE DATE OF RESIGNATION

726.1 When Neither Transit Time Nor Leave Without Pay is Involved - The effective date of separation is:

- a. The last day of active work status (last day of duty) including any authorized consultation in Washington, when leave is not granted.
- b. The last day of authorized sick leave, if resigning because of illness.
- c. The last day of authorized annual leave. When granting annual leave prior to separation, refer to 3 FAM 432.8 and 3 FAM 492.1.
- d. The last day of the current pay period, if the resignation is submitted while the employee is on leave with pay.

726.2 When Transit Time or Leave Without Pay is Involved - See MOA V-B 703.

727 PROCEDURES - Instructions and procedures that apply to all types of separations, including resignations, are contained in MOA V-B 701 - 709.

- a. If an employee resigns while preparation is being made to bring charges against him or her or while action is pending to separate the employee for reasons reflecting upon his or her suitability for further government employment, such circumstances must be noted on appropriate copies of the Notification of Personnel Action (SF-50).
- b. Employees who submit a resignation because of ill health and are eligible to apply for disability retirement will be so advised by the

personnel office, and will be given the necessary assistance in filing an application by the Retirement Division. (See MOA V-B 502 and 780).

c. The element is responsible for requesting the issuance of the travel authorization for an eligible employee who resigns/separates.

International Broadcasting Bureau  
Manual of Operations & Administration

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PART V-B PERSONNEL (FOREIGN SERVICE), 700 SEPARATION  
Section 730

DEATH IN SERVICE

731 Reporting Procedures

732 Responsibility in Cases of Death Overseas

732.1 Travel Authorization

732.2 Notifying Next of Kin

732.3 Letter of Condolence

732.4 Follow-up Action

733 Responsibility in Cases of Death in the U.S.

734 Organization of Memorial Services

SECTION 730

DEATH IN SERVICE

731 REPORTING PROCEDURES - In the event of death of an American employee or employee dependent overseas, the notification procedures set forth in 6 FAM 697 will be followed. In addition to the actions to be taken as enumerated under 3 FAM 784.1, form DS-8, Fiscal Clearance for Final Salary Payment, and form DS-8A, Administrative Clearance for Separation (see MOA V-B 709), will be initiated by the head of the overseas establishment, his or her designee, or the post administrative or personnel officer.

732 RESPONSIBILITY IN CASES OF DEATH OVERSEAS

732.1 Travel Authorization - The element is responsible for requesting and ensuring that authorization is issued immediately for any authorized expenses in connection with preparation and shipment of remains and

travel and transportation of family and effects upon the death of an employee (see 6 FAM 126.5).

732.2 Notifying Next of Kin - While it is preferable that either the appropriate element Director or Director, Office of Personnel notify next of kin in case of employee death at an overseas establishment, in the absence of action by those officials, a Personnel Specialist will be responsible for such notification. The officer notifying the next of kin should offer whatever assistance the circumstances warrant. In the event that the notice of death arrives in Washington after the close of normal duty hours, Broadcast Operations will notify the Director, Office of Personnel. This officer will notify the next of kin and assist in issuing an emergency travel authorization. The Personnel Director will be responsible for notifying the Broadcasting Director, and/or the Director of VOA.

732.3 Letter of Condolence - An officer designated by the Director of Personnel, will promptly prepare a letter of condolence for the signature of the Broadcasting Director addressed to the next of kin. A letter also should be drafted for the signature of the Director, Office of Personnel and addressed to the next of kin.

732.4 Follow-up Action - The Office of Personnel will prepare a Notification of Personnel Action, form SF-50, using the date of death as the effective date of separation and will provide necessary assistance in payment of the deceased employee's unpaid compensation, retirement and health benefits, and Federal Employees' Group Life Insurance, etc.

733 BROADCASTING RESPONSIBILITY IN CASES OF DEATH IN THE U.S. - In the event a Foreign Service employee dies while he or she is assigned to a Office or service element in the U.S., the Personnel Officer, working with Retirement Division will be responsible for the immediate notification of next of kin and letters of condolence. The Retirement Division will issue personnel actions and claims for benefits. If the deceased employee was unassigned or in travel status, the Personnel Officer will assume those responsibilities and coordinate action with the Retirement Division. The Retirement Division will initiate and process the Clearance for Final Salary Payment. Forms DS-8 and DS-8A are not used if an employee dies in the U.S.

#### 734 ORGANIZATION OF MEMORIAL SERVICES

When circumstances suggest that it is appropriate, the deceased employee's element head should consult with the employee's family on the holding of a memorial service on Broadcasting premises. After receiving the family's agreement, the element head will be responsible for organizing a memorial service, including the drafting and distribution of an announcement giving time and location. The deceased employee's element head is responsible for informing the Director of Broadcasting of any scheduled memorial service, whether it is organized in Broadcasting or outside by the family or other parties.

Last updated 10/12/10

TITLE 5-B  
HUMAN RESOURCES (FOREIGN SERVICE)

PART 740 - MANDATORY RETIREMENT

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TITLE 5-B

HUMAN RESOURCES (FOREIGN SERVICE)

PART 740 - MANDATORY RETIREMENT

741 Authority and Definitions

741.1 Authority - These regulations relate to mandatory retirement of members of the Foreign Service and are authorized by Sections 607-609, 806, 811, 812, 813, 2102, 2103 and 2106 of the Foreign Service Act of 1980 (hereinafter referred to as the Act).

Authority to administer these sections of the Act is delegated to the Director, Office of Human Resources.

741.2 Definitions -

a. Ranking - means that a Selection Board has reviewed the officer's file and placed the officer's name on a numerical rank order list or an alphabetical list (in the case of those not recommended for promotion or those identified as having failed to meet the standards of their class and specialty).

b. Annual Selection Boards - means Boards convened annually to consider Foreign Service employees for such matters as promotion, tenure, failure to meet the standards of class, and limited career extensions, as provided in the applicable Precepts. To accommodate change in the rating cycle or delays in publishing of Board Precepts the annual Boards may be held twice in one calendar year. In such cases, each session of the Board is considered as one annual Board.

c. Time-in-class (TIC) - means time in a single salary class.

d. Time-in-Service (TIS) - means time in a combination of salary classes, computed from the date of entry into the Foreign Service.

742 Kinds of Mandatory Retirement

There are three categories of mandatory retirement for Foreign Service employees:

- a. Mandatory retirement for age;
- b. Mandatory retirement based on TIC or TIS limitations;
- c. Mandatory retirement based on relative performance.

742.1 Mandatory Retirement for Age - Career members of the Service shall be retired at the end of the month in which they reach age 65, except as otherwise provided by law or as specified below:

- a. An officer who would be retired for age who has not accumulated five years of creditable service towards retirement will have the effective date of retirement postponed until the end of the month in which five years of such creditable service is accumulated; and
- b. An officer whose mandatory retirement is postponed will not be eligible for consideration by Selection Boards during the period of postponement.

742.2 Mandatory Retirement for Expiration of Time-in-Class (TIC) or Time-in-Service (TIS) Limitations

a. Unless granted a limited career extension (LCE) as provided in paragraph 742.3d, a postponement in the retirement date as specified in paragraphs 742.6 and 742.8, career members of the Foreign Service shall be retired under Section 607 of the Act for exceeding maximum TIC or TIS limitations as follows:

(1) Career members of the Senior Foreign Service

(a) The following are the maximum TIC periods for each Senior Foreign Service class:

Counselor - 7 years from date promoted into the Senior Foreign Service.

(2) Foreign Service Specialists (Not members of the SFS)

(a) Foreign Service Specialists who held career appointments on or before February 15, 1981, in Classes FP-6 through FP-1, are subject to both the TIS limit of 25 years in these Classes since their date of career appointment and the TIC limit of 15 years in any one salary class after their date of career appointment. TIC begins on the date of career appointment or date promoted into class if the employee is already a career Specialist. However, in accordance with Section 2106(c) of the Act, this provision will not operate to extend any previously applicable time-in-class limit.

(b) Foreign Service Specialists who received career appointments at the level of FP-5 or above after February 15, 1981, will be subject to the TIS limits as given in Exhibit 740A and the TIC limit of 15 years in any one salary class after career appointment. TIC begins on the date of career appointment or date promoted into class if the employee is already a career Specialist.

(c) A specialist who has requested consideration for promotion into the SFS may subsequently withdraw that request, but will continue to be subject to mandatory retirement for expiration of TIC or TIS limits unless the request was cancelled prior to the convening of the first Selection Board after the request was made. A request that is cancelled prior to the first Selection Board review may be resubmitted at a future date. However, a specialist who withdraws a request after

the first Board has convened may not resubmit it or be considered again for promotion into the SFS.

(3) Specialists Requesting Promotion into the SFS - Specialists at class FP-1 who request consideration in writing for promotion into the Senior Foreign Service and are considered for promotion by the Specialist Selection Board up to the expiration of their applicable TIC or TIS limits, as described in paragraph 742.2a, unless they withdraw their request. If they withdraw their request, then 742.2a(c) above applies.

b. Exception. Notwithstanding the provisions paragraph 742.2a, above, mandatory retirement for Time in Class (TIC) or Time in Service (TIS) will not apply to VOA News Foreign Correspondents who were tenured career members of the Foreign Service as of October 1, 2006.

c. Computations

(1) When calculating TIC, the beginning date is the date that the employee received a career appointment or was promoted into the employee's current class if already a career employee on that date and the class is covered by either the TIC or TIS limit.

(2) When calculating the TIS limit, the beginning date is the date that the employee received a career appointment or was promoted into the lowest class covered by the TIS limit if already a career employee on that date. Time spent on a limited reserve or Foreign Service Staff appointment is excluded.

d. Annuity Exception - Notwithstanding the TIC and TIS limits established elsewhere in MOA Section 740, a tenured career member of the Service at the FP-2 level or below, who is not eligible for voluntary retirement under Section 811 of the Act, or who is not qualified for an immediate annuity under Section 609 of the Act, will not be retired until the officer is eligible for an immediate annuity. The TIC or TIS limits of such an officer will expire at the end of the month in which the TIC or TIS date occurs. However, the member will remain on the rolls until the end of the month in which the member becomes eligible for an immediate annuity, or a later postponed retirement date as provided in paragraph 742.6b. During the postponement period (from the date the employee's TIC or TIS expired until the date the employee is eligible for voluntary retirement) the employee is not eligible for further promotion consideration or within-class increases.

e. Time-in-Class/Time-in-Service Calculation - The calculation of maximum TIC or TIS under paragraph 742.2 shall include all periods of performance in relevant class or classes except:

(1) Periods of separation from the Service;

(2) Periods of leave without pay in excess of three months;

(3) Periods during which a member has been seconded to international agencies with re-employment rights.

- (4) Periods of sabbatical leave not to exceed 11 months for members of the Senior Foreign Service;
- (5) Periods for which a Selection Board has non-rated a member of the Service on grounds of insufficient performance data;
- (6) Periods for which the Director, Office of Human Resources (OHR), determines that the member should be non-rated to correct denial of opportunity for promotional consideration resulting from inadequate or incorrect performance data or administrative error;
- (7) Periods which are non-rated by direction of the Foreign Service Grievance Board, the Merit Systems Protection Board, the FLRA, the Courts, the EEO Examiner, or the Labor Relations Staff; and
- (8) Periods when an officer is called to active military service.

f. Time-in-Class/Time-in-Service Extensions for Language Training.

- (1) Periods of full-time, long-term hard language training (i.e., language training for which 44 weeks or more of study is the normal training period) or a combination of Area Studies and language training shall extend the officer's TIC/TIS as follows:
  - (a) Upon successful completion of training, the period not included in the TIC calculation will be one year if the time spent in training was from nine to thirteen months; and two years if the time spent in training was fourteen months or more. The period not included in the TIC/TIS calculation due to training in any single language will not exceed two years regardless of the time actually spent in training.
  - (b) This provision does not apply to refresher courses for officers who have previously scored S-3/R-3 or better in the language. However, it would apply to a training program aimed specifically at raising existing proficiency to the S-4/R-4 level, subject to the two-year limit described in paragraph (a), above.
  - (c) The Office of Human Resources (OHR), Training and Development Division, will certify in writing to the OHR Foreign Service Personnel Officer that a specialist has successfully completed training and is eligible for TIC/TIS recalculation. OHR will provide the officer with a copy of the certification.

742.3 Limited Career Extensions

- a. General - Limited Career Extensions (LCEs) may be offered to any career officer in the Senior Foreign Service whose maximum TIC under paragraphs 742.2a or 742.2f is expiring or to Specialists who are in the highest salary class (below Senior Foreign Service) of their respective occupational specialties or to Specialists in lower classes based on a very limited number of promotion opportunities or the staffing needs of lower classes provided that the IBB Director has

determined that in general, the needs of the Service require that LCEs be granted. NO LCE WILL EXTEND AN OFFICER BEYOND THE AGE OF MANDATORY RETIREMENT.

b. Duration - LCEs will be 3 years in duration during which the officers receiving LCEs will be eligible for consideration for promotion, and performance pay -- if a member of the Senior Foreign Service -- and, if otherwise eligible, the possibility of further LCEs up to mandatory retirement age.

Members in their last year of TIC who are not granted an LCE will be retired in accordance with the provisions of BAM 5-B 740.

c. Determination of Numbers - Prior to the convening of the Senior Foreign Service Selection Board and the Specialist Selection Board, the IBB Director will determine the number of LCEs to be authorized in each class and in the Specialist categories by specialty. The determination will be made in conjunction with the determination of annual promotion opportunities based on the need:

- for expertise and experience in the SFS or in the specialty; and
- to provide a regular and predictable flow of talent through the ranks and into the SFS.

These numbers will be placed in a sealed envelope prior to the convening of the Specialist Selection Board and the Senior Foreign Service Selection Board and placed in escrow in accordance with the applicable provisions of the Foreign Service Promotion Safeguard Agreements (BAM 5-B, Exhibits 460A and 460D).

#### d. Selection Board Procedures

(1) LCEs are distributed in accordance with the rank-ordered recommendations of the Senior Foreign Service Selection Board and Foreign Service Specialist Selection Board Panels which shall be made in accordance with the Precepts governing the Boards and the Agreement on Composition of the Selection Boards.

(2) After each Panel of the Board has completed its consideration of officers in its respective competition category for promotion and possible selection, OHR will advise the Panel whether any LCEs have been authorized and, if so, will provide the Panels with the names of all career members in the category who are in their last year of time in class but were either not recommended for promotion or not within reach for promotion even though recommended. The Panel will not be given the names of those employees who withdrew from consideration in accordance with the provisions of Exhibit 740C.

(3) If a Panel recommends fewer members than authorized, OHR will notify the Panel of the number authorized and ask the Panel to reopen its consideration of members for extension. Upon such further review the Panel may identify additional members as qualified for extension. The officers so identified will be precisely ranked in order of merit with those previously recommended for an LCE.

(4) LCEs will be granted by the Agency strictly in the rank order recommended by the Selection Board Panel. Names may be removed from a Panel LCE rank-ordered list only under the conditions and procedures established regarding removal of names from promotion lists (BAM 5-B 460) and Promotion Safeguards Agreement, BAM 5-B Exhibit 460A).

e. LCE Review Categories

(1) Members of the SFS will be considered for extension by class in the following competition category:

(a) Counselor - All Specialist officers in the Class of Counselor by Specialty.

(2) Overseas Specialists in the highest salary class for their specialty will be considered for extension by specialty.

f. Criteria for SFS Board Review

(1) The SFS Selection Board panels will consider quality of performance and potential for continued outstanding service in class.

(2) The panels should also give weight to evidence of accomplishment and competency demonstrating the capability to carry out executive responsibilities.

(3) The panels should give particular credit to evidence of knowledge and recorded achievements in leadership and management, as applicable.

(4) In addition, the panels will review and consider the availability for overseas duty of each officer, particularly those who have been serving in the United States in excess of four consecutive years.

(5) Equal credit is to be given to performance whether completed in a funded position or not; the measure of the accomplishment is demonstrated capability and evaluated performance of responsibilities, not the type of position occupied.

(6) Should a period of performance not be rated by an evaluation report, the panels should not discount the officer's overall standing in any way.

h. Criteria for Review of Foreign Service Specialists - Class 1 or Below

(1) The Foreign Service Specialist Selection Board panels will apply the same performance criteria as are applicable for promotion. However, recognizing that specialists extended generally will serve in present class, the panels will consider primarily the quality of performance, experience, and potential for continued successful service in the specialist's present class.

(2) In considering specialists for extension on a specialty-wide basis by class, the panel should give weight to evidence of accomplishment and competency demonstrating the development and/or maintenance of the skills required by the specialty. The panel also should give appropriate credit to evidence of knowledge and recorded achievements in leadership and management, as applicable.

(3) In addition, since worldwide availability is of critical importance in agency staffing, the panel may give positive consideration to specialists who have demonstrated their availability for overseas service.

(4) Equal credit is to be given to performance whether completed in a funded position or not; the measure of accomplishment is demonstrated capability and evaluated performance of responsibilities, not the type of position occupied. Should a period of performance not be rated by an evaluation report, the panel should not discount the specialist's overall standing in any way.

i. Non-rates

(1) The Board must review and reach a decision with regard to any employee for whom periods of performance over the most recent five years are covered completely or in part by evaluation or training reports or justification explaining any unevaluated period of performance.

(2) Only with the concurrence of the Office of Human Resources that a file is insufficiently documented may the Board not rate a member.

(3) Whenever it is determined that an employee must be non-rated for LCE consideration, the time-in-class of the employee non-rated will be extended one year to permit a subsequent review for promotion and extension by the next session of the Selection Board.

(4) The Board must prepare a statement justifying the non-rate decision in each case, a copy of which will be forwarded to the non-rated employee.

#### 742.4 Effective Date of Retirement for TIC or TIS

a. Members of the Service who are retired for expiration of TIC or TIS shall have the effective date of their retirement set by the OHR Director within six months after the expiration of the TIC or TIS limit.

b. The Office of Human Resources will notify a member of the Service in writing as soon as the effective date of retirement has been set under subsection (a) above. To the maximum extent possible, such members shall be given at least 30 days' notice of retirement.

742.5 Notification of Proposed Retirement for Expiration of TIC or TIS - The OHR Director will notify officers who have met the preceding criteria of retirement for TIC of the following information:

a. That the retirement of the officer for expiration of TIC or TIS limits is in accordance with Section 607 of the Foreign Service Act of 1980, as amended, and implementing regulations issued thereunder;

b. The date on which the officer will be retired;

c. The time limits for filing (60 working days) an appeal and warning that failure to appeal the decision within the prescribed time limits will remove the officer's case from the jurisdiction of the Grievance Board;

742.6 Postponement of the Effective Date of Retirement - Except as indicated below, the effective date of retirement will be within six months after the expiration date of the time-in-class limit. Also see paragraph 742.5.

a. If an officer reaches a maximum TIC or TIS limit while serving in a position to which appointment was made by the President, the officer's retirement from the Foreign Service becomes effective upon completion of service in such a position.

b. FP-2 Officers who are not eligible for voluntary retirement upon the expiration of the maximum TIC or TIS limit applicable to their class will not be retired until they attain eligibility to apply for voluntary retirement.

c. The OHR Director may postpone the effective date of retirement of an officer for up to one year in rare instances of personal circumstances of critical need. Even in such rare cases, extensions will be limited to no more than one year. Extensions will not be granted to accommodate personal convenience or to fill recurring vacancies which are the result of normal tour rotation.

d. If the Officer seeks relief against the proposed retirement in initiating action under the Foreign Service grievance procedures (3 FAM 4400) prior to retirement, the effective date of retirement shall be postponed pending a final decision on the appeal.

e. The records of any officers who have been designated for retirement by the OHR Director, or whose effective date of retirement is postponed, will not be reviewed by Selection Boards which convene during the intervening period, nor will such officers receive a within-class salary increase during this period.

742.7 Appeals of Retirement for TIC or TIS - An officer may appeal retirement for expiration of time-in-class limits within 60 days of receipt of the notification of retirement from the OHR Director. Appeals may be made to the Labor and Employee Relations Division only if the retirement is alleged to be contrary to laws or regulations or predicated upon alleged inaccuracy, omission, error, or falsely prejudicial character of information in any part of the official personnel record of the officer.

742.8 Career Transition Program - The Career Transition Program (hereinafter referred to as the Program) is a concentrated learning experience based on individual and group counseling. It



is designed for employees seeking post-retirement employment, and consists of three phases: (1) assistance in self-analysis and appraisal of skills and aspirations, and resume preparation; (2) developing job-finding strategies; and (3) assistance in conducting a second career search.

a. Eligibility Criteria - Only tenured Foreign Service employees within one year of involuntary separation/retirement directly resulting from the Selection Board process, or those employees who face mandatory retirement due to age (65) are eligible for this Program. This specifically includes those employees notified of separation based on expiration of time-in-class/time-in-service limits, or on relative performance, even if they opt to retire prior to their separation date. Voluntary retirees may only be enrolled on a space-available basis, as an annuitant, and within one year following retirement.

(1) Eligible employees assigned to the U. S., when notified of pending separation, may participate in the Program while in pay status for up to 30 calendar days.

(2) Eligible employees assigned overseas, when notified of pending separation, may participate in the program while in pay status for up to 60 calendar days.

b. Program Responsibilities

(1) The State Department's Career Transition Center (PER/RCT/CTR) provides the work facilities and the counseling services; and

(2) Will certify time and attendance for Program participation.

c. Program Procedures

(1) Those eligible employees notified of pending separation under TIC, TIS, or relative performance will be accepted into the Program in accordance with the following requirements:

(a) They respond to an offer of participation within 60 days after receiving notice of their pending separation; and

(b) Submit a retirement application and execute a retirement agreement prior to being accepted for participation in the Program (see Exhibit 740B).

(c) The separation/ retirement date of employees who participate in the Program will be no later than the conclusion of the 30 or 60-days in a pay status, as appropriate. For employees mandatorily retired for age, the retirement date will be no later than the end of the month in which the employee reaches age 65.

(d) In accordance with BAM 5-B 742.6(c), 743.6b(3), and 3 FAM 4400, an employee has sixty (60) calendar days from the date of receipt of the notification of retirement from the OHR Director to file an appeal against the proposed retirement. Failure to appeal the decision within the prescribed time limits will remove the officer's case from the jurisdiction of the Grievance Board.

(e) Section 742.7(4) states that "if an officer seeks relief against the proposed retirement in initiating action under the Foreign Service grievance procedures prior to retirement, the effective date of retirement shall be postponed pending a final decision on the appeal." If an officer who elects to participate in the Program initiates action prior to beginning the Program, his/her participation will continue as scheduled; however, the effective date of retirement will be held in abeyance pending a final decision on the appeal. If an officer files a grievance regarding any matter other than an appeal against his/her proposed retirement, it will not impact upon his or her participation in the Program nor will he or she be eligible to receive the postponement in accordance with section 742.7(4).

(f) When approved to participate in the Program, employees serving overseas will be reassigned to Washington by direct transfer. Neither transfer allowances nor per diem are authorized for participants. The timing of the direct transfer of an employee serving overseas and subsequent start of the Program will be coordinated by the OHR Foreign Service Personnel Officer. Based on the needs of the Agency, the OHR Director may extend the pending separation date for a short period.

(g) The participant may continue to use the Program for up to 1 year after retirement, if accepted into the program before retirement.

d. Job Bank - The Career Transition Center (PER/RCT/CTR) will maintain a register of job opportunities appropriate to the skills of those who have registered with it.

#### 743 Mandatory Retirement Based on Relative Performance

Career members of the Service shall be retired for failure to meet the standards of performance for the class in which they serve or for relative performance (Section 608 of the Foreign Service Act of 1980).

743.1 Retirement Criteria - Foreign Service Specialists - A Foreign Service Specialist in Classes 1 through 8 or a Career Foreign Service Specialist member of the Senior Foreign Service may be retired for performance when:

a. A Selection Board indicates that the officer has not met the standard of his or her class, documenting that finding in a memorandum outlining in substantive detail specific reasons for the conclusion and the OHR Director has conducted an administrative review of the Board's finding and determines that the officer has failed to meet the standards of performance for his or her class and refers the file to a Performance Standards Board (PSB); or

b. The officer receives two or more of either or a combination of letters of low ranking or denials of a Within-Class Increase (WCI) from two Selection Boards within any five-year period and the Performance Standards Board (PSB) designates the officer for selection-out. (See paragraph 743.6.) A letter of low ranking is an indication to the officer and the Agency of problem areas or inadequacies in needed skills, performance, and/or potential, as described in 5-B 460, Exhibit 460B. Referral to a PSB for selection-out under this provision must be

documented by specific examples of performance from the most recent five years and shall draw on material from more than one rating period. A majority of the Selection Board members must concur in such a referral.

743.2 Administrative Review by the Director, Office of Human Resources (OHR) - Upon receipt of notification by the Selection Board that a Foreign Service Specialist has been identified as not meeting the standards of his or her class, the OHR Director will conduct an administrative review of the findings and advisory statements of the Selection Boards and will decide whether to initiate retirement proceedings against the officer.

a. The OHR Director may decide that the officer has not met the criteria for mandatory retirement when:

(1) clear and substantial error is found either with respect to a Selection Board's procedure (such as a failure to apply the precepts properly), or with respect to technical aspects of the officer's performance file (such as inadmissible material, inadequate records, or mistakes in a Selection Board's statement of reasons for finding an officer does not meet the standards of the class) or

(2) Compassionate considerations are compelling (such as the serious illness of the officer).

b. If the OHR Director decides not to initiate retirement proceedings, notification of the administrative review and identification for retirement may be withheld from the officer under certain compassionate circumstances, e.g., the officer's imminent retirement.

c. If the OHR Director does find that the officer has met the criteria for mandatory retirement and initiates retirement proceedings, the affected officer will be notified by letter of the proposed action. The letter shall include:

(1) As applicable, copies of letters of low ranking, denials of WCI, and findings and statements of the Selection Boards or Performance Standards Board;

(2) Notice that the officer is entitled to reasonable time from receipt of the notification to respond to the proposed retirement with a personal appearance before the Director, Office of Human Resources or designee, or in writing, or both, to show cause why he or she should not be retired. The response time will not exceed 20 calendar days for officers assigned in the United States nor 60 days for officers assigned overseas;

(3) Notice that the officer has the right to be represented by counsel or by any other representative of the officer's own choosing at any stage of the mandatory retirement process;

(4) Notice that the officer will be provided a reasonable amount of official time to prepare and to present his or her response to the proposed retirement; and

(5) Notice that the officer's next within-class increase is suspended pending the OHR Director's final decision on the selection-out recommendation of the Board.

### 743.3 Final Decision of the Director, Office of Human Resources

- a. If the officer responds to the notification of proposed retirement the OHR Director will consider the response in reaching the decision whether or not to retire the officer.
- b. When the officer requests an opportunity to respond through a personal appearance, the Director, Office of Human Resources, or designee, shall hear the officer's response. A designee shall have authority to recommend a decision on the matter to the OHR Director. The right of an officer to respond during a personal appearance includes reasonable opportunity to make any oral representations that the officer believes might sway the final decision in the case, but does not include the right to a formal hearing that is adversarial in nature.
- c. The OHR Director will provide the officer with written notice of the final decision within 90 calendar days from the date of receipt of the officer's response. If the decision is that the officer be retired, the notice will also include the following information:
  - (1) That the retirement of the officer will be in accordance with Section 608 of the Foreign Service Act of 1980, and implementing regulations issued thereunder;
  - (2) The date on which the officer will be retired;
  - (3) The officer's alternative and mutually exclusive rights to appeal the decision of the Director, Office of Human Resources either to the Foreign Service Grievance Board (3 FAM 4400 ), or to the IBB Director and copies of the regulations governing both procedures;
  - (4) That a formal hearing to review the merits of the decision may take place before either the Special Review Board or the Foreign Service Grievance Board, but not before both;
  - (5) The time limit (60 calendar days from date of receipt) for filing an appeal and warning that failure to appeal the decision within the prescribed time limits will remove the officer's case from the jurisdiction of both procedures;
  - (6) That the officer is not eligible for any further within class increase;
  - (7) That the officer's appeal of retirement will not bar any existing right to retire voluntarily at any time prior to the effective date of retirement.

### 743.4 Effective Date of Retirement for Relative Performance

- a. Determining Effective Date - Except as indicated below, the effective date of retirement will be within 90 days of the date of official notification of the final decision of the Director, Office of Human Resources, that the officer will be retired under paragraph 743.1.
- b. Postponement of Effective Date
  - (1) The Director, Office of Human Resources may, in special circumstances, postpone the

effective date of retirement for relative performance of an officer upon determination that such action is in the public interest. No such extension may exceed one year.

(2) The records of any officers who have been designated for retirement by the Director, Office of Human Resources, or whose effective date of retirement is postponed will not be reviewed by any Selection Board which convenes during the intervening period, nor will such officers receive a within-class salary increase during this period.

(3) If the officer elects to make a timely appeal of selection out prior to separation, the effective date of selection out shall be postponed pending a final decision on the appeal. Any officer may appeal selection out for failure to meet the prescribed standard of performance of the officer's class to the Foreign Service Grievance Board. (See paragraph 743.3c) The time limit for filing an appeal with the Board is 60 calendar days from the date of receipt of the final decision of the Director, Office of Human Resources.

#### 743.5 Date of Mandatory Retirement

If the Foreign Service Grievance Board sustains the decision of the Director, Office of Human Resources, to select out the officer, the date of separation shall be sixty (60) days from the date of the Board's written opinion.

#### 743.6 Referral to the Performance Standards Board

##### a. Review by the Performance Standards Board

(1) All career members of the Service who have received two or more of either or a combination of letters of low ranking or denials of WCIs from two Selection Boards within any five-year period shall be referred to a Performance Standards Board (PSB).

(2) For each member specifically referred to a PSB by the OHR Director under Paragraph 743.1(a), the OHR Director shall prepare a summary statement supplementing the referral to assist the PSB in evaluating the member's overall career record, including the member's strengths and positive accomplishments as documented by the Selection Board. Such summary statement and copies of applicable low ranking letters and/or denials of WCIs will be referred to the PSB.

(3) For each member referred to a PSB under either Paragraph 743.1(a) or (b), the PSB shall prepare a written statement supporting its final decision to either recommend separation or deny separation.

b. Review by the Director of IBB - The Director of IBB may, on the basis of a recommendation by OHR, determine that for compelling medical or compassionate reasons, a member should not be referred to the PSB. In this event, the individual will be considered as having been "non-rated" by the Selection Board and the records will be so annotated in accordance with the precepts, but the member will not be granted any additional period of time-in-class or time-in-service, unless awarded through a grievance.

c. Membership of the Performance Standards Board

- (1) The Performance Standards Board will be appointed by the Director of the IBB.
- (2) The PSB will consist of at least three members, who shall be career members of the Foreign Service or Civil Service above the level of the members who are being reviewed. The members will be knowledgeable of the requirements of the specialties involved.

d. Review and Notification by the Director, Office of Human Resources

- (1) The PSB's findings will be reviewed by the OHR Director for consistency with governing policies.
- (2) The OHR Director will notify members of PSB determinations to select-out the member when the Director finds such determination to be consistent with policy. This notice will include a specific date set for retirement, a copy of the PSB's written statements justifying its findings, and notice of the opportunity to appeal the determination to the Director of IBB within 20 days of this notification or to file a grievance, but not both.

743.7 Procedural Precepts for the Performance Standards Boards

a. Performance Standards Boards (PSBs) will be guided by the following standards of performance to be met by career members of the Service.

- (1) The wide variety of both Foreign Service functions and working conditions precludes defining specific and fixed class standards embracing precise requirements. Therefore, the performance standards are expressed in broad terms. In general, PSBs shall weigh heavily documented shortcomings in one or more skills, abilities, or areas of knowledge that are pertinent to the occupational category of the member reviewed. PSBs shall also take into account failure to overcome these shortcomings after they have been brought to the attention of the member. A member's failure to meet the standards of a class may manifest itself in relative or comparative shortcomings in necessary skills, abilities, or areas of knowledge in comparison with other members in the same class and occupational category.
- (2) In judging the relative performance of a member under review, each PSB will give particular weight to documented shortcomings in those areas of quality, competency, and responsibility as set forth in the most recent Selection Board precepts and the following.
  - (a) Reluctance to accept responsibility.
  - (b) Failure to carry out properly assigned tasks within a reasonable time.
  - (c) Low productivity or work poorly done.
  - (d) Extent to which the specialist has developed and maintained the skills required of the Specialty

- (e) Failure to adapt to the office environment or to a foreign culture.
- (f) Refusal to accept or carry out legitimate directives from properly authorized officials.
- (g) A pattern of failure to safeguard properly classified material and information.
- (h) Inability to work effectively and cooperatively with supervisors, colleagues, teammates, or subordinates.
- (i) A lack of EEO sensitivity.
- (j) Indifference/failure to carry out supervisory and /or administrative responsibilities.

(3) Each PSB will review a sufficient number of Official Performance Folders of other members in the class and occupational category of the member under consideration to ensure that it has a reliable measure of the character and quality of performance in the relevant category. The Board will review no fewer than 10 Official Performance Folders in each case as a representative sample picked at random from the appropriate category, unless the class and occupational category includes fewer than 10 members. In this instance, the PSB will review the files of all other members of the class and category of the member under review. Each PSB will then determine, in reviewing the record of the member under review in light of the criteria in subparagraphs a (1) and a (2) of this section, whether the member under review has failed to meet the standards of performance while in present class.

(4) To justify a designation of selection-out, a PSB need not conclude that the member's performance was unsatisfactory per se or that the member's utility to the Service is marginal in an absolute sense. Rather, its duty is to examine the records of the member under review and related material, in comparison with other records reviewed, and to designate for selection-out those whose performance (evaluated in terms of assigned duties, goals, and work requirements) or whose deficiencies in work-related personal qualities or professional skills indicate that they have not met the standards of performance for their class.

(5) A PSB shall not consider any of the following:

- (a) The time remaining before a member arrives at what may be mandatory retirement either for age or time-in-class/time-in service; or
  - (b) A member's age, sex, national origin, religion, race, color, sexual orientation, or disability.
- (6) A PSB should not penalize unfairly a member who has received an honest, candid, or constructively critical report and shall review the member's prior rankings in present class for balanced consideration.

(7) A designation of selection-out ordinarily will not be based solely on the reports of a single rater. The Board should be able to identify some or all of the critical shortcomings among the

reports of more than one rater. Where a Board's decision rests predominantly on the reports of one rater, the Board must consider whether there is any indication of unfair, negative bias by the rater.

b. The decisions of a Board respecting selection-out will be by majority vote and must be documented by written statements justifying the PSB's findings.

c. Proscriptions against outside inquiry.

(1) Prohibition against obtaining other information.

(a) A PSB will refer questions about its work only to the Office of Human Resources (M/H).

(b) PSB members will have available only the member's Official Personnel Folder and the materials specified in paragraph 743.6a(2) of this Section. They will neither seek nor receive, from any source, any other information (including but not limited to information regarding health, suitability, assignability, or reputation of any member of the Service under consideration).

(c) Should any unauthorized information referred to in paragraph (b) above come to the attention of a Board member, that Board member will report this in writing to M/H.

(2) Personal knowledge of Board members.

(a) PSB members cannot rely upon or relay to other Board members personal knowledge of a member under consideration.

(b) When a PSB member believes that he or she may be unable to render a fair and unbiased judgment of a career member, that PSB member shall state that fact in writing and will be excused from further consideration of the member. That PSB member shall continue to participate in the other activities of the PSB and shall not be required to state a reason for not participating in the consideration of a particular career member.

(c) A PSB member who was the career member's rater or reviewer while the career member was in present class will be excused from participating in making a decision only if the career member being reviewed so requests.

d. Oath of Office. All Board members will adhere to the following oath:

"I [Name] do solemnly (swear/affirm) that I will perform the duties of a member of a Performance Standards Board faithfully and to the best of my ability; that I will adhere to the Precepts and apply them without prejudice or partiality; and that I will not reveal to unauthorized persons any information concerning the personnel records used or the deliberations and recommendations of the Board."



e. Expiration. These precepts shall be extended from year to year and continue in force in their present form until modified or replaced after BBG or the employee representative organization gives notice in writing to the other of its intention to propose modifications.

#### 744 Retirement Benefits

Officers retired under paragraphs 742 and 743 above will receive retirement benefits in accordance with Section 806 of the Act, except those officers in classes FO/FP 9 through 2 who are retired under 5-B 740 and who are not then eligible for voluntary retirement under Section 811 of the Act, and shall receive benefits under Section 609(b) of the Act.

#### 745 Termination of Specialist Candidate Appointments for Unsatisfactory Performance

745.1 Authority - Under the provisions of Section 611 of the Foreign Service Act of 1980 the appointments of Specialist Candidates may be terminated at any time, except for reason of misconduct in which case the provisions of Section 610 of the Act shall apply (see 3 FAM 760 for Separation for Cause.)

##### 745.2 Policy

a. The purpose of the Specialist Candidate programs is to permit on-the-job evaluation of an individual's propensity and capability for effective service as a Foreign Service Specialist. That judgment normally will be made by a Specialist Selection Board (see BAM 5-B 450). However, in exceptional cases, a Candidate may prove unable to perform currently assigned duties satisfactorily prior to the Selection Board review. In such circumstances, it serves the interest of neither the Service nor the individual to retain the Candidate for the full term of the limited appointment. The Director, Office of Human Resources, may terminate the Candidate's appointment at any time the Candidate's performance is determined to be less than satisfactory. (See also 3 FAM 660).

b. Career Candidates are administratively promoted to the Class 4 level by the Director, Office of Human Resources, on the basis of satisfactory performance (see BAM 5-B 467). A Career Candidate who is not recommended for promotion by his or her supervisor at the time of eligibility for promotion is given six months' time in which to improve his or her performance. If, upon expiration of that period, the Career Candidate's performance is still determined to be unsatisfactory, the Career Candidate may be separated on the basis of unsatisfactory performance.

c. Specialist Candidates compete for promotion by the annual Specialist Selection Boards with other officers in the same occupational category and at the same class level. If a Specialist Candidate is cited for failure to meet the performance standards of his or her class by a Selection Board, the Specialist candidacy may be terminated.

### 745.3 Action by the Director, Office of Human Resources

a. Upon being advised that the Career Candidate's performance continues to be unsatisfactory or upon notification by the Selection Board that a Specialist Candidate has been cited for failure to meet the standards of his or her class, the Director, Office of Human Resources will conduct such further review or inquiry regarding the Candidate's performance as he or she may deem appropriate. All material considered by the OHR Director will be made available to the Candidate. The Candidate will be notified in writing of the intent to terminate his or her appointment and will be granted 10 working days from the date of receipt of the notification in which to respond to the finding. This period may be extended for good cause by the OHR Director.

b. Upon receipt of the Candidate's response or upon expiration of the notification period, whichever comes first, the OHR Director will again review all relevant material on file regarding the Candidate's performance and will either:

(1) Notify the Candidate that the finding of unsatisfactory performance has been reversed, and initiate action to effect any promotion or within-class increase that may be appropriate and timely;

(2) Issue a formal notification to the Candidate that his or her appointment will be terminated under the provisions of Section 611 of the Act and the effective date of the retirement. (Any Candidate who has reinstatement rights to a career or Foreign Service or General Schedule appointment position may exercise those rights in lieu of retirement); or

(3) Withhold judgment regarding possible action under (1) or (2) above for a specified period of time for further on-the-job observation. During that additional period the OHR Director may direct that the Candidate's within-class increase be denied, or direct a special monitoring of the Candidate's performance, which may include preparation of Officer Evaluation Reports at more frequent intervals than otherwise prescribed (see BAM 5-B 450). Upon expiration of the period, the OHR Director will re-address the question in light of overall performance history at that date.

745.4 Effective Date - The appointment will be terminated no less than 30 calendar days following date of final notice from the OHR Director (not counting needed travel time to return to the United States from overseas). Under special circumstances to be determined by the OHR Director, the effective date may be extended for a period not to exceed an additional 30 calendar days.

TITLE 5-B  
HUMAN RESOURCES (FOREIGN SERVICE)

PART 740 - MANDATORY RETIREMENT

EXHIBIT 740A

TIME IN SERVICE LIMITS FOR FOREIGN SERVICE SPECIALISTS  
(Career Appointment after February 15, 1981)

Class at Appointment	Time in Service Limit
FP-1	15 years
FP-2	18 years
FP-3	20 years
FP-4	22 years
FP-5	24 years

TITLE 5-B  
HUMAN RESOURCES (FOREIGN SERVICE)

PART 740 - MANDATORY RETIREMENT

EXHIBIT 740B

RETIREMENT AGREEMENT FORM

I, [name], hereby acknowledge that I have exercised the option to enter and participate in the Career Transition Program which is described in BAM 5-B 742 which I have read and understand. I further understand and accept the requirement that I submit my retirement application, which I have attached to this agreement, as a condition for participating in the Program. I have done so, setting my date of retirement to be [date].

I further acknowledge and accept without limitation or exception, upon entrance into the Career Transition Program, the obligation to reimburse the organization the amount of base salary for the period of participation in the Career Transition Program should I voluntarily withdraw any retirement application, except as provided for in BAM 5-B 742.

I enter into this agreement of my own free will and accord and not upon any promises or assurances other than those contained in BAM 5-B 742, which I have read thoroughly.

[Employee's Typed Name and Organizational Symbol]

[Employee's Signature and Date]

[Witness's Typed Name]

[Witness's Signature and Date]

Attachment

OF-136, Foreign Service Retirement Application - Original OF-136 to retirement office.

TITLE 5-B  
HUMAN RESOURCES (FOREIGN SERVICE)

PART 740 - MANDATORY RETIREMENT

EXHIBIT 740C

Withdrawal from Consideration for Limited Career Extension

Career Foreign Service Specialists who are in their last year of Time-in-Class (TIC) or Time-in-Service (TIS) and are eligible for Limited Career Extension (LCE), may elect not to be considered for an LCE. Consideration for an LCE is automatic unless the specialist executes and election to opt out of consideration. Regardless of the election, the specialist will still receive consideration for promotion.

Approximately six months before the appropriate Selection Board meets to consider the specialist for an LCE, the Foreign Service Personnel Officer (OHR) will send to each eligible specialist written notice that the specialist is subject to mandatory retirement due to TIC or TIS in the next calendar year and will be considered for an LCE unless the specialist elects otherwise.

A specialist wishing to decline to compete for an LCE must do so in writing (e.g., memorandum or email) addressed to the Foreign Service Personnel Officer (OHR) no later than 30 days before the convening of the Selection Board for the year in which the specialist would otherwise be considered for an LCE. An email must be followed by a signed and dated memorandum sent either in hard copy or pdf image and received no later than 10 days before the convening of the Board. If no election is submitted, the specialist will be considered automatically for an LCE. Below is a format for such an election.

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MEMORANDUM FOR: OHR – Foreign Service Personnel Officer

FROM: [Organizational Symbol], [Name of Specialist], [Occupational Category and Class], [Post of Assignment]

SUBJECT: Withdrawal from Consideration for a Limited Career Extension

As a specialist whose time-in-class or time-in-service will expire in [specify calendar year], I request that my name be removed from consideration for a Limited Career Extension (LCE) by the [insert year of the next Selection Board to meet] Selection Board scheduled to convene on [insert date Board is scheduled to convene].

I understand that removal of my name from LCE consideration will not affect my promotion prospects this year, i.e., I will be considered for promotion to the next higher class by the Board.

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(Signature)

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(Date)

International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

Material within this Manual of Operations and Administration may no longer be current. To ensure having the most current policy or procedure, please contact the Agency office responsible for the subject matter, e.g., information about performance appraisal, staffing, or compensation should be directed to the Office of Human Resources. For assistance in determining which office to contact, please contact Cathy Brown or Renee Tyrance-Gauff of the Analysis and Administration Division on (202) 203-4664 or feel free to email this staff at [cabrown@bbg.gov](mailto:cabrown@bbg.gov) or [crgauff@bbg.gov](mailto:crgauff@bbg.gov).

MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART V-B PERSONNEL (FOREIGN SERVICE), 700 SEPARATION  
Section 750

FURLOUGHS OF 30 DAYS OR LESS

751 Applicability

752 Provisions

752.1 Authority

752.2 Objectives, Definitions and Policies

752.3 Procedures

752.4 Responsibilities

752.5 Rights and Entitlements During Periods of Furlough

752.6 Furlough and Time-in-Class Calculations

752.7 Time Limited Appointments

753 Information

754 - 759 Unassigned

Section 750

FURLOUGHS OF 30 DAYS OR LESS

751 APPLICABILITY

This section applies to all categories of Foreign Service employees.

752 PROVISIONS

752.1 Authority - 22 USC 4105(a), Sections 205 and 206 of the Foreign Service Act of 1980 and Broadcasting's inherent authority.

752.2 Objectives, Definitions and Policies

- a. A furlough is the placing of an employee in a temporary non-duty, non-pay status due to shortage of funds or other non-disciplinary reasons.
- b. Under these regulations Broadcasting may not furlough employees for more than 30 calendar days or 22 workdays.
- c. Before actually initiating a furlough, Broadcasting will explore other means of responding to the need for a furlough.
- d. Broadcasting will seek to have the burden of any furlough equitably shared by employees so long as doing so does not interfere with appropriations or the effective and efficient management of programs, operations, and resources.
- e. Part-time employees will be furloughed in proportion to their schedule.
- f. Employees' rights and entitlements will be protected during periods of furlough to the extent permitted by statute and regulation. (See paragraph 752.3 below).
- g. A reasonable effort will be made to accommodate expressed personal preferences of employees (e.g., a desire to combine leave and furlough into a consecutive period or desire to have some income every pay period) in scheduling any furloughs to the extent they are consistent with work requirements and budgetary constraints.

#### 752.3 Procedures

- a. The Director of Broadcasting, or designee, will make the final decision on using furlough and on the extent and duration of furloughs as a means of responding to a shortage of funds or other non-disciplinary reasons.
- b. The Director of Personnel will implement the furlough in consultation with affected elements.
- c. Employees will be given 30 days' advance written notice by letter or telegram or other means stating the specific reasons for the furlough and its duration. The advance notice of a proposed furlough shall include, but is not limited to:
  - (1) Reason for the furlough;
  - (2) Maximum length of the furlough (more definite and detailed specifications if known, e.g. the specific dates and length of the furlough);
  - (3) The basis for selecting a particular employee for furlough if not all employees are being furloughed;
  - (4) Notice as to the place where regulations and records pertinent to the action may be inspected;



(5) Right of employees to respond within 10 workdays to the proposed furlough;

(6) Entitlement to official time to prepare response;

(7) Entitlement to representation;

(8) Entitlement to request Leave Without Pay (LWOP) in lieu of furlough.

However, the advance written notice and opportunity to answer are not necessary for a furlough without pay due to unforeseeable circumstances, such as lapses of appropriations, sudden breakdowns in equipment, acts of God, or sudden emergencies requiring immediate curtailment of activities. In such cases, employees shall be given as much notice as feasible.

d. Except in the event of unforeseeable circumstances, employees who wish to respond to the notice of proposed furlough have up to ten workdays to do so either orally or in writing to the Director of Personnel with documentary evidence in support of their answer, if necessary. When an employee gives an oral response, Personnel will maintain a summary of the conversation and provide a copy to the employee.

e. Each employee will be entitled to a reasonable amount (normally up to four hours) of official time to prepare his/her response. Employee representatives also shall be entitled to such a reasonable amount of official time to assist employees in their responses.

f. Employees have a right to representation of their choice, except that the Director of Personnel may disallow the choice of an individual as a representative which would result in a conflict of interest or position, which would conflict with the priority needs of Broadcasting, or which would give rise to unreasonable costs to the Government.

g. Broadcasting's decision will be submitted in writing as soon as reasonably possible. The notice of decision to furlough shall include but is not limited to:

(1) Decision;

(2) Maximum length of furlough (more definite and detailed specifications if known);

(3) Invitation to employees to submit for management's consideration their preferences as to the specific day(s) on which they would prefer to have their furloughs scheduled, if appropriate;

(4) Entitlement to request LWOP in lieu of furlough;

(5) Prohibition on unpaid voluntary services;

(6) General information on entitlements listed in paragraphs 752.5a and 752.5c through k. below;

(7) Unemployment compensation guidelines.

h. Employees may appeal the decision to the Foreign Service Grievance Board after the furlough is initiated.

#### 752.4 Responsibilities

a. The Chief, Personnel Operations Division is the designated proposing official who will sign the notice of proposed furlough.

b. Oral and written responses may be directed to the Director of Personnel or designee, who will be responsible for making the final decision in each case.

c. Periods in furlough status will be documented in accordance with established procedures for recording personnel actions.

#### 752.5 Rights and Entitlements During Periods of Furlough

a. Employees in a furlough status cannot be required to perform official duties regardless of whether they are assigned to a domestic or overseas position, nor can Broadcasting accept the voluntary services of employees in furlough status.

b. Employees on detail or other assignment whose salaries are not paid out of Broadcasting's Salaries and Expenses account are not subject to furlough when the reason for the furlough is a shortage of funds.

c. Employees may engage in outside employment during periods of furlough in accordance with the guidelines in 3 FAM 620 and Part 10 of Title 22 of the Code of Federal Regulations.

d. Employees who perform court duty during periods of furlough may retain the court pay.

e. An employee may not be placed on paid leave in lieu of furlough, except in cases of furloughs resulting from a lapse of appropriation. In such cases, employees granted (prior to the lapse) accrued leave to begin prior to or after the lapse may be permitted to use such leave.

f. Employees will not be furloughed on holidays, i.e., will not be involuntarily placed in a non-pay status on a holiday.

g. Enrollment in health plans continues during furlough but employees are liable for payment of their share of the enrollment costs during such periods. Employees' share of enrollment costs will be deducted from any remaining biweekly pay. If such pay is insufficient to pay these costs, employees may pay the costs during or after returning from a furlough by check or payroll deduction. (There is a 365 day limit on enrollment in a non-pay status.)

h. Life insurance coverage remains in effect without cost to the employees while in furlough status. (There is a 12 consecutive month limit on enrollment in a non-pay status.)

i. Retirement contributions during periods of furlough are in proportion to the basic pay of the employee.

j. An aggregate of no more than six months of non-pay/furlough status in a year is creditable service in computing annual leave accrual rates. When a full time employee accumulates 80 hours in non-pay status, including furlough, his/her annual and sick leave balances are reduced by the number of hours accrued in a pay period.

k. Entitlement to within-class increases remains unchanged by time in a furlough status.

752.6 Furlough and Time-in-Class Calculations - Time spent in furlough status will count towards time-in-class calculations.

752.7 Time Limited Appointments - Time-limited appointments will not be extended by the number of days in furlough status, nor may such an appointment be extended beyond the five-year maximum.

#### 753 INFORMATION

Specific information on these and other entitlements may be obtained from the Office of Personnel.

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PART V-B PERSONNEL (FOREIGN SERVICE), 700 SEPARATION

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PART V-B PERSONNEL (FOREIGN SERVICE), 700 SEPARATION  
Section 770

SEPARATION FOR CAUSE

771 Applicability

Section 770

SEPARATION FOR CAUSE

771 APPLICABILITY

The regulations published in 3 FAM 760, Disciplinary Action (including Separation for Cause) apply jointly to U.S. Foreign Service personnel of Broadcasting.

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PART V-B PERSONNEL (FOREIGN SERVICE), 700 SEPARATION  
Section 790

OTHER TYPES OF SEPARATIONS

791 Termination Upon Expiration of Appointment

- 791.1 Temporary Employees
- 791.2 Limited Appointment Employees
- 791.3 Responsibilities and Procedures

792 Separation - Disability

- 792.1 Definition
- 792.2 Policy
- 792.3 Procedures

793 Separations in the Interests of National Security

794 Separation - Abandonment of Position

- 794.1 Definition
- 794.2 Policy

795 Separation - Disqualification

- 795.1 Definitions
- 795.2 Applicability
- 795.3 Procedures

796 Separation for Military Service

- 796.1 Introduction
- 796.2 Procedures
- 796.3 Transportation
- 796.4 Pre-Exit Interview and Final Salary Clearance
- 796.5 Military Restoration Rights

797 Reduction in the Ranks of Foreign Service Overseas Specialist  
Employees

## Section 790

### OTHER TYPES OF SEPARATIONS

#### 791 TERMINATION UPON EXPIRATION OF APPOINTMENT

##### 791.1 Temporary Employees

a. A temporary employee will be terminated on a date specified in the personnel action effecting his or her appointment, when the need no longer exists for his or her services, or after a year of employment, whichever occurs first. (When charges of misconduct are initiated, the procedures prescribed in 3 FAM 760 must be followed.)

b. Such person may be extended or re-appointed subject to the availability of funds and the continued need for his or her services.

791.2 Limited Appointment Employees - An employee with a time-limited Foreign Service appointment may be terminated on a date specified in the personnel action effecting his or her appointment, or when the program for which the employee was appointed expires, or when the need no longer exists for the employee's services, whichever occurs first. Also see V-B 300-310. (When charges of misconduct are initiated, the procedures prescribed in 3 FAM 760 must be followed.)

##### 791.3 Responsibilities and Procedures

a. The Office of Personnel is responsible for determining the expiration dates of appointments and taking prompt action to terminate the appointment or to re-appoint the employee.

b. If the employee's appointment is to be terminated, Personnel will give the employee reasonable notice, and is responsible for issuing the Notification of Personnel Action, SF-50, and taking other necessary action to complete the separation.

c. General procedures and instructions which apply to all types of separations are contained in MOA V-B 700.

#### 792 SEPARATION - DISABILITY

792.1 Definition - "Separation - Disability" is the separation of an employee whose mental or physical condition renders him or her incapable of performing the duties of his or her position and who is ineligible for disability retirement, or who, after being advised by Broadcasting that he or she is eligible to apply for disability retirement, refuses to do so. The term includes "separation - legal incompetence."

792.2 Policy - Employees will be separated because of disability only if they are not eligible for or refuse to apply for retirement when it has been determined by State Department Medical Services (M/MED) that, for physical or mental reasons, they cannot be assigned to any Foreign

Service position in the field in which they can perform satisfactorily without being a hazard to themselves or others.

### 792.3 Procedures

a. Whenever it becomes apparent that an employee has become physically or mentally incapable of performing the duties of his or her position, the supervisor in Washington or the head of the overseas establishment should, time permitting, prepare a written statement of facts and circumstances and forward such statement to the Office of Personnel. Personnel will arrange for a medical examination at State Department Medical Services (M/MED). If the employee suddenly becomes physically or mentally incapacitated to the extent that he or she is a hazard to himself or herself, or others, the employee should be placed on sick leave, with or without his or her consent.

b. Separation will not be effective as long as the employee is receiving compensation (3 FAM 689) or while an application for disability retirement is pending (MOA V-B 780). If the employee refuses to apply for disability retirement, separation procedures will be initiated by Personnel in consultation with the retirement staff. The procedures in 3 FAM 767 will be followed. Where there remains unused sick leave to the employee's credit, the effective date of separation will be extended to permit use of sick leave.

c. After the final decision on separation has been made by the Director of Personnel in writing, the Foreign Service Personnel Advisor is responsible for processing separations for disability; for issuing the Notification of Personnel Action, SF-50; for requesting issuance of travel orders if travel is authorized, and for taking other necessary action to complete the separation.

### 793 SEPARATIONS IN THE INTERESTS OF NATIONAL SECURITY

Policies and procedures for separating employees in the interests of national security are covered in MOA VIII 200.

### 794 SEPARATION - ABANDONMENT OF POSITION

794.1 Definition - "Abandonment of Position" is separation, other than resignation, as a result of an employee's act in abandoning his or her position by failing to report for duty or return to duty at the expiration of an authorized period of leave.

794.2 Policy - It is Broadcasting policy to consider action toward separation of an employee who appears to have abandoned his or her position as a disciplinary action in accordance with separation procedures outlined in 3 FAM . However, timely receipt of a statement from an employee that he or she does not intend to return to duty may be considered as a resignation, be so accepted, and processed. If the employee does not intend to return to duty and does not submit a resignation, or if the supervisor, the head of the overseas establishment, or the Office of Personnel is unable to contact the employee, Personnel will prefer charges against the employee for abandonment of position. If



this is done, the procedural steps in 3 FAM with respect to separation for cause will be followed.

#### 795 SEPARATION - DISQUALIFICATION

795.1 Definition - Disqualification is the separation of an employee or disqualification of an applicant for any of the reasons noted in 3 FAM.

795.2 Applicability - 3 FAM provides guidelines in deciding on an applicant's suitability for appointment in the Foreign Service, taking disciplinary action in regard to an employee, or deciding on an employee's continued employment in the Foreign Service.

#### 795.3 Procedures

a. 3 FAM will be used in determining an applicant's suitability for appointment in the Foreign Service.

b. When an employee fails to meet the conduct standards outlined in 3 FAM and it is determined that disciplinary action, or separation will occur, procedures outlined in 3 FAM will be followed.

#### 796 SEPARATION FOR MILITARY SERVICE

796.1 Introduction - An employee who leaves to enter active military service or to undertake preparatory training sponsored by the armed forces and followed by active military duty is generally entitled to a number of benefits.

#### 796.2 Procedures

a. An employee who plans to leave to enter the armed forces, other than for a short period to be covered by military leave (see 3 FAM 461) should contact the Office of Personnel to get information about his or her rights, benefits, and options on retirement, leave, etc. and on rules and procedures governing restoration to Broadcasting following completion of active military service.

b. Supervisors, executive and administrative officers, and other operating officials who learn that an employee is leaving or has left to enter active military service or training preparatory to active military service must inform the Office of Personnel so that applicable statutes and regulations may be implemented.

796.3 Transportation - An employee who leaves upon being called to active military duty from a reserve component of the Armed Forces of the United States is entitled to transportation at Government expense, including travel for him or herself and dependents, and transportation of household and personal effects, from the post of assignment to residence of record, regardless of the length of tour of duty abroad, under the terms and conditions governing involuntary separation from the Service.

An employee who is eligible for return travel and transportation to the United States, either for the purpose of home leave or resignation, and

who desires to return to the United States for the purpose of volunteering for military duty, may request appropriate travel orders.

An employee who is not eligible for return travel and transportation to the United States, and who desires to return to the United States for the purpose of volunteering for military duty, may do so at his or her own expense.

An employee may be given up to 45 working days absence from post for the purpose of volunteering for military duty. If accepted, the employee could then apply for travel orders authorizing the travel of dependents and the transportation of effects.

796.4 Pre-Exit Interview and Final Salary Clearances - The pre-exit interview, in addition to the information normally included (MOA V-B 707), should specifically include information on the disposition of leave balances (see 3 FAM 494). Procedures for the final salary clearance are outlined in MOA V-B 708.

796.5 Military Restoration Rights - Military restoration rights means the right to be re-employed in his or her former status and class; to any within-class increases in salary which would have been received had he or she served continuously in the position occupied prior to active military duty, to be retained for one year in the Service except that he or she may be separated for cause within that period (MOA V-B 770); to be recredited with any unused annual and sick leave at time he or she entered active military duty (3 FAM 694.2); to receive service credit for retirement purposes for time spent on active military duty; and to travel with per diem for self and family, and transportation of effects from place of residence to post of assignment.

a. Eligibility After Serving in the Armed Forces - An employee called into the Armed Forces for service and training of three consecutive months or more is entitled to restoration rights provided he or she receives a certificate of satisfactory completion of service and training, makes application for re-employment within ninety days after being relieved from such service or training, or from hospitalization continuing after discharge for a period of not more than one year, and is medically qualified to serve abroad.

b. Eligibility After Enlistment or Call to Active Duty - An employee who enlisted or was ordered or called to active duty is entitled to restoration rights provided the total of any services performed by him or her does not exceed four years (plus any period of additional service imposed pursuant to law); is released from service under honorable conditions and makes application for re-employment within ninety days after release; or is released from hospitalization which continued after discharge for a period of not more than one year and is medically qualified to serve abroad.

c. Eligibility of Reservists or National Guard After Active Duty - An employee, who, as a reservist or National Guard member, was ordered to active duty for training of three consecutive months or more, is entitled to restoration rights provided he or she:

(1) satisfactorily completed such service;

(2) makes application within 31 days after release from active duty for training, or discharge from hospitalization incident to such duty, or one year after scheduled release from training, whichever is earlier.

d. Time Limit for Restoration - Restoration must be made as soon as possible, and in no event later than 30 days after the employee's application is received in Personnel.

e. Physical Qualifications - A returning employee who is not medically qualified to serve abroad, because of disability sustained during active military duty, but who is qualified to perform the duties of any other position in Broadcasting, will be restored to such other position in such a way as to provide him or her like seniority status and pay, or the nearest approximation thereof consistent with the circumstances in the case.

f. Class Promotion Policy - Upon re-employment after military leave or military furlough, Foreign Service employees will receive the same consideration for promotion that they would have received if they had been serving during the period of military service in the position last held before entering active military duty. Selection boards will give consideration to the quality of experience acquired in military service and its applicability to the work of the Foreign Service, and to the class reached by contemporaries having comparable prior service records of performance in the Foreign Service. Employees serving on active military duty are encouraged to furnish Broadcasting, for inclusion in their records, material describing the nature and quality of their military experience.

797 REDUCTION IN THE RANKS OF FP OVERSEAS SPECIALIST EMPLOYEES will be carried out in accordance with the Foreign Service Reduction-in-Force regulations negotiated with AFSA in 1995.

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PART V-B PERSONNEL (FOREIGN SERVICE), 800 SPECIAL CATEGORIES OF PERSONNEL  
Section 810

FOREIGN SERVICE NATIONAL EMPLOYEE PERSONNEL ADMINISTRATION

(Cross-Reference Sheet)

811 APPLICABLE REGULATIONS - See Regulations 3 FAM 910 through 976.

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PART V-B PERSONNEL (FOREIGN SERVICE), 800 SPECIAL CATEGORIES OF PERSONNEL  
Section 850

RESTRICTIONS ON EMPLOYMENT OF RELATIVES

851 General Policy

852 Definitions

853 Exceptions

854 Relatives Assigned to the Same Post

855 Contracting for Relative's Services

Section 850

RESTRICTIONS ON EMPLOYMENT OF RELATIVES

851 GENERAL POLICY

In order to prevent either the fact or appearance of nepotism that might assist the employment or further the career of any individual related to a Broadcasting employee or official on detail to Broadcasting who is categorized as a "public official", no such public official may appoint, or advocate the appointment, employment, promotion or advancement of his or her relatives.

852 DEFINITIONS

a. "Public official" for the purpose of this section, is anyone employed by Broadcasting, under any type of appointment, who by law, rule, regulation or delegation has appointment or promotion authority within his or her organization, or authority to recommend employees for appointment or promotion. Thus, any supervisor, regardless of grade level,

who has authority to appoint or promote, or to recommend the appointment or promotion of employees under his or her supervision, is a public official. Similarly, a personnel or placement officer who has authority to appoint or promote or to recommend the appointment or promotion of employees is a public official.

b. "Relative" means father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister.

c. "Advocate" for the purpose of this section means a referral to a subordinate of relative for employment or advancement consideration. A referral for consideration, in this context, is any action, even though short of an actual recommendation, that reveals an interest in securing or facilitating a person's consideration for appointment, employment, promotion or advancement. Examples of referrals for consideration are the transmittal of an application to a personnel or line official, providing a letter of introduction to an appointing official, or the like.

#### 853 EXCEPTIONS

a. Except as noted in paragraph 854 below, these regulations exempt relatives of Foreign Service employees assigned abroad who apply for employment under the Part-time-Intermittent-Temporary (PIT), or American Family Member (FSN/AFM).

b. Relatives of Foreign Service Employees who are candidates for appointment to the Career Foreign Service through the competitive examination process. Under such circumstances, a public official may properly reply to a written or oral employment inquiry about the qualifications and suitability of a relative, provided the employee refrains from advocating employment of the relative.

#### 854 EMPLOYEES ASSIGNED TO THE SAME POST

When relatives are employed at the same overseas post or domestic installation, one member of a family may not exercise immediate supervision over another member of the family, nor serve as a rating or reviewing officer for the performance evaluation of a relative, nor have a working relationship which gives the appearance of direction and control over the work or career of a relative.

#### 855 CONTRACTING FOR RELATIVE'S SERVICES

Except in very unusual circumstances it is Broadcasting's policy to prohibit contracting with relatives of employees. However, relatives of employees who have unique qualifications, may serve as purchase order vendors in those unique specialties when there is no other source for the service and they have been approved in writing by the Director, Office of Contracts. In any event, such purchase order vendors may not receive payment from Broadcasting under such contracts in excess of \$10,000 per fiscal year.

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PART V-B PERSONNEL (FOREIGN SERVICE), 800 SPECIAL CATEGORIES OF PERSONNEL

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PART V-B PERSONNEL (FOREIGN SERVICE), 800 SPECIAL CATEGORIES OF PERSONNEL  
Section 880

PROCUREMENT OF SERVICES BY CONTRACT

881 Purpose

882 Procedures

882.1 Non-U.S. Citizens

882.2 U.S. Citizens (including American Family Members)

Section 880

PROCUREMENT OF SERVICES BY CONTRACT

881 PURPOSE - This Section supplements instructions published in the Overseas Procurement Handbook for obtaining personal and non-personal services at overseas establishments by contract.

882 PROCEDURES

882.1 Non-U.S. Citizens

a. Use Notification of Personnel Action, Form DS-1032, to record an appointment or extension of appointment of a non-(U.S.) citizen by personal service contract for duty at an overseas establishment.

b. Include Foreign Service National employees appointed by personal service contract in the monthly Report on Employment (Form FS-468) submitted to Broadcasting.

c. Congress imposes no monetary limit on Broadcasting for personal and non-personal services contracts for non-U.S. citizens. However, overseas establishments must follow procedures outlined in the Overseas Procurement Handbook when issuing such contracts or purchase orders.



882.2 U.S. Citizens (including American Family Members):

- a. Section 801(5) of Public Law 80-402 provides that Broadcasting may employ persons on a temporary basis without regard to the civil service and classification laws (i.e., on personal services contracts) when such employment is provided for by the pertinent Appropriation Act.
- b. Employment of U.S. citizens under personal services contracts or purchase offers is subject to procedures outlined in the Overseas Procurement Handbook, and personal services contracts are also subject to the monetary limitation noted in 882.2a.
- c. See MOA-V-B-309 for other methods of employing American Family Members.

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PART V-B PERSONNEL (FOREIGN SERVICE), 900 PERSONNEL RECORDS, FILES AND REPORTS  
Section 900

PERSONNEL RECORDS, FILES, AND REPORTS

901 Authority Purpose and Coverage

901.1 Section 603(a) Of the Foreign Service Act of 1980

901.2 Instructions

902 Responsibilities

902.1 Office of Personnel

902.2 Office of Security

902.3 Financial Operations Office of Budget

903 Access to Official Personnel Folders

903.1 Persons Authorized Access to Official Personnel Folders  
(Includes "Performance Files" of Foreign Service Personnel) Without  
the Consent of the Employee

903.2 Persons Authorized Access to Official Personnel Folders Only  
With Written Consent of the Employee

903.3 Access by the Individual Employee

904 Requests for Information From Personnel Records

905 Contents of official Personnel Folders

905.1 Administrative File

905.2 Performance File

906 Materials Submitted by Employees for Their Official Personnel Folders

906.1 Type of Material

906.2 Criteria for Inclusion

906.3 Employee's Acknowledgment of Material

907 Disposition of Official Personnel Folders

- 908 Personnel Records Maintained by Overseas Establishments
  - 908.1 Broadcasting Requirements
  - 908.2 Personnel Records for Non-Career American Citizens Employed Under the Resident Secretary, PIT, or FSN/AFM Program
  - 908.3 Responsibilities
  - 908.4 Content
  - 908.5 Access to Post Personnel
  - 908.6 Disposition of Folders
- 909 Personnel Reports
  - 909.1 Required From Overseas Establishments
  - 909.2 Prepared in Washington

## Section 900

### PERSONNEL RECORDS, FILES AND REPORTS

#### 901 AUTHORITY, PURPOSE, AND COVERAGE

901.1 Section 603 (a) of the Foreign Service Act of 1980 provides the authority for the keeping of personnel records which describe the character, ability, conduct, language, competence, quality of work, industry, experience, dependability, usefulness and general performance of members of the Foreign Service. Such records may include, but are not limited to, performance evaluation reports of supervisors and records of commendations, awards, reprimands and other disciplinary actions.

901.2 Instructions - The following instructions apply to files, records and reports on all Foreign Service employees.

#### 902 RESPONSIBILITIES

902.1 The Office of Personnel is responsible for all personnel records, files, and reports with the exception of those listed in paragraphs 902.2, 902.3 and 902.4 below.

902.2 The Office of Security is responsible for maintaining files of investigative reports and all other reports dealing with personnel security and physical security.

902.3 Financial Operations, Office of Budget is responsible for leave, retirement, health benefits, and group life insurance records. Payroll servicing offices at Regional Finance Centers (RFC) in Paris, Bangkok, and the Charleston Finance Center are responsible for leave, retirement, health benefits, and group life insurance records for Foreign Service employees assigned to overseas installations. Upon transfer to Washington or to another post, records will be transferred to the pertinent RFC or to the Office of Budget.

#### 903 ACCESS TO OFFICIAL PERSONNEL FOLDERS

It is the policy of Broadcasting to hold the contents of personnel records and files in confidence and to release Official Personnel Folders

or information therein only to such parties, and under the restrictions, outlined below. All persons are required to sign the "Access Disclosure Sheet: attached to the inside cover of each Official Personnel Folder and Officer Performance File when granted access to those files for any reasons, excepting that employees of the Office of Equal Employment Opportunity; labor Relations Staff and staff members of Personnel are not required to sign for accesses made for official purposes.

903.1 Persons Authorized Access to Official Personnel Folders (includes "Performance Files" of Foreign Service Personnel) Without the Consent of the Employee

- a. Director of Broadcasting
- b. Director for VOA.
- c. Principal officers (division level) of Broadcasting
- d. An Employee's immediate supervisor or higher level supervisors in the chain of command through the element head, but only for such management determinations as may be necessary to carry out legitimate personnel management functions.
- e. Executive or Administrative officers, in carrying out required administrative functions, but limited to records of employees assigned to their areas of responsibility, and provided the disclosures are made in the presence of a personnel officer or personnel assistant.
- f. Attorneys in the Office of the General Counsel; investigative agents of Security or other Federal agencies; Director, Office of Civil Rights and authorized EEO investigators (not EEO Officers and Counselors); (Office of the Inspector General (OIG)); all of the above as required in the performance of official duties or for specific cases assigned.
- g. Members of the Board of Examiners of the Foreign Service (BEX), but only for those officers applying for lateral entry in the Foreign Service; members of the Foreign Service Grievance Board, for those cases referred for action; members of Foreign Service Selection Boards; members of Merit Promotion Panels.
- h. Members of the Open Assignments Panel.
- i. To a representative of a committee or subcommittee of either House of Congress, or a joint committee thereof, on official request.
- j. Persons designated by court order or as required by law, but only after consultation with, and approval by, the Office of the General Counsel.

903.2 Persons Authorized Access to Official Personnel Folders Only With Written Consent of the Employee

- a. EEO officers (excluding investigators) and EEO Counselors, in the presence of a personnel officer or personnel assistant.

b. Representative(s) of the employee or former employee, or to any other person who has notarized written consent, providing that certain documents are first removed from folder before disclosure (BEX test material or medical data), and that the disclosure is made in the presence of a personnel officer or personnel assistant.

#### 903.3 Access by the Individual Employee

a. Providing the disclosures are made in the presence of a personnel officer or personnel assistant an employee may have unrestricted access to his or her Official Personnel Folder. Employees have a responsibility to ensure that their official personnel records are complete and up-to-date. To this end, employees are encouraged to examine their official personnel records at least once a year.

b. The employee may not check out his or her personnel file from the Personnel Office, nor may the employee remove materials from the file. Any employee requesting access to his or her file, requesting copies of documents therein, or requesting that documents be added or removed from the file, must make such requests through the personnel office. All employee access to individual files must be made in the presence of a personnel officer or personnel assistant.

#### 904 REQUESTS FOR INFORMATION FROM PERSONNEL RECORDS

Information from an employee's personnel records may not be disclosed to persons other than authorized federal officials without the employee's consent, except that:

a. Certain facts concerning employment may be given to prospective employers, credit establishments when the request is made in writing or in person with proper identifications, or legitimate reference checks or confirmation of employment. Information concerning an employee's present and past grade and salary, present and past position titles, occupational series length of service, and duty station is public and may be released on request without permission of the employee. In addition to this information, the prospective employer of a government employee or former employee may be provided as a routine use under the Privacy Act the employee's tenure, and if separated from Broadcasting, the date and the nature of action shown on the SF-50, Notification of Personnel Action.

b. When an employee is being considered for detail or assignment to another Federal agency or to an international organization, his or her Official Personnel Folder may be reviewed by an official of that Agency when authorized by the employee. The employee should submit written authorization to the Office of Personnel.

c. See MOA III 560 for instructions regarding requests under the Privacy Act of 1974.

#### 905 CONTENTS OF OFFICIAL PERSONNEL FOLDERS

Two files will be maintained for Foreign Service personnel.

905.1 The Administrative File is considered the official, permanent Government folder. This portion of the file will be forwarded to another Government agency if the employee transfers. The administrative file will contain such documents as the SF-50, Notification of Personnel Action regarding transfers, reassignments, details; health benefits and life insurance forms and beneficiary designations; official travel orders and amendments thereto, and Residence and Dependency Reports.

905.2 The Performance File is a file containing Officer Evaluation Reports (OERs), and other performance-related documents. The Performance File will contain Officer Evaluation Reports for the most recent five years. It is this file that is forwarded to the Selection Board and used to evaluate the employee for promotion and/or retention in the Service. OERs previous to the past five years will be kept in a separate folder in the official file room and will be subject to access regulations as noted in paragraph 903 of this section. In addition to the annual and interim Officer Evaluation Reports, the Performance File contains notices of language proficiency; language training reports; certificates of completion of training courses; meritorious, quality, honor and cash award nominations and certificates, Professional Experience Profile, and certain disciplinary documents. The Performance File is not forwarded to another agency (except to the Department of State) if the employee transfers.

#### 906 MATERIALS SUBMITTED BY EMPLOYEES FOR THEIR OFFICIAL PERSONNEL FOLDERS

906.1 Type of Material - Rebuttals or Statements regarding work performance referred to in Officer Evaluation Reports must be included on the report form within the space allocated, and not submitted as a separate document.

906.2 Criteria for Inclusion - Only the following materials may be included in an employee's performance file:

- a. Letter of commendation or appreciation relating to performance which exceeds the service which an employee is normally expected to perform or which brings out specific aspects of distinctly creditable performance; and,
- b. commendation letters from members of Congress or high level executive officials which will assist in the comparative evaluation of the employee's performance.
- c. Materials that would be more appropriately covered in an Officer Evaluation Report (OER) such as routine commendation or thank-you letters should be held until the next OER is prepared and then quoted in whole or in part in the OER by the rating officer to illustrate pertinent aspects of the Rated Officer's performance.

#### 906.3 Employee's Acknowledgment of Material

- a. Regardless of the source of the material submitted, no letter, memorandum or certificate will be included in an employee's Performance

File without the knowledge of the employee concerned. Before the material is filed, the employee must acknowledge receipt of a copy, and have the opportunity to comment. In some circumstances, awards materials, OER, and disciplinary documents may be placed in the file without the employee's written acknowledgment. Employees should sign all materials that they forward for inclusion in their Performance Files. If forwarded by another individual, Personnel will send the document to the employee for the employee to sign the document.

b. Notarized Materials - Suitably notarized materials should be returned by officers to Personnel for incorporation into their Official Personnel Folders.

c. Submission of Materials - An employee should submit materials, after employee has signed or initialed them, for incorporation into the employee's Official Personnel Folder. If such material does not meet the criteria described above, the material will be returned to the employee with a letter of explanation from Personnel.

#### 907 DISPOSITION OF OFFICIAL PERSONNEL FOLDERS

Upon separation, termination, retirement, or death of an employee, the administrative portion of the Official Personnel Folder (OPF) will be sent to the National Personnel Records Center, GSA Civilian Personnel, St. Louis, Missouri. If the employee is transferring to another Government agency, the administrative file will be forwarded to that agency. The Performance File will be kept in the file room for one year, and if the employee does not return to Broadcasting, the file will be forwarded to the Federal Records Center in Suitland, Maryland.

#### 908 PERSONNEL RECORDS MAINTAINED BY OVERSEAS POSTS

908.1 Requirements - Broadcasting requires each of its overseas establishments to maintain an administrative personnel folder for each American employee assigned to the establishment. The official personnel records of all American employees except as noted below in 908.2 are maintained in the Washington Offices of Broadcasting and constitute the legal records of their employment. The personnel records maintained at the overseas establishment are for administrative convenience in facilitating field personnel administration.

908.2 Personnel Records for Non-Career American Citizens Employed Under the Resident Secretary, PIT, or FSN/AFM Program - Upon appointment, the Personnel Office establishes an OPF or, in the case of an employee who has had prior service, shall request the OPF from Personnel or from the appropriate personnel records office in the case of previous appointments with other agencies. The OPF is maintained at post until the employee's permanent departure from post. At that time, the post will send the OPF to Personnel where it will be held for one year. If the employee receives another appointment within one year's time, the OPF will be transferred to the post of the new appointment. Otherwise, the OPF is transferred to the National Personnel Records Center in St. Louis after one year has elapsed. All requests for previously established OPF's should be made directly to the Office of Personnel.



908.3 Responsibilities - Under the administrative support arrangement with the Department of State, administrative staffs of the Department maintain the personnel records for Broadcasting.

#### 908.4 Content

a. Records Maintained on Right Side of Post Personnel Folder - The right side of the post personnel folder for American employees will contain copies of documents which relate to the employee's service record, or which constitute a record of a formal action. The right side of the folder will contain such documents as:

- (1) Copies of applications for employment, if available.
- (2) Post copies of Form SF-50, Notification of Personnel Action.
- (3) Any notices relating to security clearances.
- (4) Cryptographic clearance, if any.
- (5) Correspondence relating to medical reports or examinations.
- (6) Employee's accounts or certification of accounts, if applicable.
- (7) Employee's social security number.
- (8) Bond information, if applicable.
- (9) Copies of travel orders, including travel messages.
- (10) Records of security violations, and related correspondence.

b. Records Maintained on Left Side of Post Personnel Folder - The left side of the post personnel folder will contain copies of other documents which have only transitory value and which are not a significant part of the employee's service record, such as:

- (1) Copies of correspondence or forms requesting action which, when completed, are documented and recorded through filing of copies of documents of approval or disapproval on the right side of the folder.
- (2) Any correspondence pertaining to the employee that has temporary administrative usefulness, such as applications for passes, licenses, Foreign Office recognition of assignment, etc.
- (3) Copies of official letters of commendation or reprimand.

c. Official Records Maintained by Broadcasting - Except as noted in 908.2, official copies of personnel document relating to an employee's record of employment with the Government are not to be included in the post personnel folder of an American employee. Such documents are to be forwarded to the Office of Personnel for inclusion in the Official Personnel Folder.

d. Officer Evaluation Reports will not be kept in the overseas establishment personnel folder, but will be maintained and kept by the Rating Officer. A copy of the current OER prepared on employees assigned to the office may be kept only by the employee's supervisor (the rating officer) to allow the rating officer a convenient method of comparing current performance with the officer's prior rating. When a new OER is completed, the previous report will be destroyed. If either rated or rating officer is reassigned or separated, the OER will be destroyed immediately. Performance files kept by supervisors will be kept under appropriate safeguards and access is restricted to the rating and rated officers. These procedures do not apply to the categories of employees covered in paragraph 908.2.

908.5 Access to Personnel Folders - personnel records are subject to the same restrictions as described in paragraph 903.

908.6 Disposition of Folders - The personnel folder will be retained for three years after the departure of an officer from that post. After three years, the post folder will be destroyed.

#### 909 PERSONNEL REPORTS

##### 909.1 Required From Overseas Establishments

a. Monthly Report on Foreign National Employment Non (U.S.) Citizens - (Form FS-468). Under administrative support agreements with the Department of State, monthly reports on foreign national employment are prepared and cabled by the close of the third workday of each month by the administrative staff of the Embassy to the Office of Personnel in accordance with instructions contained 3 FAM 928.1a. The reports should also include the number of U.S. citizens (American family members) employed under FSN appointments, and as Temporary appointments for PIT positions. (Include the number of hours if part-time, and days worked each month if intermittent).

909.2 Prepared in Washington - The U.S. Office of Personnel Management (OPM) require Broadcasting to submit the following reports concerning federal civilian employment and payrolls for the use of the President, the Congress, OPM, other federal agencies, and the public. Personnel is responsible for compiling and preparing these reports in accordance with instructions issued by OPM. The following is a partial listing of the types of reports submitted:

a. Monthly Report of Federal Civilian Employment includes the total number of civilian officers and employees who are paid salaries, wages or fees for personal services. The report includes distribution of employment by geographic location and by types of employment and also includes totals of each type of accession and separation.

b. Annual Report on Incentive Awards Program submits data on the operation of the Incentive Award Program. The report is prepared by the Executive Secretary of the Incentive Awards Committee.

c. Annual Report on Geographic Distribution of Employment is submitted no later than February 20 every two years and shows the number of employees working in specified geographic locations as of December 31.

International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

Material within this Manual of Operations and Administration may no longer be current. To ensure having the most current policy or procedure, please contact the Agency office responsible for the subject matter, e.g., information about performance appraisal, staffing, or compensation should be directed to the Office of Human Resources. For assistance in determining which office to contact, please contact Cathy Brown or Renee Tyrance-Gauff of the Analysis and Administration Division on (202) 203-4664 or feel free to email this staff at [cabrown@bbg.gov](mailto:cabrown@bbg.gov) or [crgauff@bbg.gov](mailto:crgauff@bbg.gov).

MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART V-B PERSONNEL (FOREIGN SERVICE), 900 PERSONNEL RECORDS, FILES AND REPORTS

## TITLE 6

### PART 100 – CHIEF FINANCIAL OFFICER AUTHORITY

#### SECTIONS

101	<b>Scope</b>
102	<b>Authorities</b>
102.1	Accountability of Tax Dollars Act of 2002
102.2	Anti-Deficiency Act, 1921 as amended 31 USC 1341
102.3	Balanced Budget and Emergency Deficit Control Act, 1985, section 252
102.4	Budget and Accounting Act (BAA) of 1921, as amended 31 USC 1104
102.5	Congressional Budget Act (CBA) as amended by the Budget Enforcement Act (BEA), 1990, and 2002
102.6	Clinger-Cohen Act, 1996
102.7	Economy Act, 31 USC 1535, 1551 – 1555, and 3302
102.8	E-Government Act, 2002
102.9	Federal Credit Reform Act, 1990
102.10	Foreign Affairs Reform and Restructuring Act of 1998, 22 USC 6501
102.11	Impoundment Control Act (ICA), 1974
102.12	Paper Reduction Act, 1995
102.13	Federal Managers' Financial Integrity Act of 1982 (FMFIA)
102.14	Chief Financial Officers Act of 1990 (CFO Act)
102.15	Government Performance and Results Act of 1993 (GPRA)
102.16	Government Management Reform Act of 1994 (GMRA)
102.17	Federal Financial Management Improvement Act of 1996 (FFMIA)
102.18	Reports Consolidation Act of 2000
103	<b>Responsibilities</b>
104	<b>Organization</b>
104.1	Office of Budget
104.2	Office of Financial Operations
104.3	Office of Strategic Management
105	<b>Performance and Accountability Report</b>
106	<b>Interaction with Service Providers</b>

101 SCOPE – Chapter 100 of this Handbook describes basic authorities and responsibilities of the Chief Financial Officer.

102 AUTHORITIES – The Board is responsible for prescribing a system of administrative control of funds. This responsibility has been delegated to the Chief Financial Officer (CFO). The CFO serves as the BBG's principal financial and budget officer and assists in the oversight of the BBG under the overall direction of the Executive Director. The CFO serves as the primary technical and policy advisor to the Executive Director and the Board on all matters relating to financial and budgetary management and provides guidance and coordination regarding BBG's financial management, budget, and strategic management policies and systems. The CFO ensures that the BBG complies with the requirements of the following Acts:

- 102.1 Accountability of Tax Dollars Act of 2002
- 102.2 Anti-Deficiency Act, 1921 as amended 31 USC 1341
- 102.3 Balanced Budget and Emergency Deficit Control Act, 1985, section 252
- 102.4 Budget and Accounting Act (BAA) of 1921, as amended 31 USC 1104
- 102.5 Congressional Budget Act (CBA) as amended by the Budget Enforcement Act (BEA), 1990 and 2002
- 102.6 Clinger-Cohen Act, 1996
- 102.7 Economy Act, 31 USC 1535, 1551 – 1555, and 3302
- 102.8 E-Government Act, 2002
- 102.9 Federal Credit Reform Act, 1990
- 102.10 Foreign Affairs Reform and Restructuring Act of 1998, 22 USC 6501
- 102.11 Impoundment Control Act (ICA), 1974
- 102.12 Paper Reduction Act, 1995
- 102.13 Federal Managers' Financial Integrity Act of 1982 (FMFIA),
- 102.14 Chief Financial Officers Act of 1990 (CFO Act)
- 102.15 Government Performance and Results Act of 1993 (GPRA)
- 102.16 Government Management Reform Act of 1994 (GMRA)
- 102.17 Federal Financial Management Improvement Act of 1996 (FFMIA)
- 102.18 Reports Consolidation Act of 2000

### 103 RESPONSIBILITIES

#### 103.1 Overall Responsibilities

a Primary Responsibilities – The CFO has two primary sets of responsibilities:

(1) to coordinate the development of resource requirements to enable the BBG to present integrated resource submissions to the Office of Management and Budget (OMB) and to the Congress; to assist Office heads in developing policies, plans, and programs to achieve policy goals; to support BBG's strategic and performance planning; and to oversee the management of the funds and ensure that the distribution of the funds enable the BBG's operations to achieve its policy objectives.

(2) to report directly to the Executive Director and the Board regarding financial and budgetary management matters; to oversee all financial and budgetary management activities relating to the BBG programs and operations; to develop and maintain an integrated agency accounting and financial management system; to direct and manage BBG's financial management, budget, and strategic management personnel, activities, and operations; and to monitor the financial execution of the budget in relation to actual expenditures.

b Delegated Responsibilities – To carry out these responsibilities the following functions have been delegated:

#### (1) to the Budget Director

- Budget presentation, ascertaining the availability of funds, obtaining apportionment, and issuing allotments to program offices.
- Issuing and implementing policies, regulations, and procedures to provide for the effective and efficient administrative control of funds available to the BBG.
- Responsible for investigating, reporting, and following up on Anti-deficiency Act violations. Primary responsibility for investigating a possible violation is delegated to the Director, Office of Budget with the Director, Office of Financial Operations providing support and assistance. Responsibility for reporting and follow up of violations has been delegated to the Director, Office of Financial Operations.

#### (2) to the Director of Financial Operations

- Establishing and maintaining a financial management system that supports the fund control system. The financial management system will provide a system of accounts and records necessary to assure that obligations and disbursement do not exceed: amounts appropriated, apportioned, allotted, or otherwise limited by internal classification or limitations; the balances in trust funds; and reimbursements earned. The system shall provide managers of funds timely status of funds information in order that they may prevent the obligation of funds in excess of allotments.
- Maintaining an electronic travel system in accordance with the Federal Travel Regulations.
- Ensuring the accurate processing and recording of employee salaries and benefits.
- Preparing and submitting financial statements in accordance with rules and regulations promulgated by the Department of Treasury, Office of Management and Budget, Federal Accounting Standards Advisory Board, and any other entity with authority for federal financial reporting.
- Managing an effective means of disbursing payments to vendors and other federal agencies providing services to the BBG.

(3) to the Director of Strategic Management

- Implementation of the BBG's strategic and performance planning processes
- Establishing and maintaining the agency's strategic management system.

103.2 Policy Responsibilities – The CFO's policy responsibilities are to:

a Establish effective financial management policies and management controls, including integrating budget execution and accounting functions, and leveraging the use of electronic technologies (e-government);

b Support the BBG's strategic and performance planning activities in coordination with the Executive Director and the Board;

c Direct the development of strategic planning and budget formulation processes linked to resource management;

d Assist office heads in developing policies, plans, and programs to achieve policy goals;

e Direct, manage, and provide policy guidance and oversight of BBG financial, budget, and strategic management personnel, activities, and operations including:

(1) Developing annual financial plans;

(2) Formulating budget estimates for future year operations

(3) Directing and guiding recruitment, selection and training of personnel to carry out agency financial, budget, and strategic management; and

(4) Managing agency financial management systems design or enhancement projects.

f Mandate BBG-wide data and reporting format requirements for financial management systems;

g Ensure that BBG is in compliance with the requirements of applicable federal regulations, Executive Orders, and OMB circulars; and

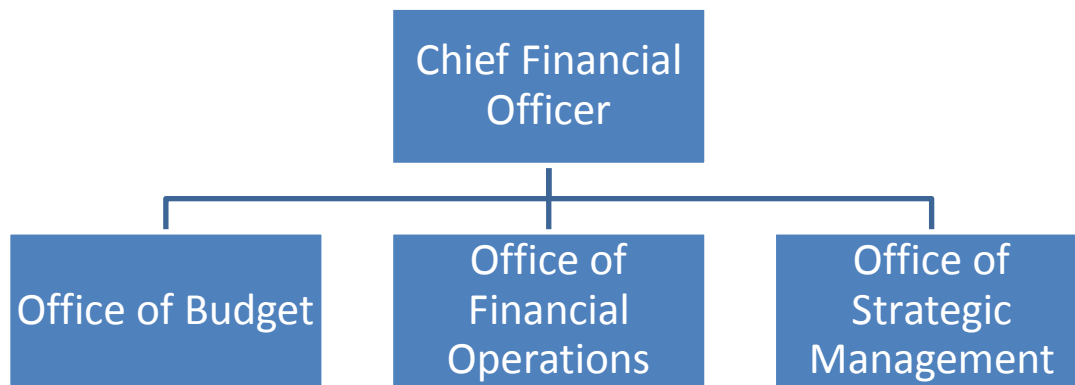
h Review all major legislative and other programmatic proposals and provide advice to the Executive Director and the Board.

103.3 Program Responsibilities – The CFO's program responsibilities are to:

- a Ensure the establishment of effective general and financial management practices;
- b Project, request, and allocate the appropriated and reimbursed resources necessary for BBG to achieve its objectives;
- c Direct the planning, development, and conduct of BBG's budget process, the preparation of budget requests for consideration by OMB and the Congress, and issuance of the financial allotments that to the various offices of BBG;
- d Make resource allocation recommendations and determinations and monitor resource utilization to assure consistency with Presidential priorities and legislative mandates;
- e Propose and review legislative strategies for acquiring and maintaining an appropriate level of resources for BBG;
- f Prepare witnesses at OMB and Congressional hearings on BBG's budget and financial management matters;
- g Direct the planning, development, and conduct of BBG's strategic management process, including the preparation of strategic plans, performance plans, and performance measures to ensure compliance with the Government Performance and Results Act (GPRA) of 1993;
- h Monitor the financial execution of BBG's budget submission and prepare and submit quarterly reports to the Executive Director and the Board;
- i Prepare and transmit annually a Performance and Accountability Report (PAR) to the Director of the OMB;
- j Manage directly and/or monitor, evaluate, and approve the design, budget development, implementation, operation, and enhancement of BBG's accounting and financial management systems;
- k Ensure that program information systems provide financial and programmatic data on a reliable, consistent, and timely basis to BBG's financial management systems;
- l Ensure adequate systems to produce useful, reliable, and timely financial and related programmatic information;
- m Evaluate the installation and operation of accounting and financial management systems and other information systems that provide financial, budget, and/or program performance data;
- n Develop financial and programmatic performance indicators for inclusion in budget and financial systems and financial reports and statements; and
- o Clear the design of other information systems that provide financial and/or program performance data used in financial statements to ensure CFO needs are met.

104 ORGANIZATION – The Office of the CFO consists the CFO, supported by three Offices responsible for Budget, Financial Operations, and Strategic Management as shown in the organization chart below:





104.1 Office of Budget – The Office of Budget is responsible for preparing, monitoring, and executing the BBG budget and appropriations received. The Office of Budget also allocates funds to the offices and maintains fund control over these allotments. It coordinates with the Office of Strategic Management to develop and monitor the BBG's performance budget.

104.2 Office of Financial Operations – The Office of Financial Operations is responsible for financial operations within BBG. Financial Operations entails oversight of payments, payroll, accounts receivable, and the core financial system, maintenance of the General Ledger, and liaison with servicing agencies. Financial Operations also manages the electronic travel system and Travel Service Center and facilitates the annual audit of the agency's financial statements.

104.3 Office of Strategic Management – The Office of Strategic Management is responsible for assisting BBG offices in developing performance plans in support of the BBG's Strategic Plan, identifying performance measurements, and collecting performance data. It also works with the Office of Budget to collect the information needed to prepare the performance budget.

## 105 PERFORMANCE AND ACCOUNTABILITY REPORT

105.1 Requirement – The Accountability of Tax Dollars Act of 2002 requires BBG to prepare audited financial statements. The CFO is responsible for preparing the financial section of the annual Performance and Accountability Report (PAR) and coordinates with BBG elements to prepare the Program Performance section. The CFO has overall responsibility for the preparation and submission of the PAR.

105.2 Reference – OMB Circular 136 establishes a central point of reference for all Federal financial reporting guidance for Executive Branch departments, agencies, and entities required to submit audited financial statements, interim financial statements, and Performance and Accountability Reports (PARs) under the Chief Financial Officers (CFO) Act of 1990 and the Accountability of Tax Dollars Act (ATDA) of 2002. Section 4 of the Circular provides Federal Financial Reporting policy and references the relevant bulletins and memoranda for the specific guidance; Section 5 provides contact information for inquiries.

105.3 Combined Reporting – Under the Reports Consolidation Act of 2000 (P.L. 106-531), agencies are permitted to submit combined reports in implementing statutory requirements for financial and performance management reporting to improve the efficiency of Executive Branch performance. These reports are combined in the PAR, which consists of the Annual Performance Report required by the Government Performance and Results Act with annual financial statements and other reports, such as agencies' assurances on internal controls, accountability reports by agency heads, and the Inspector General's assessments of the agency's most serious management and performance challenges. PARs

provide financial and performance information that enables the President, the Congress, and the public to assess the performance of an agency relative to its mission and to demonstrate accountability.

105.4 Submission – BBG is required to submit its PAR to OMB and the Congress no later than 45 days after the end of the fiscal year, i.e., November 15. Unaudited interim financial statements must be provided to OMB 21 days after the end of each quarter of the fiscal year.

106 INTERACTION WITH SERVICE PROVIDERS – BBG may use other Federal Agencies to provide financial management services on a reimbursable basis, e.g., accounting system and payroll services. In these cases, the CFO defines the requirements to be met and negotiates an interagency agreement with the service provider. The CFO then monitors the delivery of the services and provides on-going guidance throughout the term of the agreement.

## TITLE 6

### PART 300 – STRATEGIC MANAGEMENT

#### SECTIONS

301	<b>Scope</b>
302	<b>Authorities</b>
302.1	Government Performance and Results Act of 1993
302.2	Other References
303	<b>Definitions and Model</b>
304	<b>Responsibilities</b>
305	<b>Key External Reporting Dates</b>

301 SCOPE – The purpose of this part of the BAM is to present the strategic management function and processes within the CFO's office. The Government Performance and Results Act (GPRA) of 1993, Office of Management and Budget (OMB) directives (OMB Circular A-11), OMB performance assessments, and internal processes essential to budget and performance integration require the measurement of BBG's achievement of its performance goals and the cost of achieving these goals.

#### 302 AUTHORITIES

##### 302.1 Government Performance and Results Act of 1993

a Purpose – Congress passed the Government Performance and Results Act (GPRA) to improve the federal programs' definition of program goals and information on program performance. Congress determined that U.S. policymaking, spending decisions, and program oversight were handicapped by the lack of attention to program performance and results. Congress also determined that waste and inefficiency in Federal programs undermined the federal government's ability to address public needs.

b Requirements – The GPRA requires each agency to develop a:

- (1) Strategic plan that covers a 5 year period and is to be updated every 3 years,
- (2) Annual performance plan (APP) that establishes performance goals for each program activity that are objective, quantifiable, and measurable for each fiscal year. The APP must establish performance indicators to be used in measuring or assessing the achievement of program goals and provide a basis for comparing actual program results to the established program goals. OMB Circular A-11, Section 200 requires that a performance budget be submitted in lieu of the APP. The performance budget includes all statutorily required information in the APP.
- (3) Annual program performance report (APPR) provides the status of the agency's achievement of the program goals using the performance indicators. OMB Circular A-11, Section 230, requires the combining of the APPR with the financial statement and accountability report.

c Access – The GPRA of 1993 can be accessed on the Internet at [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=103\\_cong\\_bills&docid=f:s20enr.txt.pdf](http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=103_cong_bills&docid=f:s20enr.txt.pdf)

## 302.2 Other References

a OMB Circular A-11, sections 200 through 230, provides the detailed guidance for agencies in development of strategic plans, performance budgets, and the performance section of the performance and accountability report. OMB Circular A-11 can be accessed by going to [http://www.whitehouse.gov/omb/Circulars\\_a11\\_current\\_year\\_a11\\_toc/](http://www.whitehouse.gov/omb/Circulars_a11_current_year_a11_toc/)

b The BBG Strategic Plan and Performance and Accountability Report (PAR) are available online at [www.bbg.gov](http://www.bbg.gov).

## 303 DEFINITIONS AND MODEL

303.1 Definitions from the GPRA and OMB Circular A-11 are listed to aid in the understanding of the many requirements of strategic and performance management. The order of definitions is placed in a logical sequence versus an alphabetical sequence.

a Strategic Plan – contains the agency mission statement, one or more strategic goals; a description of the means and strategies to achieve the goals; a description of the relationship between the annual program performance goals to the agency's strategic goal framework; identification of key factors affecting achievement of the strategic goal; and a description of program evaluations used to prepare the strategic plan and schedule of future evaluations.

b Mission Statement – a mission statement is brief, defines the basic purpose of the agency, and corresponds directly with the agency's core programs and activities. An agency's program goals should flow from the mission statement.

c Strategic goal – a statement of aim or purpose included in a strategic plan that defines how an agency will carry out a major segment of its mission over a period of time. The goal is expressed in a manner that allows a future assessment to be made of whether the goal was or is being achieved.

d Performance budget – required by OMB Circular A-11, Section 220. The performance budget replaces the annual performance plan (APP) required in the GPRA and must meet the statutory requirements of the APP. The performance budget clearly links performance goals with costs for achieving a target level of performance by including the following components:

- performance goals to define the level of performance to be achieved by a program activity;
- expresses such goals in an objective, quantifiable, and measurable way;
- briefly describes the operational processes, skills and technology, human capital, information, or other resources required to meet the performance goals.

e Performance goal – a target level of performance within a specified time or period expressed as a tangible, measurable outcome, against which actual achievement can be compared, including a goal expressed as a quantitative standard, value, or rate. A performance goal is comprised of a performance measure with targets and timeframes.

f Performance measure – indicators, statistics, or metrics used to gauge program performance. Typically, program performance measures include outcome, output, and efficiency measures. Collectively, these measures convey a comprehensive story regarding what products and services agencies provide, how well they do so, and with what result.

g Program activity – a specific activity or projects listed in the program and financial schedules of the annual budget.

h Program evaluation – an assessment through objective measurement and systematic analysis of the manner and extent to which Federal programs achieve intended objectives.

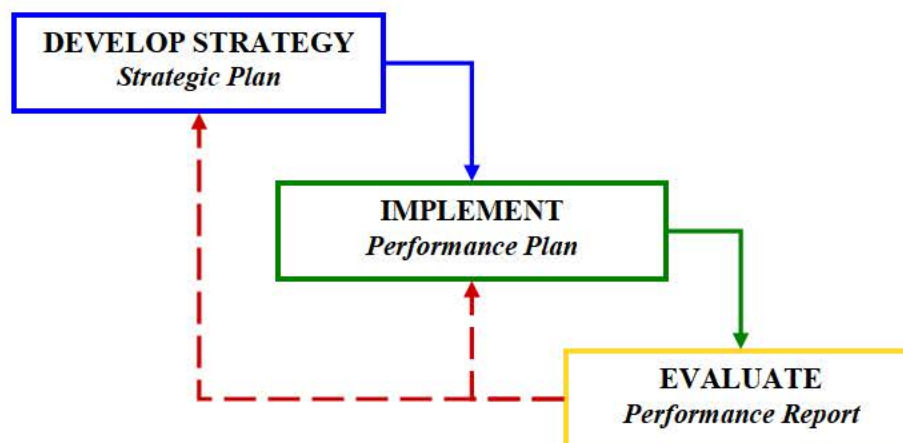
i Target – a quantity or otherwise measurable characteristic that conveys how well and by when a program must accomplish a performance measure.

j Outcome – the intended result, effect, or consequence that will occur from carrying out a program or activity. With respect to programs, an outcome is an event or condition that is external to the program or activity and is of direct importance to the intended beneficiaries and/or public.

k Output – the level of activity or effort that will be provided over a period of time or by a specific date, including a description of the characteristics (e.g., timeliness) establish as standards for the activity. With respect to programs, outputs refer to the internal activities of a program (i.e., the products and services delivered). Outputs should support or lead to outcomes, just as annual goals should link logically to long-term goals.

l Efficiency measure – a description of the level of program executed or activities implemented for a given input. Efficiency is measured to achieve results while avoiding wasted resources, time, or money. Efficiency can be defined simply as the ratio of the outcome or output to the input of any program.

303.2 STRATEGIC MANAGEMENT MODEL – The implementation of the GPRA is based on a cycle of phases that are interdependent and evolving. Once the Strategic Plan is developed, implementation of the Performance Plan occurs and upon completion of the Performance Report, feedback goes to both the Strategic Planning process and the Performance Planning Process in terms of goals met or not met and the need to stay on course or reassess the goals, as shown in the following diagram.



a Develop Strategy – Strategic Plan

- Mission Statement – defines the purpose of the agency.
- Implementation Strategies – define how the agency will meet its mission with a long-term vision and strategic direction.
- Performance Objectives – are operational objectives that will be monitored for progress in reaching the strategic goals.

b Implement – Performance Plan

- Performance Budget – provides an annual plan identifying performance goals for each performance objective and the resources to be used to achieve these goals.

c Evaluate – Performance Report

- Program Reviews – performed annually by Office of Performance Review to evaluate the effectiveness and efficiency of IBB broadcasting.

- Language Service Reviews – annual review performed as required by Congress to determine if the BBG programs are reaching the correct audiences.
- OMB performance assessments
- Performance and Accountability Report – annual report of the status of BBG's efforts to meet of its goals using the performance indicators in the performance budget and the resources expended to achieve these results by activity/program.
- Survey results, such as the OPM's Federal Human Capital Survey, Capital Planning process, BBG administered project and program assessments, and other measurement tools.

304 RESPONSIBILITIES – Within the BBG, responsibility for implementing and carrying out GPRA requirements is divided between the Broadcasting Board of Governors, the Office of the Chief Financial Officer (CFO), and the program offices.

304.1 Strategic Plan Development – The Office of Strategic Planning and Performance Management develops the Strategic Plan under the direction of the Broadcasting Board of Governors. The CFO's Strategic Management Office (SMO) works with that office to implement the Plan. The SMO also works with individual offices and activities within the BBG to develop a strategic plan with performance goals and targets for each organizational unit that supports the BBG's Strategic Plan and goals.

304.2 Development of Performance Budget – The SMO works with the Office of Budget and the individual program offices and activities to prepare the performance budget. SMO provides guidance and assists the program offices and activities to identify their performance indicators in support of the agency's goals and the resources assigned to these efforts. This information is submitted to the CFO to prepare the BBG budget submission.

304.3 Preparation of Annual Performance Report – The SMO coordinates with each of the BBG program offices and activities to develop the annual performance report. Information on the achievement of performance goals, measurements by the indicators in the plan, and resources used to achieve the results are provided by the individual components. This data is compiled into the annual BBG performance report that is presented as part of the Performance and Accountability Report prepared by the CFO.

304.4 Technical Assistance and Training – The SMO is responsible for providing assistance to BBG offices and activities on the GPRA, PAR, and other strategic management requirements. It issues information and provides assistance to BBG offices and activities to implement these strategic management initiatives. It works with the offices and activities to meet the requirements of the GPRA and the BBG's Strategic Planning process. The SMO also performs reviews and special projects related to long-term planning or performance to improve on the BBG's Strategic Planning.

### 305 KEY EXTERNAL REPORTING DATES

305.1 Updated and revised Strategic Plan to OMB/Congress – Within 3 years of the date of transmittal of the previous updated and revised strategic plan to Congress

305.2 Performance budget, including GPRA requirements, to OMB – September yearly

305.3 Performance budget completed – October – December yearly

305.4 PAR (Performance and Accountability Report), including GPRA requirements, to President/Congress – Nov. 15th

305.5 Congressional budget justification (incorporating performance budget) sent to Congress – February

305.6 Interim adjustments to strategic plans to Congress – February with performance budget



## TITLE 6

### PART 400 FINANCIAL MANAGEMENT POLICY

#### SECTIONS

401	Scope
402	Authorities
402.1	The United States Information and Education Exchange Act of 1948
402.2	The Federal Property and Administrative Services Act of 1949
402.3	Budget and Accounting Procedures Act of 1950, as amended (31 U.S.C. 3512)
402.4	31 U.S.C. 1501
402.5	The Federal Managers Financial Integrity Act of 1982 (P.L. 97-255)
402.6	Prompt Payment Act of 1982, as amended (31 U.S.C. Secs. 3901 et seq.)
402.7	The Anti-Deficiency Act (31 U.S.C. 1341, 1514 and 1517)
402.8	Chief Financial Officers Act of 1990, Public Law 101-576 (31 U.S.C. 901-903)
402.9	Cash Management Improvement Act of 1990, as amended (31 U.S.C. 3335 and 31 U.S.C. 6501 and 6503)
402.10	Federal Credit Reform Act of 1990, Public Law 101-508 (2 U.S.C. 661)
402.11	Debt Collection Procedures Act of 1990, Public Law 101-647 (28 U.S.C. 3001-3015, 3101-3105)
402.12	31 U.S.C. 1552, 1553, 1555 and 1557
402.13	The Government Performance and Results Act of 1993, Public Law 103-62 (5 U.S.C. 306)
402.14	The Government Management Reform Act of 1994 streamlines management controls in agencies' reporting to Congress through OMB;
402.15	The Federal Financial Management Act of 1994, at section 405 (31 U.S.C. 3515) and 402 (31 U.S.C. 3332)
402.16	The Federal Financial Management Improvement Act of 1996, Public Law 104-208, Secs. 801-808 (31 U.S.C. 3512 note)
402.17	The Debt Collection Improvement Act of 1996, Public Law 104-134 (31 U.S.C. Secs. 3701, 3711, 3716, and 3720A)
402.18	The Reports Consolidation Act of 2000, Public Law 106-531, at section 3(a) (31 U.S.C. 3516)
402.19	The Improper Payments Information Act of 2002, Public Law 107-300
403	Implementation and Responsibility For Financial Management
404	Basic Financial Management Objectives
404.1	Internal Management of Integrated Financial Management Systems
404.2	Internal Management Requirements for Financial Information
404.3	External Financial Requirements
404.4	Internal Financial Management Program

#### 401 Scope

This instruction describes the objectives and responsibilities of the Office of the Chief Financial Officer (CFO) to:

- a. Maintain effective financial management programs and systems
- b. Conduct a continuous program to improve financial operations and systems and to identify more efficient methods of operations regarding budgeting, accounting, financial reporting, and auditing
- c. Respond to management needs at the various levels of the Agency

d. Be responsive to the financial reporting and other requirements of both the Executive and the Legislative branches

#### 402 Authorities

402.1 The United States Information and Education Exchange Act of 1948, as amended (22 U.S.C. 1431, et seq.), the U.S. International Broadcasting Act of 1994, as amended (22 U.S.C. 6201, et seq.) and the Foreign Affairs Consolidation Act of 1998 (Public Law 105-277), establishes the Broadcasting Board of Governors as an arm of the Executive Branch, providing for its organization, functions, and administrative authority;

402.2 The Federal Property and Administrative Services Act of 1949 (generally 40 U.S.C. Title 1, and 41 U.S.C. 251) requires agencies to maintain adequate inventory control, accountability, and management systems for property under their control;

402.3 Budget and Accounting Procedures Act of 1950, as amended (31 U.S.C. 3512), establishes the congressional policy on the purposes and need for an adequate accounting system and financial reporting. This Act sets forth the responsibilities of each Executive Agency, the Comptroller General, the Office of Management and Budget, and the Treasury Department for the implementation of these policies;

402.4 31 U.S.C. 1501 sets forth the criteria that govern the recording, documentation and reporting of financial transactions as obligations;

402.5 The Federal Managers Financial Integrity Act of 1982 (P.L. 97-255), as codified in 31 U.S.C. 3512(b) and (c) require that internal accounting and administrative controls of each Executive Agency shall be established in accordance with standards prescribed by the Comptroller General, and shall provide reasonable assurances that:

- a. obligations and costs are in compliance with applicable law;
- b. funds, property, and assets are safeguarded against waste, loss, unauthorized use, or misappropriation; and,
- c. revenue and expenditures applicable to agency operations are properly recorded and accounted for to permit the preparation of accurate and reliable financial and statistical reports and to maintain accountability over the assets.

402.6 Prompt Payment Act of 1982, as amended (31 U.S.C. Secs. 3901 et seq.) requires Executive departments and agencies to make payments on time (no sooner than 30 days after receipt), to pay interest penalties when payments are late, and to take discounts only when payments are made on or before the discount date. These laws provide for timely payment, better relationships with contractors, improved competition for Government business, and reduced costs to the Government for property and services;

402.7 The Anti-Deficiency Act (31 U.S.C. 1341, 1514 and 1517), provides that obligations and/or expenditures not exceed amounts appropriated or apportioned, or amounts allotted for administrative control;

402.8 Chief Financial Officers Act of 1990, Public Law 101-576 (31 U.S.C. 901-903), established Chief Financial Officers (CFOs) with broad authorities over financial management for Executive Departments and Agencies. It requires the preparation and audit of financial statements for revolving funds, trust funds and commercial activities administered by government agencies. CFOs must submit annual reports on the status of financial management within their organizations as well as a five-year financial management plan to improve financial policies, personnel and systems;



402.9 Cash Management Improvement Act of 1990, as amended (31 U.S.C. 3335 and 31 U.S.C. 6501 and 6503) governs the timely disbursement of Federal funds. Each agency's payments to other agencies are subject to interest if not paid within prompt payment deadlines;

402.10 Federal Credit Reform Act of 1990, Public Law 101-508 (2 U.S.C. 661) established requirements to measure more accurately the costs of Federal credit programs;

402.11 Debt Collection Procedures Act of 1990, Public Law 101-647 (28 U.S.C. 3001-3015, 3101-3105) provided the Department of Justice with enhanced debt litigation capability, including standard Federal civil procedures for recovering judgments on debt and obtaining pro-judgment remedies;

402.12 31 U.S.C. 1552, 1553, 1555 and 1557 set rules for determining the availability of appropriation and fund balances and established the procedures for closing appropriation and fund accounts. These sections limit expenditures from appropriation accounts to five years from the date of the original appropriation;

402.13 The Government Performance and Results Act of 1993, Public Law 103-62 (5 U.S.C. 306) requires agencies to develop 5-year strategic plans that describe the mission, goals, and objectives of the agency as well as the strategies for accomplishing the plan. Pursuant to 31 U.S.C. 1115 and 1116, agencies are required to submit an annual performance plan and an annual performance report, respectively;

402.14 The Government Management Reform Act of 1994 streamlines management controls in agencies' reporting to Congress through OMB;

402.15 The Federal Financial Management Act of 1994, at section 405 (31 U.S.C. 3515) requires agencies covered by the CFO Act to prepare annual, agency wide financial statements. In addition, this Act, at section 402 (31 U.S.C. 3332) requires Federal payments to be made electronically;

402.16 The Federal Financial Management Improvement Act of 1996, Public Law 104-208, Secs. 801-808 (31 U.S.C. 3512 note) requires U.S. Government agencies to use the Standard General Ledger, prepare financial statements in accordance with generally accepted accounting principles, and to ensure financial management systems meet specified standards;

402.17 The Debt Collection Improvement Act of 1996, Public Law 104-134 (31 U.S.C. Secs. 3701, 3711, 3716, and 3720A) authorizes and requires actions to maximize collections of delinquent debts, minimize costs of collection, reduce losses, and inform the public of these procedures;

402.18 The Reports Consolidation Act of 2000, Public Law 106-531, at section 3(a) (31 U.S.C. 3516) authorizes the consolidation of financial and performance management reports into a single report. This action will provide financial and performance management information in a more meaningful and useful format for the President, Congress, and the public; and

402.19 The Improper Payments Information Act of 2002, Public Law 107-300, requires Federal agencies to provide for estimates of improper payments and report on actions to reduce them.

#### 403 Implementation and Responsibility for Financial Management

Implementation procedures of the Agency's financial management policy, including the application of its accounting principles and standards are published in Title 7. As needed, supplemental instructions may be issued to meet special circumstances or to address processes associated with specific automated systems.

#### 404 Basic Financial Management Objectives

404.1 Internal management should employ an integrated financial management system, including an accounting system that provides useful financial data to effectively, efficiently, and economically fulfill the requirements below.

404.2 Internal management requirements for financial information regarding the day-to-day operations and for planning, programming, budgeting, performance evaluation, and reporting.

404.3 External requirements prescribed by:

- a. legislation;
- b. the Office of Management and Budget;
- c. Department of the Treasury; and,
- d. other control agencies.

404.4 The Agency's financial management program provides for:

- a. Alignment of the Agency's organization and staff facilities to provide for the most effective conduct of the Agency's financial management;
- b. An effective accrual basis accounting system;
- c. A fully integrated financial system to record, track, and reconcile all balance sheet accounts;
- d. Cost-based budgeting practices effectively integrated with the accounts to provide adequate support, as required, for budget requests;
- e. Simplification of appropriation and allotment structures and development of the most effective methods of control of appropriations, funds, obligations, expenditures, and costs;
- f. Consistency of classifications used for planning, programming, budgeting, accounting reporting, and synchronization with the Agency's organization structure;
- g. Effective internal management control, including internal auditing;
- h. Integration of accounting and reporting with the requirements of the budget process and the central accounting and reporting to the Department of the Treasury;
- i. Development of accurate and useful Agency reports on fiscal status, financial results of operations, and cost of performance of assigned functions for internal and external use; and,
- j. Education of personnel in effective maintenance and maximum utilization of these management tools to effect economy in Agency operations.

## **Broadcasting Board of Governors International Broadcasting Bureau**

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**Effective Date:** 6/29/12

**Series:** Broadcasting Administrative Manual

**Part 600:** Grants and Other Financial Assistance

**Section 610:** Partnership Policy

**Originating Office:** IBB Administrative and Secretariat Operations

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**PURPOSE:** This chapter includes the Broadcasting Board of Governors policy, guidelines, and procedures for the development, use, and continuing assessment of partnerships to carry out the BBG's mission.

**SCOPE:** The policy and guidelines in this chapter apply to all of the BBG's Federal Government entities, the IBB, VOA and OCB and their activities. This partnership policy does not apply to interactions with RFE/RL, RFA, or MBN, as the relationship with these parties is shaped by their grant agreements.

**DEFINITIONS:** The following are definitions of terms as they are used in this chapter.

- A. Partner refers to individuals, organizations, and other entities interacting in a relationship with the BBG to achieve a common goal in support of the Agency's mission. Contractors and grantees are not partners unless a partnership agreement separate from the grant or procurement contract is in place.
- B. A partnership is a voluntary and mutually beneficial collaborative working relationship between the BBG and one or more non-BBG partners formed to achieve or to assist in moving toward a common goal. Partners can provide resources (e.g. funds, time, knowledge, equipment) that assist the BBG in accomplishing its objectives. Likewise, BBG, within the confines of applicable law, may provide resources to a partnership. Partnerships are governed by well-defined written agreements, but do not include grants or contracts and will not be used in place of a contract or a grant. Partnerships with Federal agencies shall be accomplished through the use of an inter-agency agreement.

### **APPLICABLE LAWS AND REGULATIONS**

- A. **Gift Acceptance Authority** (22 U.S.C. §2697)
- B. **Acceptance of Travel Benefits from Non-Federal Entities for Official Travel** (31 U.S.C. § 1353)
- C. **"Other Transactions" Authority** (22 U.S.C. § 1437)

**D. Grant Making Authority (22 U.S.C. § 1472)**

**E. Advertising and Other Receipt Authority**

**F. Authorities Facilitating International Partnerships**

**POLICY:** It is the policy of the BBG to use partnerships, when appropriate, to enhance the ability of the BBG to carry out its mission and achieve its objectives. Any such partnership shall be consistent with the integrity, impartiality, and credibility of the Agency and its programs and activities and shall be conducted in full compliance with applicable laws and other authorities, including ethics statutes and regulations. All such partnerships involving Federal funds or resources shall ensure that editorial control of resulting programming is exercised by the BBG Federal entity involved, e.g., VOA or OCB. Partnerships will not be used to circumvent the procurement or grant process. Partnerships may only be negotiated by Agency employees. All partnerships must be approved by the IBB Director or, in his or her absence, the IBB Deputy Director.

**Objectives of Partnerships:** While observing all laws and federal requirements, BBG's partnerships shall satisfy at least one of the following without simultaneously substantially negatively impacting any of the following objectives:

- A. Enhance the Agency's capacity to complete and provide mission-related projects, products, and services.
- B. Provide added resources to the extent permitted by Federal law and regulation, e.g. funds, time, knowledge, equipment, or services to achieve mission-related objectives.
- C. Increase BBG's mission-related effectiveness.
- D. Improve technology available to the BBG.
- E. Enhance BBG's credibility and reputation.
- F. Contribute to a public purpose within the Agency's mission.

Many of the objectives that can be accomplished through a partnership with outside individuals and organizations are essentially the same as those for procurement contracts or grants. Therefore, it is essential that the appropriate vehicle be used, whether it is a partnership, grant or procurement contract. Employees in doubt as to what instrument to use shall seek guidance from the Office of Contracts before proceeding.

**Partnership Instruments:** The BBG has the following instruments for entering into a partnership agreement. They involve a mutual exchange of ideas, information, and services. Some partnerships may involve funding and in-kind donations; others will solely be based upon shared interests. These distinctions help determine the appropriate instrument to use.

- A. Memoranda of Understanding**
- B. Memoranda of Agreement**
- C. Co-Sponsorship of an Event**

**Related Instruments:** While not partnership agreements, the following instruments are tools that the Agency may use in the context of a partnership relationship. This list is not exhaustive.

- A. No Cost Contract**
- B. License Agreement**
- C. Affiliation Agreement**
- D. Interagency Agreement**
- E. Gift (Unconditional or Conditional)**

**Unsolicited and Solicited Partnerships:** Unsolicited & solicited partnership proposals from non-profit and profit entities may be submitted continuously for partnerships with the BBG, and will be reviewed using the same criteria and process. Potential partners must include in their proposals how their partnering will interact with the BBG's mission. The partner(s) must be substantially involved in the project. The review committee will submit a recommendation to the IBB Director as to whether BBG should enter a partnership. The IBB Director, or in his/her absence the IBB Deputy Director, will make the final decision whether or not to enter into a partnership.

#### **Who can be partners with the Broadcasting Board of Governors**

Almost any individual, organization, entity, or state, local, or federal government agency can be a partner with the BBG, and its elements — VOA and OCB. When contemplating a partnership with a particular entity, the agency activity interested in entering into a partnership must identify legal authority both to support the proposed partnership activity and to determine whether there are any limitations on the agency activity's ability to enter into the partnership with that potential partner. Such limitations include whether the terms of a potential partnership, or entering a partnership with a particular partner, would violate ethics laws and regulations or create an improper appearance for the Agency. An improper appearance arises when a reasonable person could believe that a partnership demonstrates favoritism, Government endorsement of an individual or organization, or any other violation of ethics laws and regulations, regardless of whether there was an actual violation. Determining the agency's legal authority to enter a partnership and the ethical implications of entering partnerships with particular partners must be done on a case-by-case basis. The Agency's Office of General Counsel can help with this process.

Agency activities shall also check proposed partners against the Excluded Parties List System (EPLS) (<https://www.epls.gov/>). The EPLS includes information regarding entities debarred, suspended, proposed for debarment, excluded or disqualified under the non-procurement

common rule, or otherwise declared ineligible from receiving Federal contracts, certain subcontracts, and certain Federal assistance and benefits.

Agency elements and offices also must fully consider the ethical implications of a proposed partnership. For example, agencies generally may not accept benefits from "prohibited sources." Prohibited sources can include those who: 1) have business relationships with the agency; and 2) are in litigation with the agency. The Agency's Ethics Office can assist offices in identifying prohibited sources and other ethical considerations related that may arise in the context of partnership proposals.

## **APPROVAL OF PARTNERSHIPS**

### **A. Request Process**

1. Partnership Requests must:
  - a. identify the proposed partners;
  - b. describe the partnership instrument to be used;
  - c. address all Standards for Partnership Requests listed in Part C below; and
  - d. describe the expected benefits and potential risks of the partnership.
2. All requests must be reviewed and approved prior to any agreement with organizations, individuals or other entities outside of the BBG. Elements shall consult with the offices affected by the development of these proposals and gain their concurrence prior to submission of the request.
3. Requests that have specific technological requirements must be cleared by the Directors of the Offices of Technology, Services and Innovation (TSI) and the Office of Digital and Design Innovation (ODDI) for consistency with BBG's existing and planned technology. The requestor shall receive written approval by the Directors of TSI and ODDI prior to the submission of the request to the Secretariat.
4. The Office of Security (SEC) must also be consulted by the requestor prior to submitting the request, if there are due diligence issues needing further investigation, e.g., soundness and reputation of a potential partner.
5. Requests must be submitted in writing to the Secretariat. Once completed, the requestor will submit the formal memo to the Secretariat, who will submit the request to the review committee. The Secretariat will ensure that the required documentation is received before submitting the package to the review committee.

### **B. Approval Process**

1. The formal memo must be cleared by all supervisors in the requester's chain of command, including the director of the entity submitting the request (e.g. VOA Director) prior to submission of the request.

2. A review committee comprised of a representative(s) from the Office of Contracts (CON), the Chief Financial Officer (CFO), the Office of General Counsel (GC), the Office of Strategy and Development (to review proposals relative to BBG's strategic plans and objectives) and the Director of the Program Office (PO), will meet as needed to review initial drafts and proposals of partnership agreements, to ensure that the document is in compliance with the Agency's mission. When the final draft of the partnership agreement has been cleared by the review committee, the proposed partnership shall be sent to the IBB Chief of Staff with the review committee's recommendation. The proposed partnership must be approved by the IBB Director. The IBB Director's authority will NOT be delegated to any other office, but may be delegated to the IBB Deputy Director if the IBB Director is not available.

**C. Standards for Partnership Requests (Things to Consider)**

1. Partnerships must enhance the ability of the BBG to carry out its mission and achieve its objectives.
2. Partnerships must be consistent with the integrity, impartiality, and credibility of the Agency and its programs and activities, strategic plan, and governing principles.
3. Editorial control of any resulting programming must be exercised by the BBG element involved.
4. Partnerships cannot involve favoritism or improper relationships or endorsements.
5. Partnerships must be in the public interest.
6. Partnerships should be beneficial to both partners.
7. The noncommercial character of BBG programming must be protected and preserved.
8. Partnerships must be clean of bias and not give the appearance of bias.
9. The partnership is in the best interest of the Government. Competition should be used as much as possible.
10. There can be no conflict of interest for the BBG and the BBG employees involved.
11. Any use of funds is appropriate.
12. The processes involved must be transparent to the public, competitors, etc.
13. The BBG must have the authority to engage in the partnership.
14. Costs of partnerships in terms of funds, time and resources must be warranted by the benefits.
15. Partnerships must be in full compliance with applicable laws and other authorities, including ethics statutes and regulations.

**IMPLEMENTATION**

- A. All partnerships will be reviewed at least annually to assess their resulting benefits and whether, in accordance with the criteria for approval listed above, they should be continued, terminated, or modified. These determinations shall be made by the officials of the organization who participated in the initial review committee, or their replacements.

- B.** The correct instrument will be used in implementing partnerships, in compliance with applicable laws, statutory authorities, and Agency policies and guidelines. (Consult Title 9 of the BAM for guidance on procurement contracts, grants and cooperative agreements.)

## **DOCUMENTATION**

- A.** A written record of all partnerships shall be maintained by the BBG Secretariat. Documentation must include approved requests for partnerships and implementing instruments, and results of annual assessments.

## **RESPONSIBILITIES**

- A.** The Director of IBB, or the IBB Deputy Director (if the IBB Director is unavailable), is responsible for:
  - 1. Establishing BBG's policy, guidelines, and procedures for the use of partnerships.
  - 2. Exercising approval authority for all partnerships.
  - 3. Ensuring Agency compliance with this policy.
- B.** IBB Chief of Staff is responsible for:
  - 1. Coordinating the review and implementation of partnership proposals, termination of partnership proposals and annual assessments of existing partnerships.
  - 2. Ensuring that employees are appropriately trained to develop and maintain effective partnerships.
  - 3. Notifying Public Affairs of approved partnerships.
- C.** Heads of Elements (VOA, OCB, and IBB Offices) are responsible for:
  - 1. The development and use of partnerships to assist the BBG in carrying out its mission and achieving its objectives.
  - 2. Assisting the Chief of Staff to ensure that employees are appropriately trained to develop and maintain effective partnerships.
  - 3. Ensuring appropriate coordination among offices of the development, approval, implementation, and annual assessment of partnerships.
  - 4. Reviewing all partnerships proposed by units within their element prior to forwarding to the proposal to Secretariat.
  - 5. Assessing existing partnerships in accordance with this policy and providing recommendations regarding renewal to the review committee.
- D.** The GC, CFO, and the Directors of the Office of Contracts, Technology, Services and Innovation (TSI), Office of Human Resources and The Office of Digital and Design Innovation (ODDI) are responsible for:
  - 1. Supporting the development, review, and implementation of partnerships and annual assessments of existing partnerships.
  - 2. Supporting other appropriate units to ensure employees are appropriately trained to develop and maintain effective partnerships.



## **TERMINATION**

- A. Termination of a partnership may only be approved by the IBB Director, or the IBB Deputy Director if the IBB Director is not available, and must:
1. Include a report submitted with the termination request on the status of the partnership. The report should include justification for termination, and the proposal for the partnership termination.
  2. Be coordinated in consultation with the original review committee.

## **ETHICAL CONSIDERATIONS**

Federal employees interacting closely with non-federal entities must have a firm grasp of Federal ethics laws and regulations, especially if the interaction involves the exchange of money, use of official government resources, or acceptance of gifts or support from non-government sources. Running afoul of ethics rules not only places employees at personal risk of civil and criminal penalties, but may bring unwanted negative publicity and jeopardize the agency's ability to attain its goals and accomplish its mission as well. There are many Federal ethics laws and regulations and their practical application is highly dependent on the unique facts and circumstances of each situation, so it is not possible to replace personalized ethical advice with general outlines or handouts. Nevertheless, there are a few broad topics in the arena of partnerships that all employees must pay close attention to.

**Conflicts of Interest:** Federal employees are prohibited from taking any action, which can include making recommendations or providing advice, on an official government matter that could affect a person or organization in which the employee has a financial interest. Employees should never be involved in negotiating for or participating in a partnership with a person or organization they have financial or personal connections to.

**Acceptance of Gifts:** Federal employees are restricted from accepting gifts offered because of their official position or from prohibited sources. Since prohibited sources include any person or organization seeking to do business with the Federal government, employees should be extremely cautious about accepting gifts from potential or current partners.

**Appearance of Government Endorsement or Sanction:** Federal employees are prohibited from using their official position, title, or authority in any manner that creates the appearance of government endorsement of any non-government organization or individual. This prohibition extends to agencies as well, and employees involved in negotiating or participating in partnerships must be equally vigilant against creating appearances of agency endorsement as they must against personal endorsement.

**Improper Use of Government Resources:** Government resources are to be used for official purposes only. While the use of government resources in the course of a partnership with a non-federal entity can serve official purposes, employees should exercise sufficient oversight over government resources to ensure they are properly accounted for and not used inappropriately.

These examples are intended to illustrate some of the challenges employees might encounter while negotiating for or participating in partnerships. Because of the complexity of the rules involved, employees are encouraged to contact the agency's Ethics Office in the Office of General Counsel prior to their getting involved in a partnership with a non-federal entity, or whenever they have questions or concerns. The Ethics Office can be reached at 202-203-4550 or [ethics@bbg.gov](mailto:ethics@bbg.gov), and more detailed guidance is available on demand on the agency's Ethics website at <http://inside.bbg.gov/offices/ethics/default.aspx>.

Approved by:

A handwritten signature in black ink, appearing to read 'R. M. Lobo', written over a horizontal line.

Richard M. Lobo  
Director, International Broadcasting Bureau

6/25/2012

Date

International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

Material within this Manual of Operations and Administration may no longer be current. To ensure having the most current policy or procedure, please contact the Agency office responsible for the subject matter, e.g., information about performance appraisal, staffing, or compensation should be directed to the Office of Human Resources. For assistance in determining which office to contact, please contact Cathy Brown or Renee Tyrance-Gauff of the Analysis and Administration Division on (202) 203-4664 or feel free to email this staff at [cbrown@bbg.gov](mailto:cbrown@bbg.gov) or [crgauff@bbg.gov](mailto:crgauff@bbg.gov).

MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART VII OFFICE OF THE CHIEF FINANCIAL OFFICER, PAYROLL, TIME & ATTENDANCE  
& LEAVE ACCOUNTING

SECTION 9 PAYROLL, TIME AND ATTENDANCE, AND LEAVE ACCOUNTING

MOA UPDATE: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates. The Office of Financial Operations is responsible for maintaining this section of the MOA. Provide notice of any errors or changes needed to the CFO.

1. GENERAL POLICIES AND PROCEDURES

1. General

Information common to all topics covered in Section 9, such as scope and applicability, relevant authorities, applicable internal controls, and definitions of commonly used terms is found in Section 9.2.2 through 9.2.5. The general policies and procedures covered in Section 9, Payroll, Time and Attendance, and Leave Accounting, apply to all components of BBG.

2. GENERAL POLICY

- a. It is the policy of BBG to pay employees on a biweekly basis 12 days after the end of the pay period, in accordance with applicable law and regulations and generally accepted accounting procedures.
- b. BBG will issue an Earnings and Leave Statement (ELS) to each employee, domestically or abroad, on a biweekly basis. The employee is responsible for verifying the accuracy and correctness of the ELS and reporting any errors in a timely manner to the timekeeper and/or supervisor.
- c. Salaries and allowances of U.S. citizens paid through the civilian payroll service provider are paid in U.S. dollars while Foreign Service Nationals (FSNs) and American citizens (AMCITs) paid through the FSN Payroll System are paid in the currency of the country in which employed except as otherwise authorized by Section 9.5.6.2.
- d. BBG will use electronic funds transfer to make payroll disbursements to employees.
- e. BBG, in conjunction with the payroll service provider, will report each U.S. citizen's or permanent resident alien's earnings and deductions to the Internal Revenue Service, state tax authorities, and/or

Social Security Administration and will issue a W-2 Statement to the individual annually.

## 1. Scope

### 1. Description and Purpose

Section 9 contains the regulatory information and procedures applicable to the areas of payroll, tax reporting and Foreign Service Retirement deductions and contributions. It includes information on maintaining daily attendance and leave records, computing, vouchering and paying salaries to U.S. citizen employees, Foreign Service National employees, AMCITS, and tax reporting.

### 2. Organization and Layout

The organization of Section 9 reflects the various functions that comprise the areas of payroll and tax reporting. Section 9 is organized as follows:

a. Section 9.2, General Policies and Procedures—provides information common to all topics covered in this chapter such as scope and applicability, the authorities, the automated payroll systems used, definitions of common terms, the standard forms used, and the internal controls applicable;

b. Section 9.3, Attendance and Leave—provides information on timekeeping functions including the maintenance of time and attendance, and leave records, and responsibilities associated with such maintenance and reporting requirements of the time and attendance, and leave records;

c. Section 9.4, Pay and Allowances Computation—provides information on the different types of compensation, rules related to the computation of gross pay and allowances, and accounting and reporting of the computed compensations;

d. Section 9.5, Payroll Deductions, Contributions, and Adjustments—provides information on the mandatory and voluntary employee deductions and other adjustments to be computed and withheld from the employee's compensation and the rules related to such withholdings, any salary overpayments made, and waivers of collection of such overpayments; and

e. Section 9.6, Vouching and Payment of Salaries and Allowances—describes the basis of vouchering, personnel to be vouchered, method of vouchering, and the time and method of paying salaries, benefits, and allowances.

f. Section 9.7, Payroll Service Center---describes the key duties the Payroll Service Center, Office of Financial Operations performs as liaison between BBG and the payroll service provider.

g. Section 9.8, Salary Offsets---describes the procedures utilized by the Payroll Service Center implementing BBG regulations for collecting Federal indebtedness from employees.

h. Section 9.9, Waiver of Overpayments---describes the procedures utilized by the agency to process employee requests for waiver of overpayments.

### 3. Applicability

a. Section 9 is the single, authoritative, and comprehensive source for BBG's guidance and should be referenced on all matters relating to payroll processing, tax reporting, and Foreign Service retirement deductions and contributions. It is intended for use both at posts abroad and domestically by BBG bureaus and offices.

b. Unless otherwise stated, references made to the BBG refer to worldwide operations of the BBG.

## 2. Definitions

### 1. Definitions of Documents, Processes, and Actions

- a. Administrative Workweek—The administrative workweek of BBG is the calendar week -Sunday through Saturday - and each day is the 24-hour period from midnight to midnight, the Office of Human Resources approves a different "administrative workweek" or "day" to facilitate work scheduling for employees whose daily duty tours begin before and end after midnight. (See MOA V-A Section 601.2.b and 5CFR610)
- b. Allotment of Pay—An authorization by an employee for a recurring payroll deduction from salary or wages due, in a specified dollar amount, to be paid to a designated person or organization.
- c. Allowance—Allowance refers to money or equivalent value, furnished or made available, in addition to prescribed rates of pay, to cover such items as housing expenses, educational expenses, or travel.
- d. AMCIT—A U.S. citizen who is not a family member of a U.S. Government employee who is hired at post of residence into an FSN position and whose compensation and benefits are prescribed by a local compensation plan and paid through the FSN Payroll System (Foreign Service Act section 311(c) (1)).
- e. Awards—Non-monetary and monetary awards originate from a personnel action and can involve payroll processing. Non-monetary awards, such as Time-Off awards (TOAs), can involve payroll by adding hours of leave to an employee's balance and expire after one year. TOAs cannot be converted to cash and can be granted to an individual or member of a group. Monetary awards, which include group incentive awards, suggestion awards, performance-based cash awards, special act or service awards, and Presidential Rank awards involve payments to the employee, are subject to taxation, and are reported as income for tax reporting purposes. A variation of the special act award is the On-The-Spot (OTS) award, which can be for a gross-up amount. An exception to the rule of awards originating from a personnel action are those for informal recognition awards that may be given to reward performance that otherwise might not merit an award such as cash, time-off, or an honorary award.
- f. Basic pay—As defined in 5 CFR 531.203. The rate of basic pay means the rate of pay fixed by law or administrative action for the position held by a GS employee before any deductions, including a GS rate, a LEO special base rate, a special rate, a locality rate, a retained rate, but exclusive of additional pay of any other kind.
- g. Basic Workweek— See MOA V-A Section 601.2. The basic workweek consists of five consecutive work days appropriate to the needs of each work unit, or as the FSN local compensation plan directs.
- h. Basic Workday - See MOA V-A Section 601.2. BBG's officially established basic workday for full-time employees consists of eight consecutive hours with 45 minutes for lunch.
- i. Beneficiary—Person or persons receiving a benefit or other recurring payment under Federal law, other than a payment of salary or wages.
- j. Bonus—A FSN benefit payment that occurs on a specified date or dates.
- k. Compensation—Wages and remuneration due an employee.
- l. Compensation to persons under FSN local compensation plan—Established under section 408 of the Foreign Service Act consists of a basic salary rate and, in some instances, an adjusted basic rate. The adjusted basic rate is the basic rate adjusted for certain monetized benefits. If there is an adjusted basic rate, it is paid for work during the basic workweek but is not used for computation of premium pay, bonuses, payment to retirement systems, severance pay, etc. The basic rate is applicable for these purposes.

m. Compensatory Time-Off - See MOA Part V-A, Section 242.6 for more details. For irregular overtime work scheduled after the beginning of the administrative workweek, eligible Foreign Service and Civil Service employees whose basic annual pay exceeds the maximum rate for GS-10 (i.e., above the locality pay adjusted salary of GS-10, step 10) shall be granted regular compensatory time off instead of overtime pay.

n. Credit Hours (maxiflex leave) - In the flexible work schedule program implemented at BBG, employees may earn and use "credit hours" under rules established by the agency and negotiated labor agreements. Subsequently, employees may use earned credit hours to shorten the length of another workday or workweek. Employees may earn up to a maximum of 24 credit or maxiflex hours to be carried over from one pay period to another.

o. Country of employment-The country where that employee was appointed, permanently assigned, or employed by the U.S. Government, whether in or outside the United States.

p. Debt - The terms debt or claim refer to an amount of money which has been determined by an appropriate Broadcasting Board of Governors official to be owed to the United States from any person, organization or entity, except another Federal Agency.

q. Deductions/Withholdings-Refer to both the mandatory deductions and voluntary deductions that are made from the gross pay of an employee, such as deductions towards retirement, Thrift Savings Plan, U.S. Social Security programs, U.S. Federal, state, and local income tax, and health and life insurance.

r. Delinquent Debt - A debt is considered delinquent if it has not been paid by the date specified in the Broadcasting Board of Governors' written notification or applicable contractual agreement, unless other satisfactory arrangements have been made by that date, or at any time thereafter the debtor fails to satisfy obligations under a payment agreement with the Broadcasting Board of Governors.

s. Department of State Standardized Regulations (DSSR) - The DSSR are the overriding regulations for allowances and benefits available to all U.S. Government civilians assigned to foreign areas. Foreign Affairs Agencies' (e.g. BBG's) implementing regulations are found in the Department of State Volume 3 Foreign Affairs Manual (FAM) 3200 and Volume 3 Foreign Affairs Handbook (FAH) 3FAH-1 H-3200.

t. Disposable Pay-As defined in 5 CFR 550.1103. Disposable is the part of basic pay of an employee inclusive of all allowances, differentials, or other additional compensation remaining after mandatory deductions (Federal, state, and local income taxes, U.S. Social Security taxes, retirement, basic life insurance, health insurance, salary offset for indebtedness, garnishments and court-ordered bankruptcy payments).

u. Employee-Refers to an individual appointed into the civilian service of a Government agency (including members of the Foreign Service of the United States).

v. FCCS - The FCCS are the Federal Claims Collection Standards issued jointly by the Department of the Treasury and the Department of Justice (31 CFR parts 900-904). These are government-wide regulations governing administrative offsets to collect monies owed the Federal government. They implement the requirements of applicable law (31 U.S.C. 3701-3719 as amended by Pub. L. 97-365, (96 Stat. 1749), aka Debt Collection Act of 1982, Pub. L. 104-134 (Title III, Chapter 10 Debt Collection Improvement Act of 1996); and Public Law 104-316, 110 Stat. 3826 (Oct. 19, 1996) General Accounting Office Act of 1996).

w. Foreign Area—Any area (including the Trust Territory of the Pacific Islands) situated outside the United States, the Commonwealth of Puerto Rico, and the possessions of the United States.

x. Foreign Service National Employee (FSN)—An employee appointed under section 303 of the Foreign Service Act of 1980. An FSN employee is a non-U.S. citizen directly hired by a U.S. Mission, including third-country nationals (TCNs) but excludes official residence staff as well as consular agents, or an AMCIT, unless otherwise indicated.

y. Foreign Service National Payroll System—Payroll systems operated by the Department of State Financial Service Centers (FSCs) to pay Foreign Service National employees, personal services contractors, and AMCITs on behalf of BBG.

z. Gross Pay—Total monetary remuneration due an employee for services before any mandatory or voluntary deductions are effected.

aa. Inscription Data—Information inscribed on bonds relating to the month and day of bond issuance.

ab. Locality rate—As defined in 5 CFR 531.602. A locality rate is considered to be an employee's rate of basic pay for the purpose of computing or applying Retirement deductions/contributions; Life insurance premiums/ benefits ; Premium pay (including the computation of limitations on premium pay); Severance pay; Advances in pay; Post differentials and danger pay; Recruitment, relocation, and retention incentives, supervisory differentials, and extended assignment incentives; Performance-based cash awards (when such awards are computed as a percentage of an employee's rate of basic pay); Lump-sum payments for accumulated and annual leave; Grade and pay retention; Other provisions as specified in other statute or OPM regulations; and Payments or benefits equivalent to those listed here under other legal authority, as determined by the head of the agency or other authorized official responsible for administering such payments or benefits.

ac. Net Pay—The amount of monetary remuneration paid to an employee after all mandatory and voluntary payroll deductions and any allotments of pay.

ad. Outpatient medical emergency assistance—Advance of pay assistance to employees working outside their country of employment who must pay immediately in full for the costs of outpatient treatment.

ae. Overtime—Authorized and performed work of full-time, part-time, and intermittent tours of duty performed by permanent or temporary employees in excess of 40 hours in an administrative workweek or eight hours in a day, whichever is greater (See MOA V-A Section 602). For FSNs, overtime is work performed in addition to the individual's basic workweek.

af. Pay of U.S. citizen personal services contractors—Governed by the terms of the contract. The contract may provide a stated annual rate adjusted for such monetized benefits as health insurance to create an adjusted annual rate to be used for hours worked during the basic workweek. The stated annual rate base for hours in excess of the basic workweek is the unadjusted rate. Not paid through payroll system.

ag. Pay Period—Refers to a time period which covers two administrative workweeks for all employees except those hired on an other-than-annual basis, for whom a pay period is in accordance with the terms of the appointment.

ah. Permanent Resident Alien (PRA)—A person who holds a U.S. green card. Note that an FSN employee or personal services contractor who holds a U.S. green card is subject to U.S. income and Social Security tax withholding unless a totalization agreement provides Social Security Tax exemption. A

PRA working in the United States is subject to applicable Federal, state and city tax withholding.

ai. Post—The place designated as the official duty station of the employee, regardless of whether the employee is detailed elsewhere or resides at another place with the authorization or approval of the head of the agency.

aj. Premium Pay—Premium pay for U.S. citizen employees means additional pay authorized under Chapter 55 of 5 U.S.C., for, e.g., overtime, night, holiday, Sunday work, and standby duty. Premium pay for Foreign Service National employees, and AMCITs is as prescribed in the local compensation plan. Premium Pay is not creditable for calculating benefits deductions such as retirement, life insurance, or Thrift Savings Plan (TSP). Premium pay is subject to Federal, State, Local income tax and FICA.

ak. Rate of Basic Pay—As defined in 5 CFR 531.203. This means the rate of pay fixed by law or administrative action for the position held by a GS employee before any deductions, which includes a GS rate, an LEO special base rate, a special rate, a locality rate, a retained rate, but exclusive of additional pay of any other kind.

al. Salary Offset - Salary offset means an administrative offset to collect a debt under 5 U.S.C. 5514 (as amended by Pub. L. 97-365, (96 Stat. 1749), aka Debt Collection Act of 1982, and Pub. L. 104-134 (Title III, Chapter 10 Debt Collection Improvement Act of 1996)).by deductions at one or more officially established pay intervals from the current pay account of an employee without his or her consent.

am. Scheduled annual rate of pay—As defined in 5 CFR 531.602. This means, as applicable:

1. The annual GS Rate (i.e. a rate of basic pay within the General Schedule, excluding any LEO special base rate and additional pay of any kind such as locality payments or special rate supplements) payable to an employee;

2. An annual LEO special base rate; or

3. For an employee in a category of positions described in 5 U.S.C. 5304(h)(1)(A)-(D) for which the President (or designee) has authorized locality payments under 5 U.S.C. 5304(h)(2), the annual rate of pay fixed by law or administrative action, exclusive of any locality-based adjustments (including adjustments equivalent to local special rate supplements under 5 CFR part 530, subpart C) or additional pay of any other kind.

an. Third-Country National (TCN)—An individual who is neither a citizen of the United States nor of the country in which employed, who is employed on a limited appointment or personal services contract, and who is eligible for return travel at U.S. Government expense to his/her home country or country from which recruited.

ao. Timekeeping—Refers to the task of recording or maintaining the hours worked by an employee or personal services contractor.

ap. Tour of duty—The hours of a day and the days of an administrative workweek that make up an employee's regularly scheduled basic workweek (5 CFR 610.102).

aq. Up to three months—Not more than six biweekly pay periods.

ar. U.S. Citizen Employee—A U.S. citizen appointed to the Foreign Service or Civil Service by BBG. The term replaces the previously used "American employee". The term as used in Section 9 of this MOA, Payroll, Time and Attendance, and Leave Accounting, excludes AMCITs unless otherwise indicated.



as. Waiver - Waiver means the cancellation, remission, forgiveness, or non-recovery of a debt allegedly owed by an employee to an agency as permitted or required by U.S.C. 5584, 10 U.S.C. 2774, or 32 U.S.C. 710, 5 U.S.C. 8346(b), or any other law.

## 2. Definitions of Positions and Titles

a. Administrative Officer—An officer of BBG who is responsible for the day-to-day operations in a domestic office or bureau or at a post abroad.

b. Time and Attendance (T&A) Approving Official—An officer of BBG who is responsible for reviewing, verifying and approving biweekly T&A records for employees in an office before the T&A data is transmitted to the appropriate payroll system. This should be the official most knowledgeable of the time worked and absence of the employees involved, normally the immediate supervisor.

c. Certifying Officer—An accountable officer who has been designated to certify vouchers for payment. The certifying officer shall make such examination of the facts underlying a voucher as is necessary, taking into consideration the underlying systems and controls, to provide reasonable assurance that payment is correct and proper. Since the officer certifying the payroll voucher relies on confidence in the management controls of the payroll process and the absence of any information to the contrary, any event creating an insufficiency of funds requires immediate notification to the certifying officer.

d. Payroll Manager ---An official supervising the BBG Payroll Service Center staff who is responsible for the daily payroll operations. The Payroll Manager provides oversight and direction to the payroll service provider for BBG payroll operations.

e. Timekeeper—An employee who has been assigned the responsibilities of maintaining and recording the time and attendance information for other employees.

## 3. Employer-Employee Relationship

a. For U.S. Federal Insurance Contributions Act (FICA) and income tax withholding purposes the term "employee" includes any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee. IRS rules are found in Publication 15, Circular E, Employer's Tax Guide, and Publication 15-A, Employer's Supplemental Tax Guide, which can be downloaded at [www.irs.gov](http://www.irs.gov).

## 3. Legal Authorities

The principal legal authorities are:

a. United States Code (U.S.C.) Title 5—Government Organizations and Employees ;

b. U.S.C. Title 22—Foreign Relations and Intercourse;

c. U.S.C. Title 26—Internal Revenue Code;

d. The Foreign Service Act of 1980 as amended (22 U.S.C. 3900 et. seq.);

e. 48 CFR 37.101 and 37.104 (Federal Acquisition Regulation (FAR));

f. The Fair Labor Standards Act of 1938, as amended (29 U.S.C. 200);

g. Federal Claims Collection Act of 1966, as amended (31 U.S.C. 3701-3719);

h. 31 U.S.C. 3512;

i. The Privacy Act of 1974;

j. 26 CFR—Internal Revenue;

k. Statements of Federal Financial Accounting Concepts and Standards;

l. GAO/AIMD-00-21.3.1—Standards for Internal Control in the Federal Government (1999);

m. Joint Financial Management Improvement Program (JFMIP), Financial Systems Requirements Documents;

- n. GAO-03-352G-Maintaining Effective Control over Employee Time and Attendance Reporting (2003);
- o. SR-99-5-Human Resources and Payroll Systems Requirements (1999), issued by the JFMIP;
- p. Treasury Financial Manual (TFM), Volume I (ITFM), including:
  - 1. Part 3-Payrolls, Deductions, and Withholdings (1 TFM 3);
  - 2. Part 4-Disbursing (1 TFM 4);
- q. OPM Directives/Handbooks;
- r. 5 CFR-Administrative Personnel;
- s. 22 CFR---Foreign Relations;
- t. 31 CFR---Money and Finance: Treasury;
- u. 31 CFR Parts 900-904 - Federal Claims Collections Standards;
- v. Pub. L. 97-365 - Debt Collection Act of 1982; and
- w. Pub. L. 104-134, Title III, Chapter 10 - Debt Collection Improvement Act of 1996.

#### 4. Payroll Systems

It is the policy of the BBG to use automated payroll processing systems operated by a payroll service provider. These systems must conform to the standards and requirements prescribed by the Joint Financial Management Improvement Program (JFMIP), a joint and cooperative undertaking of the U.S. Department of the Treasury, the General Accounting Office, the Office of Management and Budget, and the Office of Personnel Management, working in cooperation with each other and other agencies to improve financial management practices in government. The automated payroll system will be fully documented in systems manuals, which conform to and supplement the requirements prescribed in this section of the MOA.

##### 1. Standardized Systems

A minimum number of automated payroll systems must be used. The payroll systems should interact with the personnel, accounting, general ledger, and financial management systems. Any new system proposed or major revision to a current system must be approved by the CFO before it can be implemented.

##### 2. Types of Payroll Systems

###### 1. Payroll Processing System

a. The payroll processing system pays U.S. citizen employees, permanent resident aliens employed in Washington and overseas.

b. It is the policy of the BBG that compensation for personal services be paid through a voucher system rather than through a payroll system.

c. Master file data on employees is derived through an interface with the personnel system except for part-time, intermittent, and temporary employees abroad who are entered by the FSCs from the post created Form SF-50, Notification of Personnel Action.

d. The period of work and leave for each employee is derived from a biweekly T&A submission. Payment will not be made absent a submission except:

1. In the event Washington telecommunications problems prevent receipt of the file, scheduled hours will be paid with any necessary adjustment in the following pay period; and

2. In the absence of a T&A record for a specific employee with a domestic organization code, scheduled hours may be paid for one pay period upon the timekeeper's submission of a manual T&A report.

e. Payments are charged to the appropriation/allotment as indicated by the personnel or contracting action.

###### 2. Foreign Service National Payroll System (FSN Payroll System)

a. The FSN Payroll System compensates personnel in accordance with the local compensation plan authorized in section 408 of the Foreign Service Act.

b. The payment is processed by the Financial Service Centers (FSCs) from post-created Forms SF-50, Notification of Personnel Action, or JF-62, Foreign National Personal Services Contracting Action, through the FSN payroll system pursuant to time and attendance reporting. Absence of a T&A report for a specific individual prevents any biweekly payment to that individual. However, a FSC may pay scheduled hours for one pay period when a post's T&A file is not received or is not readable. Corrections should be effected in the following pay period. Any payment to FSN or AMCIT staff of an evacuated post must be authorized by the regional bureau's executive director biweekly.

### 3. Payroll Data to be Maintained on System

The automated payroll systems must maintain the following kinds of data:

- a. Permanent data or fixed data for each employee such as salary, allowance rates, differential rates, deduction and contribution information, etc., as detailed in Section 9.4, Pay and Allowances Computation, and Section 9.5, Payroll Deductions and Contributions;
- b. T&A data submitted on a biweekly basis for each employee that can be used to compute biweekly earnings, leave taken, and compensatory time balances. Exceptions to this rule are permitted for Time-off Awards, donated leave, Compensatory Time-off for covered time spent in official travel, and military leave where, due to current system limitations, these leave balances are maintained locally with the Timekeeper;
- c. Information on the cumulative gross earnings, deductions, allotments of pay, net pay advances, and leave balances on a pay period basis for each employee. This accumulation is maintained on either a tax year or a leave year basis; and
- d. Care should be taken to ensure that supplemental compensation payments, made outside the normal processing of payroll, be retroactively reflected in the payroll systems.

### 5. Management Controls

#### 1. Scope

a. Management controls are operational checks and balances that ensure that a task will be carried out as planned in the most efficient and effective way possible. MOA Part II Section 220 provides details on management control objectives and procedures.

b. In the payroll processing area, management controls refer to those checks and balances that ensure that:

- 1. The entire process of the recording and maintenance of T&A records, the computation of pay, and the reporting of amounts paid and amounts withheld, is carried out effectively and efficiently;
- 2. All applicable laws, regulations, and policies are being complied with;
- 3. Resources are being safeguarded; and
- 4. Accurate and reliable accounting information is being generated.

#### 2. Authority

Management controls are required to comply with existing statutes, regulatory agencies' directives and BBG Directives. The major authorities for management controls are:

a. The Accounting and Auditing Act of 1950, as amended, which requires the Comptroller General to prescribe principles, standards, and related requirements for accounting to be observed by each Federal agency. The

head of each agency is responsible for establishing and maintaining systems of accounting and management controls;

b. Federal Managers' Financial Integrity Act of 1982;

c. 31 U.S.C. 3512(b);

d. OMB Circular A-123, Management's Responsibility for Internal Control;

e. OMB Circular A-127, Financial Management Systems;

f. GAO/AIMD-00-21.3.1, Standards for Internal Control in the Federal Government; and

g. MOA Part II Section 220, Management Accountability and Control

### 3. Requirements

The GAO Standards for Internal Control in the Federal Government discusses management control standards of reasonable assurance, supportive attitude, competent personnel, control objectives, control techniques, documentation, recording of transactions, execution of transactions, separation of duties, supervision, access to and accountability for resources, and prompt resolution of audit findings. Some aspects are discussed below as they relate specifically to payroll.

#### 1. Documentation

There should be complete, accurate, and easily accessible documentation for the use of all persons involved in payroll processing. The documentation should include policy as well as procedures manuals, workflow descriptions, and systems manuals. The documentation must reflect current laws and regulations and must be revised and updated for changes in the regulations, tax rates, and so on.

#### 2. Training

Personnel engaged in pay, leave, and allowance activities must be adequately trained in the documented policies and procedures applicable to the area to enable them to perform operations efficiently, effectively, and economically and to identify and resolve inconsistencies in payroll related information that is submitted, processed, and reported.

#### 3. Audit Trail Maintenance

a. To maintain an audit trail, any corrections or adjustments to data in official records must be approved, in writing or through electronic signature, by an authorized official.

b. A record of all changes made after documents have been approved and certified must be maintained in accordance with BBG's records retention policy.

c. Changes made to data must be made in such a way that an audit trail is maintained to provide reference to documents that show the original and the new data and the authorization for the change.

#### 4. Separation of Duties

a. In accordance with prudent management control practices, the following operations should be segregated from one another:

1. Authorization of pay and entitlements;

2. Recording of T&A data;

3. Payroll computations;

4. Certification of payments;

5. Recording of payroll data in the accounts;

6. Distribution of pay;

7. Review of payroll transactions;

8. Automated system development;

9. System testing;

10. System implementation; and

11. System maintenance.

b. At bureaus/offices and posts with limited staff, duties might overlap. In such instances, there should be a system of checks and balances and active supervision to ensure that responsibilities are being properly carried out.

c. Posts abroad with limited staff might require, in situations other than those referred to above, the same individual to perform conflicting functions. In such instances, if these practices cannot be met, an alternate system must be approved by the current next higher level of management and documentation retained in post files for audit purposes.

#### 5. Recording and Maintaining Time and Attendance Records

There should be procedures to ensure that the timekeeping function is carried out effectively and accurately. All recorded T&A data should be promptly reported to the payroll office to enable the prompt computation and payment to the employees. The intent is to facilitate processing and to maintain updated information on attendance and leave records for computation, review and audit purposes.

#### 6. Management Controls for Computerized Payroll Operations

Periodic preventive maintenance steps must be taken on hardware and software to ensure the efficient working of the automated payroll system. Systems requirements documents, issued by the Joint Financial Management Improvement Program, provide more detailed guidance.

#### 7. Pay Controls

Overall control procedures should be incorporated and performed regularly to provide reassurance that payroll data is correctly processed; for example, use of master control totals for data elements by computing such totals on certain fields before payroll transactions are entered, adding totals computed from transactions entered during the cycle, and comparing to the grand total at the completion of the processing cycle.

#### 8. Restricted Access

Access to the following must be restricted to authorized personnel:

a. Payroll data and records (contains information protected by the Privacy Act of 1974); and

b. Payroll processing equipment and operations and related software.

#### 9. Management Compliance Audits

a. Periodic risk assessment of payroll operations will be conducted in accordance with the BBG's Management Control Program. Assessment findings may indicate the need for more in-depth review of existing controls.

b. Management will ensure on a continuing basis, through internal review of payroll operations, that the established policies and procedures are adhered to.

c. Management will ensure that reviews are timely and are staffed by individuals possessing adequate payroll knowledge and review skills.

d. At all supervisory levels diligence is required to ensure that management controls are functioning.

### 3. ATTENDANCE AND LEAVE

#### 1. Description And Authorities

##### 1. Description

Attendance and leave provides information on timekeeping functions, including the maintenance of time and attendance and leave records, and responsibilities associated with such maintenance and reporting requirements of the time and attendance and leave records.

##### 2. Authority and Applicability

a. Chapters 61 and 63 of 5 U.S.C. provide authority for attendance and leave. GAO Policy and Procedures Manual for Guidance of Federal Agencies,

Title 6, Pay Leave and Allowances, Chapter 3, Time and Attendance and JFMIP SR-99-5, Human Resources and Payroll Systems Requirements (1999), issued by the Joint Financial Management Improvement Program (JFMIP), prescribe requirements for maintaining and reporting time and attendance (T&A) and leave.

b. This subchapter applies to U.S. citizen employees. The leave benefits of FSN employees, non-U.S. citizen personal services contractors, and American citizens are determined by the local leave plan.

## 2. Definitions

a. Calendar year is a period of 12 consecutive calendar months beginning the first day of January and ending the last day of December

b. Fiscal year is a period of 12 consecutive calendar months beginning the first day of October and ending on the last day of September of the next calendar year.

c. Leave year is the period beginning with the first day of the first complete pay period in a calendar year and ending with the day immediately before the first day of the first complete pay period in the following calendar year.

## 3. Management Controls

### 1. Separation of Duties

In accordance with prudent management control practices, the following functions should be separated from one another:

a. Recording T&A data;

b. Approving T&A reports;

c. Payroll computations and certification of payroll vouchers; and

d. Recording of payroll data in the accounts.

### 2. Authorization

Premium pay, such as overtime, night, holiday, and Sunday work, must be authorized in advance by an authorizing official (first level supervisors, second level supervisors, and higher level officials) as stated in MOA Part V-A, Section 602.5. In emergencies, a supervisor who is not an authorizing official may order an employee to perform up to eight hours per pay period of premium compensation work. As soon as possible, that order must be reviewed and signed by the authorizing official. All authorizations must be in writing.

### 3. Proper Documentation

There should be complete, accurate, and proper documentation of time and attendance data, leave, and premium pay for all employees. Any adjustment or change in records must be documented and certified by the appropriate official.

## 4. Maintaining Time And Attendance (T&A) And Leave Records

### 1. Time and Attendance Requirements

An accurate record of the time an employee works and/or is absent must be recorded daily. T&A data may be recorded on T&A forms or entered directly into an automated system. T&A and leave records should be retained for six years after the end of the leave year or destroyed after a U.S. General Accounting Office audit, whichever occurs first. Detailed guidance for timekeepers about how to document time and leave is contained in Appendix 2 to this Chapter.

### 2. Basis for Recording Time and Attendance Data

Recorded T&A data must be based on one of the following methods:

a. Supervisor or timekeeper observation and recording of employee's hours worked;

b. Time clock or other automated timekeeping devices, where not prohibited by law; or

c. Serial sign-in/sign-out sheets on which employees sign their names and record their times of arrival in the order they arrive. When employees leave, they must sign their names again, in the order of departure and record their departure time. Employees will also annotate next to their names any leave taken during the day and the time period(s) involved. This serves as a cross-reference to requests/approvals for leave in separate documentation.

### 3. Maintaining Time and Attendance Records

T&A forms, supporting documents, or computer files of time and attendance data must document daily starting and ending times for:

a. Regular time worked;

b. Time worked for which premium pay is applicable, by type of premium pay;

c. Credit hours and compensatory time earned and used; and

d. Hours of leave used by type of leave.

### 4. Leave Accrual and Maintenance of Leave Records

#### 1. Leave Accrual

a. The payroll system must contain accurate information on each employee's type of appointment and the leave hours to which the employee is entitled. The number of hours of each type of leave must be accurately computed per pay period using correct accrual rates. For accrual rates for U.S. citizen employees, see MOA Part V-A, Section 630 for annual leave and MOA Part V-A, Section 640 for sick leave. . Foreign Service Nationals and AMCITS accrue leave according to the approved local leave plan.

b. Reduction is made at the beginning of each leave year for accumulated annual leave exceeding applicable leave ceilings. Controls must be implemented to ensure that accumulated leave in excess of the applicable leave ceiling is dropped.

#### 2. Maintaining Leave Records

Leave records shall be maintained in automated systems or appropriate manual files and must contain the following information for each employee:

a. The rate of accrual for each type of leave that may be accrued;

b. The hours or days accrued and used by leave type (i.e., annual, sick, compensatory, or home);

c. Current leave balance (negative, as well as positive):

d. Any advance leave authorized, including the date through which the leave is authorized, the type of leave advanced, and the total hours or days advanced;

e. Any leave received under the voluntary leave transfer program (5 CFR 630.900) or restored annual leave; and

f. Applicable leave ceilings by type of leave.

The Heads of all Agency Offices, Divisions, and Services are responsible for managing attendance and leave matters, including leave requests, approvals, and documentation, in their organizations. This responsibility includes effective oversight, through subordinate managers and supervisors as appropriate, to ensure that all leave is properly requested; leave requests are acted upon (approved or disapproved); leave requests and approvals are appropriately documented; and leave taken is accurately recorded and accounted for. The guidance in the following subsections generally applies to documentation of requests for and approvals of accrued annual and sick leave. These same documentation requirements also apply to absences charged to earned compensatory time. Additional requirements may apply to other categories of leave such as advanced sick

or annual leave, leave without pay (LWOP) of more than 80 hours, and leave under the Family and Medical Leave Act (FMLA). Specific requirements for these and other types of leave are contained in MOA V-A 601 et seq.

Negotiated Labor-Management Agreements also may contain leave provisions, such as those for scheduling employee vacation periods. Such provisions may supplement or supersede regular leave request and approval processes. For more details, please refer to the Negotiated Labor Management Agreement appropriate to the union membership involved.

#### Section 9.3.4.4.2.1 Leave Records for Accrued Annual Leave

Annual leave must be requested from the appropriate official, usually the immediate supervisor. It is recommended in all cases that annual leave be requested in writing using the SF-71, Request for Leave or Approved Absence. The SF-71 is available electronically on FormFlow. Paper copies of the SF-71 can be obtained from your administrative officer or timekeeper. Supervisors are expected to act expeditiously after receiving an SF-71, normally approving or disapproving the requested leave within seven calendar days. When annual leave is requested and approved in writing, whether on the SF-71 or other format, the approving official must provide a copy of the written approval to the timekeeper to ensure leave is properly charged. Annual leave also may be requested and approved orally. However, when this is done, the approving official must provide the timekeeper with written documentation to ensure the leave is properly charged. Leave approving officials may satisfy this requirement by recording and initialing the leave on the office sign-in sheet (Form IBB-0815, or equivalent) or by email or memo given to the timekeeper.

#### Section 9.3.4.4.2.2 Leave Records for Accrued Sick Leave

Sick leave must be requested from the appropriate official, usually the immediate supervisor. Non-emergency requests for sick leave should be submitted to the approving official in advance. To request emergency sick leave, an employee must speak directly to his or her leave-approving official as soon as possible on the day of the absence - and on successive days of absence as appropriate. Normally, the approving official will approve or disapprove a request for emergency sick leave at the time it is made. Even when sick leave is initially requested and approved orally, as may be the case with emergency sick leave, the request and approval must later be supported by a written application. It is recommended in all cases that sick leave be requested using the SF-71, Request for Leave or Approved Absence. Supervisors may require the leave to be requested using the SF-71 if the absence is for more than three workdays. When sick leave is requested and approved on the SF-71, the approving official must provide a copy of the written approval to the timekeeper to ensure leave is properly charged.

A request for sick leave also may be made by recording the leave on the office sign-in sheet (Form IBB-0815, or equivalent) or by email or memo. Leave approving officials must document their approval by initialing the requested leave on the sign-in sheet, email, or memo; by separate email or memo; or by other appropriate written means. Written approvals must be provided to timekeepers to ensure leave is properly charged.

#### Section 9.3.4.4.2.3 Timekeepers - Receipt of Leave Documentation and Follow-up

All documentation of leave used necessary for the completion of bi-weekly time cards must be provided to timekeepers sufficiently in advance of payroll submission deadlines. Timekeepers must follow up with supervisors, as necessary, to ensure that all scheduled hours are documented and



accounted for by hours worked, leave, or other absence, before submitting final time card data.

## 5. Attendance And Leave Function Responsibility

### 1. Head of Each Office

#### 1. Maintaining Attendance and Leave Records

The head of each office in the BBG or administrative officer at post must ensure that leave and attendance records of all employees of the office are maintained in accordance with provisions of this subchapter and Appendix 2 of this Chapter.

#### 2. Establish Controls

The head of each office or the administrative officer at post must also establish controls for accurate and timely recording and reporting of time and attendance.

#### 3. Training

In order to ensure efficient and accurate procedures for the T&A function, the head of each office should ensure that timekeeping refresher training, which may include seminars and lectures, is conducted periodically for the responsible personnel of the office. This training may be conducted in coordination with other offices in BBG and the Payroll Service Center.

### 2. Supervisors' Responsibilities

#### 1. Designating Timekeepers

Supervisors are responsible for designating timekeepers (including alternates and backups). Supervisors are also responsible for assuring that timekeepers are adequately trained and are observing the prescribed procedures for recording and reporting attendance, leave, overtime, and duty for which premium or differential rates are applicable.

#### 2. Ensuring Accuracy of Time and Attendance Reports

Supervisors are accountable for the accuracy of T&A reports. Since approval of T&A reports is based on the reliance of management controls, the supervisors must have a reasonable basis for verifying accuracy and compliance with those controls.

#### 3. Reviewing and Approving Time and Attendance Reports

Supervisors must review and approve T&A reports of employees for whom they are responsible. Supervisors must also ensure that the approved T&A reports are submitted to the servicing payroll office by the due date and time. In case of any adjustment to leave records of an employee, the supervisor must review and certify such changes on the leave statement.

#### 4. Approving Leave

Leave should be approved by the supervisor prior to being taken. The approved Form SF-71, Request for Leave or Approved Absence, or other accepted form of documentation is then submitted to the timekeeper to make an entry on the T&A report.

### 3. Timekeeper's Responsibilities

#### 1. Observing Actual Daily Attendance

The normal basis for recording T&A is the observation by the supervisor or timekeeper of employees' hours worked. Instances where this is not possible require reasonable assurance of correctness of T&A reporting.

#### 2. Recording attendance, Leave, and Premium Time

Timekeepers are responsible for making attendance entries on T&A records daily unless sign-in and sign-out sheets are maintained in the office. Leave entries must be made based on the approved leave application form or an accepted substitute. Before recording premium time worked, timekeepers must determine that the premium time is authorized. Copies of such authorizations should be maintained with employee T&A records for audit

trail purposes. Recordation guidelines are included in Appendix 2 of this Chapter.

### 3. Completing Time and Attendance Reports

Designated timekeepers are responsible for completing the T&A reports and for ensuring correctness of all recorded information therein before submitting these reports to the supervisor.

### 4. Restrictions on Duties Performed by Timekeepers

a. Timekeepers shall not post their own T&A data. Arrangements should be made for a backup or alternate timekeeper within the office to maintain the timekeepers T&A data on the T&A system.

b. T&A reports shall not be approved by employees performing timekeeping functions.

### 5. Employee Under Suspension, AWOL, or LWOP Status

When a timekeeper has been notified that an employee has been placed on AWOL, LWOP, or suspended, the timekeeper must indicate on the T&A reports the number of hours that the employee has been in that status.

### 4. Employees' Responsibilities

#### 1. Affirming Accuracy and Completeness

a. Employees share responsibility with the timekeeper and the supervisor in affirming the accuracy and completeness of leave taken and that overtime, holiday, and compensatory time reported was authorized and worked.

b. Employees must submit a leave application form (Form SF-71, Request for Leave or Approved Absence, or other accepted form of documentation or method) to the supervisor for approval before taking leave. For other than regularly scheduled work, employees must sign or initial against their name in the T&A report to verify the accuracy of the entries on the report. This verification does not constitute supervisory approval of the reports that must still be made. Each employee must review his or her Earnings and Leave Statement and disclose any discrepancies to supervisors promptly.

#### 2. Employees in Travel Status

Employees in travel status are responsible, once they have completed travel, for advising the appropriate office at post or in Washington, D.C., of any leave taken. Such leave usage must be consistent with the filed travel voucher.

### 6. Time And Attendance And Leave Reporting

#### 1. Requirements

##### 1. Reporting Mode

T&A data can be reported either by transmittal via approved electronic media or on an approved hard copy document as a backup document. In the event of an electronic transmittal, the timekeeper must retain the hard copy supporting documents.

##### 2. Reporting Requirements

T&A reports may cover no more than one pay period. At a minimum, the following data must be included on the T&A report for each employee for each pay period:

- a. Employee name and identifying number (social security number or employee number);
- b. Pay period number or dates;
- c. Number of hours worked by day and in total;
- d. Number of hours of premium pay, by type of premium pay, to which the employee is entitled;
- e. Number of credit hours and compensatory time earned;

f. Number of hours of leave (by type), credit hours, and compensatory time used;

g. Dates and times leave was taken; and

h. Handwritten signature or initials for any leave, premium, or any other special hours.

### 3. Adjustments

Any adjustments required within the three most recent pay periods because of changes after the T&A report was approved must be made online and reflected in the pay period to which the changes apply. Changes should be made as soon as possible after discovery and must be approved by an authorizing supervisor prior to being transmitted to the servicing payroll office. Where changes are required to correct records for pay periods earlier than the most recent three pay periods or in a prior tax year, a hard copy of those corrected records, and a system printout of the original data entry, are to be transmitted to the Payroll Service Center and not entered into the payroll system.

### 4. Approval of Time and Attendance Reports

All T&A reports and other supporting documents must be reviewed and approved by an authorized supervisor in accordance with the requirements listed below:

a. Approval of T&A documents must be based on knowledge from personal observation, from timekeeper attestation, from reliance on other management controls, or a combination of these;

b. T&A documents must be approved as close to the end of the pay period as possible to allow for processing of the payroll by pay day; and

c. Approval must be indicated either by a handwritten signature or an approved system that provides for an automated signature. Automated approval must be made by entering designated codes into an automated system with appropriate safeguards to prevent unauthorized entry.

### 2. Submission of Time and Attendance Reports

a. The timekeeper must prepare and submit final T&A reports electronically for all serviced employees after being approved in accordance with Section 9.3.6.1.4 , Approval of Time and Attendance Reports.

b. Employees engaged in transmitting approved T&A reports shall not change T&A information during transmission without a record of the change being generated and approved by the supervisor.

c. The deadline for the submission of final T&A reports electronically is 12:00PM noon on the Monday following the end of the pay period.

### 7. Certain Officers Exempt From Leave Laws

Presidential appointees to executive schedule positions compensated under Section 401 of the Foreign Service Act of 1980, as amended, are exempted from the leave laws by 5 U.S.C. 6301 and do not accrue or use leave.

However, members of the Senior Foreign Service (SFS) who elect to continue to receive their SFS pay in lieu of presidential pay remain covered by the leave laws pursuant to 22 U.S.C. 3942(b).

### 8. Restoration Of Forfeited Annual Leave

#### 1. Authority

5 U.S.C. 6304 (d) and (e) authorizes restoration of annual leave. Rules for restoring annual leave are provided in MOA Part V-A, Section 635 Restoration of Forfeited Annual Leave. The provisions described in this section apply only to U.S. citizen employees. See 3 FAM 7400, FSN Employee Attendance and Leave, for discussion of restoration of forfeited annual leave for Foreign Service Nationals.

#### 2. Authorization of Restoration

The designated decision officer (See MOA Part V-A, Section 635, Restoration of Forfeited Annual Leave) must forward the memorandum of approval to the claimant and a signed copy with documentation to the Payroll Service Center. The memorandum of approval should provide the following information:

- a. Total hours of annual leave restored and authority for approval;
- b. Date by which the restored annual leave must be used;
- c. A statement that the payroll office has been informed that the annual leave has been restored and that a separate account will be established to record the balance of the restored annual leave; and
- d. A notification that the claimant must inform the timekeeper whether the annual leave approved for use is to be charged against the restored annual leave balance.

### 3. Establishment of Record of Restored Annual Leave

When the memorandum of approval, along with supporting documentation from the decision officer, has been received the payroll office will take the following actions:

- a. Establish for the claimant a record of the amount of restored annual leave and the date of forfeiture; and
- b. Reflect the restored annual leave on the claimant's Earnings and Leave Statement in the pay period following restoration.

### 9. Voluntary Leave

The provisions described in this section apply only to employees under 5 U.S.C. 6301(2).

#### 1. Authority

Public Law 103-103 and 5 CFR 630.900 authorizes voluntary transfer of unused accrued annual leave between a leave donor and an approved leave recipient.

#### 2. Leave Recipient Requirements

##### 1. Leave Recipient application

An employee who has been affected by a medical emergency may apply in writing to the executive director or the administrative officer, or an officer authorized by the executive director or the administrative officer, requesting approval to become a leave recipient. The application must be on Form OPM-630, Application to Become a Leave Recipient Under the Voluntary Leave Transfer Program.

##### 2. Application Approval

The approving officer must notify the applicant of approval or disapproval of the application within 30 calendar days after the date the application was received. The approving officer must also send a copy of the approved application to the servicing payroll office.

##### 3. Transferred Annual Leave Use

Any available accrued annual leave (and sick leave, if applicable) shall be used before using transferred annual leave. Transferred annual leave may be substituted retroactively for periods of leave without pay or used to liquidate an indebtedness for advanced annual or sick leave granted on or after the beginning of the period of the medical emergency. The leave earned by a full-time employee while in a transferred leave status shall not exceed 40 hours of annual or 40 hours of sick leave.

##### 4. Leave Transfer Between Agencies

When a current leave recipient transfers to another employing agency without a break in service, any unused donated annual leave transfers with the employee to the new agency via Form OPM-630-C, Transfer of Leave

Records for Leave Recipient Covered by the Voluntary Leave Transfer Program.

#### 5. Limitations

Transferred annual leave may not be:

- a. Transferred to another leave recipient; or
- b. Included in a lump-sum payment under Section 9.4.7, Lump Sum Leave Payment.

#### 3. Annual Leave Donation

##### 1. Request to Donate Annual Leave

The employee submits a voluntary written request to the administrative officer requesting that a specified number of hours of accrued annual leave be transferred from the employee's annual leave account to the annual leave account of a specified leave recipient. To donate leave within the same employing agency, the employee should submit Form OPM-630-A, Request to Donate Annual Leave to a Leave Recipient Under the Voluntary Leave Transfer Program. To donate leave outside of the agency of the leave donor, the employee should submit Form OPM-630-B, Request to Donate Annual Leave to Leave Recipient Under the Voluntary Leave Transfer Program (Outside Agency), or other appropriate form of the agency to which leave is to be transferred. The administrative officer forwards the transfer form to the servicing payroll office.

##### 2. Recording Annual Leave Donation

The servicing payroll office records the donation of annual leave in the donor employee's leave records based on Form OPM-630-A, or Form OPM-630-B. The number of leave hours donated by the employee is deducted from the employee's annual leave account and credited to the recipient's leave account.

##### 3. Limitations on Annual Leave Donation

- a. In any one leave year, a leave donor normally may donate no more than a total of one-half of the amount of annual leave he or she would be entitled to accrue during the leave year in which the donation is made.
- b. A leave donor who is projected to have annual leave that otherwise would be subject to forfeiture at the end of the leave year may normally donate no more than the number of hours remaining in the leave year (as of the day of the transfer) for which the leave donor is scheduled to work and receive pay.
- c. A leave donor shall not donate his or her annual leave to his or her immediate supervisor.

#### 4. Unused Transferred Leave

If the hours of transferred annual leave remaining when the medical emergency terminates is equal to or exceeds the number of donors, restore the hours to the donors using the following formula: Unused hours divided by total hours transferred times hours each donor contributed. If the unused hours are less than the number of donors, the authorizing or approving officer should just cancel them.

#### 4. PAY AND ALLOWANCES COMPUTATION

##### 1. Description And Definitions

##### 1. Description

Computation of Pay and Allowances provides information on the different types of compensation, rules related to the computation of gross pay and allowances, and accounting and reporting of the computed compensations.

##### 2. Definitions

See Section 9.2.2.1 Definitions of Documents, Processes, and Actions for definitions of base pay, administrative workweek, basic workweek, overtime, premium pay, and tour of duty.

## 2. Basic Pay Computation

### 1. U.S. Citizen Employees Base Pay

For the computation of pay, U.S. citizen employees are considered to be employed on an annual basis consisting of a 52-week work year of 40 hours each. Whenever it is necessary to convert a base annual salary rate to a basic hourly, daily, weekly, or biweekly rate, the following rules apply:

a. The hourly rate is derived by dividing the annual rate of base pay by 2087. Compute to the nearest cent, counting one-half cent and over as the next higher cent;

b. The daily rate is the hourly rate (computed as above) multiplied by the number of daily hours of work;

c. The weekly or biweekly rate is the hourly rate (computed as above) multiplied by 40 or 80, as the case may be.

### 2. Foreign Service National Employees Base Pay

For the computation of pay, Foreign Service National (FSN) employees, and AMCITs, whose compensation is fixed pursuant to the provisions of section 408 of the Foreign Service Act of 1980, as amended, are considered to be employed on an annual basis consisting of a 52-week basic work year. The number of hours in the basic workweek and the base annual salary rates are set forth in the individual post's Foreign Service National compensation plan. Whenever it is necessary to convert a base annual salary rate to a basic hourly, daily, weekly, or biweekly rate, the following rules apply:

a. The hourly rate is the basic annual rate divided by the number of annual hours of work for which the position is scheduled. Where the work schedule coincides with the 40-hour workweek of U.S. citizens, the hourly rate is derived by dividing annual pay by 2087;

b. The daily rate is the hourly rate (computed as above) multiplied by the number of daily hours of work; and

c. The weekly or biweekly rate is the hourly rate (computed as above) multiplied by the number of weekly or biweekly hours of work.

## 3. Premium And Other Compensation For U.S. Citizen Employees

### 1. Scope and Applicability of Premium Pay

Premium pay is authorized by:

a. Subchapter V, Chapter 55, 5 U.S.C.;

b. Fair Labor Standards Act;

c. Prevailing Rate Systems;

d. The Foreign Service Act; and

e. 5 CFR, Part 551, Subpart E

### 2. Pay Limitations

There are a number of limitations or caps on compensation. Some are on a specific kind of compensation such as post differential or premium pay or SES/SFS awards. To access the current OPM pay administration salary tables on the Internet, go to <http://www.opm.gov/oca/pay/index.asp>. The primary limitation is the Aggregate Limitation on Pay (see 5 CFR 530.203 for more details).

#### Section 9.4.3.2.1 Aggregate Limitation on Pay

a. For employees who are not members of the Senior Executive Service (SES) or in senior-level (SL) or scientific or professional (ST) positions, the Aggregate Limitation on Pay (5 U.S.C. 5307) provides that the compensation paid in a calendar year may not exceed the rate payable for Level I of the Executive Schedule. For this purpose, compensation includes the total

basic pay (including locality-based comparability or interim geographic adjustment, or special pay adjustment for law enforcement officers or the physicians comparability allowance), premium pay paid under 5 U.S.C. Chapter 55, post differential, danger pay, SES performance and presidential awards (5 U.S.C. 5374 and 4507), incentive awards (5 U.S.C. Chapter 45), equalization pay of transferees to international organizations, retention allowance, supervisory differential, recruitment bonus, and relocation bonus. Compensatory Time Off for Travel is not considered in applying the Aggregate Limitation on Pay.

b. For employees who are members of the Senior Executive Service (SES) or in senior-level (SL) or scientific or professional (ST) positions, the Aggregate Limitation on Pay (5 U.S.C. 5307) provides that the compensation paid in a calendar year may not exceed the rate payable for the Vice President under 3 U.S.C. 104 on the last day of that calendar year (i.e., the aggregate limitation). For this purpose, compensation includes the total basic pay (including locality-based comparability or interim geographic adjustment, or special pay adjustment for law enforcement officers or the physicians comparability allowance), premium pay paid under 5 U.S.C. Chapter 55, post differential, danger pay, SES performance and presidential awards (5 U.S.C. 5374 and 4507), incentive awards (5 U.S.C. Chapter 45), equalization pay of transferees to international organizations, retention allowance, supervisory differential, recruitment bonus, and relocation bonus. Compensatory Time Off for Travel is not considered in applying the aggregate limitation on pay.

c. The aggregate limitation on pay does not include the annuity of a re-employed annuitant.

#### Section 9.4.3.2.2 Biweekly Premium Pay Limitation

There is a biweekly limitation on premium pay as defined in 5 CFR 550.105. An employee may be paid premium pay only to the extent that the payment does not cause the total basic pay and premium pay for the pay period to exceed the greater of the biweekly rate for GS-15, step 10 (including any applicable special salary rate or locality rate of pay); or Level V of the Executive Schedule. This limitation does not apply to nonexempt FLSA employees, employees in the Federal Wage System, 5 CFR 550.106 emergency work, or to the special compensatory time-off for Foreign Service Officers (FSOs). Compensatory Time Off for Travel is not considered in applying the biweekly premium pay limitation.

#### Section 9.4.3.2.3 Annual Premium Pay Limitation

There is an annual limitation on premium pay as defined in 5 CFR 550.106 and 550.107. An employee may be paid premium pay only to the extent that the payment does not cause the total basic pay and premium pay for the calendar year to exceed the greater of the biweekly rate for GS-15, step 10 (including any applicable special salary rate or locality rate of pay); or Level V of the Executive Schedule. This limitation does not apply to nonexempt FLSA employees, employees in the Federal Wage System, 5 CFR 550.106 emergency work, nor to the special compensatory time-off for Foreign Service Officers (FSOs). Compensatory Time Off for Travel is not considered in applying the annual premium pay limitation.

#### Section 9.4.3.2.4 Basic Pay Limitation

There is a pay limitation on Basic pay as defined in 5 U.S.C. 5304(g)(1) and CFR 550.606(a). Basic pay, as described in Section 9.2.2.1, cannot exceed the salary for Level IV of the Executive Schedule.

#### Section 9.4.3.2.5 Pay Limitation on Scheduled Annual Rate of Pay

There is a pay limitation on the scheduled annual rate of pay as defined in 5 U.S.C. 5303(f). The scheduled annual rate of pay, as described in Section 9.2.2.1, cannot exceed the salary for Level V of the Executive Schedule.

#### Section 9.4.3.2.6 Pay Limitation on Special Rate Supplements

There is a pay limitation on special salary rate supplements as defined in 5 U.S.C. 5305(a) and 5 CFR 530.304(a). When OPM establishes a minimum special rate under this authority, corresponding increases also may be made in one or more of the remaining rates of the affected grade or level. For any given grade, a minimum special rate may not exceed the maximum rate of basic pay for the rate range (excluding any locality rate, other special rate, or similar payment under other legal authority) by more than 30 percent. A special rate is not payable if it exceeds the rate for Level IV of the Executive Schedule.

#### Section 9.4.3.2.7 Overtime Pay Limitation

There is a pay limitation on overtime pay paid to employees assigned to FLSA exempt status positions as defined in 5 U.S.C 5542(a) (2) and 5 CFR 550.113.

Overtime, as described in Section 9.2.2.1, for employees with rates of basic pay equal to or less than the rate of basic pay for GS-10, step 1 will be paid at the overtime hourly rate that is the employee's hourly rate of basic pay multiplied by 1.5. For employees with rates of basic pay greater than the basic pay for GS-10, step 1, the overtime hourly rate is the greater of (1) the hourly rate of basic pay for GS-10, step 1, multiplied by 1.5, or (2) the employee's hourly rate of basic pay. These hourly overtime pay limitations do not apply to prevailing rate (wage) employees or to FLSA overtime pay.

### 3. Compensatory Time Off for Irregularly Scheduled Overtime Work

#### 1. Authority

a. 5 CFR 550.114

b. MOA Part V-A, Section 242, Compensatory Time Off.

c. MOA Part V-A, Section 246.3 Overtime Pay or Compensatory Time Off

#### 2. Time Limit

When compensatory time off earned by an employee is not used within the established 16-week (eight pay periods) time limit, it is forfeited unless:

a. The employee is not exempt from FLSA;

b. The employee requested leave but it was denied; or

c. The failure to use the time is due to an exigency of the service beyond the employee's control. In these three instances, it is BBG policy to payout the hours as overtime. In the first instance mentioned, the payout from the payroll system is automatic. In the second and third instances mentioned, the payout occurs when requested by the employee's supervisor.

#### 3. Recording and Payment of Compensatory Time Off

a. Compensatory time off must be recorded on the biweekly T&A report when it is earned or used.

b. Compensatory time off cannot be earned for any overtime worked which, if compensated, would cause the aggregate rate of pay for the pay period to exceed the premium pay limitations in Section 9.4.3.2 .2 and 9.4.3.2.3.

c. As per guidance in MOA Part V-A Section 246.3, there is no authority to give wage system employees compensatory time off in lieu of over-time payments. A wage system employee must be paid at the prescribed rate for overtime work performed. However, a wage system employee participating in Maxiflex (see MOA Part V-A Section 603) may elect to earn compensatory time off in lieu of overtime pay.



4. Special Compensatory Time Off for Foreign Service Officers (FSOs)  
Section 412c of the Foreign Service Act (22 U.S.C. 3972c) and 3 FAM 3133.5, Special Compensatory Time Off for Foreign Service Officers authorize compensatory time-off during the basic workweek in exchange for performing an equal amount of overtime work or holiday work that is officially ordered or approved in writing by an authorizing official.

#### 4. Sunday Pay

##### 1. Authority

Sunday pay is authorized by 5 U.S.C. 5546.

##### 2. Sunday Pay Computation

Full-time U.S. citizen employees, except Senior Foreign Service members, senior executive service members, and tenured Foreign Service officers, serving at a post where Sunday is a workday in the post's administrative workweek, are eligible for Sunday pay. Part-time employees are not eligible for Sunday pay. Sunday pay is 25 percent of the employee's basic pay not to exceed eight hours of the employee's workday. Basic pay is described in Section 9.2.2.1. (See MOA Part V-A Section 244.2). Work in excess of eight hours on Sunday is compensated at the applicable overtime rate and should be approved in advance on the Request for Overtime Form IA 101. Sunday pay is subject to the premium pay limitations in Section 9.4.3.2.2 and 9.4.3.2.3.

#### 5. Holiday Premium Pay

##### 1. Authority

Holiday pay is authorized by 5 U.S.C. 5546, 5 CFR 550.131 - 550.132, 5 CFR Part 610, Subpart B, 50 CG 519, and Comp. Gen. B-194035, June 18, 1979.

U.S. holidays are authorized in 5 U.S.C. 6103.

##### 2. Holiday Premium Pay Computation

See MOA V-A Section 245.5 for details on eligibility rules and computation.

In general, employees who work on a holiday during hours that correspond to their normal tour of duty are entitled to receive holiday premium pay equal to their rate of basic pay. If employees work in excess of eight hours on the holiday or if full-time employees work during hours not corresponding with their normal tour, they are entitled to receive their regular overtime rate of pay for hours worked in excess of eight in a day or 40 in a week. This means that employees who work on a holiday that falls on one of their regularly scheduled workdays must be paid twice their rate of basic pay for not more than eight hours of such work. Any hours worked outside an employee's scheduled tour of duty on a holiday would be paid at the employee's overtime rate. An employee who is assigned to duty during holiday hours is entitled to pay for a minimum of two hours of holiday work. An employee on a fixed compressed work schedule who is required to work on a holiday is entitled to holiday premium pay for all non-overtime hours of work. Premium pay for holiday work also will be paid in addition to night pay differential for regularly scheduled non-overtime work at night, as well as for regularly scheduled non-overtime Sunday work when an employee performs work on a holiday that occurs on a Sunday. Presidents occasionally issue executive orders closing federal agencies for part or all of a workday. Employees are excused from duty during such periods unless they are "emergency employees", as determined by their agencies. Such orders often provide that the time off will be treated as a holiday for pay and leave purposes. Employees who are required to work during their basic tour of duty on such days are entitled to holiday premium pay.

#### 6. Night Pay Differential

### 1. Authority

Night pay differential is authorized by 5 U.S.C. 5545 and 5 CFR 550.121-122; see MOA Part V-A Section 243 for more detail.

### 2. Night Pay Computation

In order to qualify for night pay differential, such night work must be authorized in advance of the administrative workweek as part of the employee's regularly scheduled administrative workweek. Night pay differential is computed at the rate of 10 percent of employee's basic pay.

### 7. Standby Duty Pay

#### 1. Authority

Premium pay for standby duty is authorized by 5 U.S.C. 5545, 5 CFR 550.112(k) and 5 CFR 551.431. Eligibility rules for standby pay are provided in MOA Part V-A Section 606.

#### 2. Definition

Standby status means a state of readiness to immediately answer a call to work, during which the member is free to eat, sleep, listen to the radio, or engage in similar pursuits. The member's whereabouts are narrowly limited and activities are substantially restricted.

#### 3. Payment

An administrative or other designated authorizing officer certifies needs, obtains approval, and notifies the servicing payroll office of the approved percentage. The percentage of premium pay paid for standby duty ranges from 5 up to 25 percent of the employee's base pay and may not be calculated on that part of the employee's base pay that exceeds the basic pay for GS-10, Step 1 cap.

### 8. Post Differential

#### 1. Authority

Post differential is authorized by 5 U.S.C. 5925 and Chapter 500 of the Standardized Regulations. Provisions for post differential are described in 3 FAM 3260, Post Differential.

#### 2. Applicability

Post differential is granted to provide additional pay to employees for service at places in foreign areas where conditions of environment differ substantially from conditions of environment in the continental United States and warrant additional compensation as a recruitment and retention incentive to an employee.

#### 3. Post Differential Rules

a. Posts approved for a differential and the differential percentages are listed in Section 920 of the Standardized Regulations. An employee transferred to such a designated post is entitled to post differential as of the date of arrival. Section 532 of the Standardized Regulations describes the conditions that terminate the differential. Post uses Form SF-1190, Foreign Allowance Application, Grant, and Report, to establish or terminate the differential.

b. Post differential will be computed per the authorized rate for the post. The differential may not exceed 25 percent of base pay for the employee for the period served. The differential is paid along with the regular biweekly payroll through the payroll system. Post differential is subject to U.S. FICA, and Federal, state, and local income tax withholding. It is not creditable for retirement, TSP, or life insurance purposes.

c. An employee's responsibility for verifying correctness of his or her Earnings and Leave Statement extends to reporting periods of ineligibility for post differential and any resulting overpayment.

d. An employee who is detailed to a differential pay post on temporary duty (TDY) becomes eligible for post differential only after he/she has served, during one continuous period of absence away from the employee's post of assignment, 42 days on detail to one or more differential posts. Post differential is not paid for this qualifying period except for select posts as provided in Section 910 of the Standardized Regulations. Upon completion of the detail, a Form SF-1190 signed by the post administrative officer is submitted to the payroll servicing office through the employee's administrative officer.

e. Post differential is paid subject to the Aggregate Limitation on Pay ceiling. Post differential may only be paid to the extent that the sum of base compensation and post differential do not exceed the Aggregate Limitation on Pay described in Section 9.4.3.2.1

## 9. Danger Pay

### 1. Authority

Chapter 650 of the Standardized Regulations and 5 U.S.C. 5928 provide for granting a danger pay allowance to certain employees serving in a foreign area under specified conditions. Provisions relating to danger pay are described in 3 FAM 3270, Danger Pay Allowance , and the pertinent posts are listed in the footnotes to section 920 of the Standardized Regulations (Government Civilians, Foreign Areas (GC, FA)). OPM Regulations (5 CFR 531) also impact the computation of this premium pay.

### 2. Danger Pay computation

a. Danger pay is additional pay of up to 25 percent over basic pay for service at a designated danger pay post, commencing at time of arrival, until departure, including days of leave and holidays while remaining at post. To calculate TDY danger pay manually, determine basic pay earned during TDY in danger area and multiply by the applicable danger pay percentage. Under 5 CFR 531, a locality rate of pay is considered basic pay for the purpose of computing danger pay allowances. Note : Danger pay is not received for hours or days for which no base pay is paid.

b. Danger pay is subject to the aggregate pay limitation in Section 9.4.3.2.1, Aggregate Pay Limitation.

c. If an employee has been granted a Service Need Differential (SND) as stated in 5 U.S.C. 5925(b), the sum of SND and any danger pay allowance may not exceed 25 percent of the base pay of the employee. For payroll purposes, danger pay is paid at the full percentage authorized and service need differential is eliminated or reduced to maintain a ceiling rate of 25 percent for the two combined ( Section 652 (c) of the Standardized Regulations).

### 3. Accounting for Danger Pay

Danger pay is charged to the allotment used to pay normal expenses of the location the employee works and Object Class 1151.

### 4. Reporting of Eligibility for Danger Pay

An employee assigned to a danger pay post submits a Form SF-1190, Foreign Allowances, Application, Grant, and Report, to initiate or terminate payment of danger pay to M/HR. An employee on detail to a danger pay post may use Form SF-1190 to establish dates of presence there for submission to M/HR ( 3 FAM 3276.4 ).

## 10. Language Incentive Pay

### 1. Authority

Special monetary or other incentives are authorized by Section 704 (b)(3) of the Foreign Service Act of 1980 to encourage Foreign Service employees

to acquire or retain proficiency in foreign language. See also MOA Part V-B Section 433.

2. Payment

a. The post administrative officer notifies (via cable, memo, and electronic message) the Office of Human Resources so that personnel records may be updated ; the Payroll Service Center is notified to begin payment processing. The notification should contain:

1. Employee's name;
2. Employee's Social Security number;
3. Statement that the employee meets eligibility criteria for a language incentive payment;
4. Percentage of incentive; and
5. Beginning date.

b. The termination notification (via cable, memo, and electronic message) to the Office of Human Resources must contain a statement to stop incentive language payment as of the end of the pay period in which the actual time of departure occurs. At that time, the employee's personnel records are updated and the Payroll Service Center is notified to terminate processing of the payment.

c. Object class 1153 payment for BBG employees is charged against operating allotment for the employee's location.

11. Incentive Awards

1. Authority

Incentive awards for government employees are authorized by 5 U.S.C. 4501-4506. Section 613 of the Foreign Service Act of 1980, as amended, provides for establishment of an award system for members of the Foreign Service. Provisions for incentive awards are provided in MOA Part V-A Section 570.

2. Payment

Awards to U.S. citizen employees are paid through the payroll processing system by sending a copy of the processed SF-50 documenting the award to the Payroll Service Center requesting inclusion in the next pay. The payment is subject to U.S. FICA, Federal, state, and local income tax withholding. Awards are usually paid from a central allotment (M005) for BBG.

12. Senior Foreign Service (SFS) and Senior Executive Service (SES) Performance Pay Awards

1. Authority

See MOA Part V-A Section 1137, MOA Part V-B Section 464, Section 405 of the Foreign Service Act of 1980 and 5 U.S.C. 4507.

2. Payment

a. The SES and SFS awards are subject to the calendar year limitation on aggregate pay described in Section 9.4.3.2.1.

b. Any SES or SFS performance pay awards that cannot be paid due to the ceiling will be forfeit.

c. The payment of SFS or SES performance pay can be made once the Payroll Service Center receives the SF-50 Notice of Personnel Action documenting the award. Payment is made through the payroll system and is subject to applicable U.S. FICA, Federal, state, and local income tax withholding.

13. Service Need Differential (SND)

1. Authority

Service Need Differential (aka Difficult to Staff Incentive Differential) is authorized by 5 U.S.C. 5925(b). See Chapter 1000 of the Standardized Regulations (Government Civilians, Foreign Areas (GC, FA)).

2. Payment

a. Service Need Differential will be computed at 15 percent of basic pay for the employee for the period served under that assignment. The service need differential is accrued and calculated in the same manner as post differential, but not paid along with the regular biweekly payroll. Instead, it is paid in three lump sum payments, annually at the completion of each employee's service year. Service need differential is subject to U.S. FICA, Federal, state, and local income tax withholding. Like post differential, it is not creditable for retirement, TSP, or life insurance purposes.

b. Upon completion of each service year, post uses Form SF-1190, Foreign Allowance Application, Grant and Report, for certification and payment of the differential for the previous year. The remarks box of the SF-1190 must state the terms of the agreement, including agreement either complete 36 months of the assignment, or repay the entire amount received while assigned to a post. The form is submitted from the post to the Office of Human Resources for approval. Upon approval, the form is submitted to the Payroll Service Center for payment processing.

c. SND is charged against allotment of the employing organization. In addition, SND is identified separately from post differential, using object code 1152 in the accounting classification box on Form SF-1190.

d. The combination of the SND plus danger pay for the post of assignment may not exceed 25 percent of basic pay. SND may be reduced or eliminated while danger pay is in effect.

### 3. Service Need Differential Ceiling

Service Need Differential is subject to the aggregate pay limitation described in Section 9.4.3.2.1.

## 4. Premium And Other Pay---Foreign Service National Employees

### 1. Authority

See Section 408 of the Foreign Service Act of 1980, as amended, 3 FAM 7300 Foreign Service Nationals (FSN) Compensation, 3 FAM 7400 FSN Employee Attendance and Leave , and MOA Part V-B Section 810, FSN Employee Personnel Administration. Premium and other pay of Foreign Service National Employees and AMCITS is set forth in the approved local pay plan. Terms of FSN personal services contracts conform to the conditions of employment for direct-hire FSN employees insofar as possible.

### 2. Awards

Awards to Foreign Service National and AMCIT employees are paid through the payroll system by inclusion in the regular paycheck based receipt of a copy of the authorizing document or post-generated SF-50.

## 5. Allowances

### 1. Authority

a. Standardized Regulations (Government Civilians, Foreign Areas (GC, FA))

b. 3 FAM 3200, Allowances, and

c. MOA Part V-B Section 260, Allowances and Differentials.

d. MOA Part VII Section 820, Allowance Advances

### 2. Application

a. An employee eligible for an allowance makes application on Form SF-1190, Foreign Allowance Application, Grant and Report, to the principal or administrative officer. To facilitate timely initiation and termination of allowance payments posts may alert the Payroll Service Center in the post arrival and departure messages, followed by Form SF-1190. A summary of the allowances and benefits applied for with the SF-1190 is found at <http://www.state.gov/m/a/als/4311.htm> . To access the Table of Allowances (Rates), go to <http://www.state.gov/m/a/als/920/>.

b. Revisions to post allowance (cost-of-living) grants resulting from Federal Salary Act pay adjustments and from across the board rate increases do not require a newly executed Form SF-1190 but may be made on a group basis, using white bond paper. The mass action document must show:

1. Employees' names;
2. Posts of assignment;
3. Salaries;
4. Family status as defined in section 040 of Standardized Regulations using code "1" for one adult exclusive of the employee, "1c" for one child and so on; and
5. The name, signature, and title of the authorizing officer.

c. Revisions resulting from individual employee's promotions or periodic pay step increases may be made and supported by using a copy of the agency's payroll change record.

d. MOA Part V-B Section 261(d) specifies authorizing officers within the BBG for these allowances.

### 3. Payment

a. Living quarters, post, and separate maintenance allowances are paid on the biweekly payroll.

b. Quarters advance is made outside of the payroll system but a copy of the voucher must be sent to the payroll system which monitors the earning or repayment of the advance.

c. Education, foreign transfer, and temporary quarters subsistence allowances are normally paid directly to the employee. Education payments may be made directly to a school so long as employee's account does not exceed that authorized by section 920 of the Standardized Regulations.

### 6. Advance Of Pay

#### 1. Scope

The U.S. Code, 5 U.S.C. 5927, provides that up to three months' pay may be paid in advance to:

a. An employee upon the assignment of the employee to a post in a foreign area (see Chapter 850 of the Standardized Regulations (Government Civilians, Foreign Areas (GC, FA)) or 4 FAH-3 H-530 Pay and Allowances Computation; or

b. Employees working outside their country of employment, while on temporary travel or permanent change of assignment, who must undergo certain types of outpatient medical treatment.

#### 2. Definitions

See Section 9.2.2.1 , Definitions of Documents, Processes, and Actions, for the definitions of employee, foreign area, pay, post, up to three months, country of employment, and outpatient medical emergency assistance.

Note: Home leave and return to post do not qualify for an advance.

#### 3. Issuing Advance of Pay

##### 1. Requesting and Advance of Pay

a. To request an advance of pay in association with an assignment to a post in a foreign area, an employee must submit Form JF-55, Request and Voucher for Advance of Pay, accompanied by a copy of the travel orders assigning the employee to a post in a foreign country to the servicing payroll office. The employee supplies the social security number and travel order number on Form JF-55. The advance may not be paid prior to the issuance of travel orders and not more than 45 days prior to the employee's scheduled departure to, or not more than 60 days after arrival at the assignment abroad.

b. To request an advance of pay for outpatient medical emergency assistance:

1. If in Washington, DC, U.S. employees who are assigned or located abroad must submit Form JF-55, Request and Voucher for Advance of Pay, and a letter from the treating facility/physician documenting the need for emergency outpatient medical care, including anticipated date and estimated cost of care, to the Administrative Officer of the office they are assigned to in Washington. The Administrative Officer, after consultation with the Office of Medical Services, Department of State will grant initial approval for the medical emergency assistance. This initial approval will be quickly forwarded (by phone, email, or fax, as appropriate) to the employee's servicing payroll office to determine the maximum amount of advance that can be authorized and to advise the Administrative Officer. The Administrative Officer will, upon receipt of this information, authorize the outpatient medical emergency assistance in an amount not to exceed the maximum determined by the payroll office.

2. If abroad, U.S. employees must submit Form JF-55, Request and Voucher for Advance of Pay, and a letter from the treating facility/physician documenting the need for emergency outpatient medical care, including anticipated date and estimated cost of care, to the principal, administrative officer, or financial management officer at post. The principal, administrative officer, or financial management officer, after consultation with the regional medical office or post medical officer, will grant initial approval for the medical emergency assistance. This approval will be quickly forwarded (by phone, email, or fax, as appropriate) to the employee's servicing payroll office for determination of the maximum amount of advance that can be authorized. The principal, administrative officer, or financial management officer will, upon receipt of this information, authorize payment of the outpatient medical emergency assistance in an amount not to exceed the maximum determined by the payroll office.

c. All salary advance requests must contain the following statement: "Repayment of this advance is to be made by payroll deductions. The full advance will be repaid in not more than 18 pay periods. I will maintain other voluntary deductions such as allotments in amounts so as not to delay repayment of this advance."

d. The employee must sign the request (original and three copies).

e. An employee may elect a repayment schedule of less than 18 pay periods

## 2. Advance of Pay Calculation

Care should be exercised to make sure that an advance is not greater than the maximum amount of basic compensation for six biweekly pay periods and that the net pay is adequate to cover the repayment schedule. Basic compensation and mandatory deductions may be determined from the Earnings and Leave Statement. Calculation of the maximum amount of advance that can be authorized remains the responsibility of the servicing payroll office unless the immediacy of the treatment required prohibits timely provision of such calculation. In this instance the post financial management/administrative officer will make an estimate based on information provided by the employee.

## 3. Processing Request for Advance of Pay

a. The authorizing officer must examine the documents to verify the completeness and correctness of the request, the computation of the advance amount, the pay back rate, and accounting data. A search by the payroll office must be made for any currently outstanding advance. At post,

the certifying officer signs Form JF-55. Employees requesting the advance in Washington, for assignment to a post abroad, must provide required documentation to the servicing payroll office.

b. Advances for assignments to a post abroad and outpatient medical emergency assistance are charged to the appropriation from which the employee's regular salary is paid.

c. An advance, for assignment to a post abroad, is paid in the payroll system and sent to the same address as the employee's net pay.

d. Where the cashier provides cash directly to the employee to facilitate payment to a medical provider for outpatient medical emergency assistance, the officer who approved the assistance will forward the approved request and the documents supporting the payment to the Payroll Service Center to initiate collection. If the employee makes the payment directly to the medical care provider, the financial management/administrative officer will forward the approved request to the Payroll Service Center to allow payment of the advance and initiation of collection.

e. The allotment is to be charged to the allotment normally used to pay the employee's regular salary.

4. Requesting Advance Prior to Liquidating a Current Advance of Pay An employee who has an outstanding balance from a prior advance of pay resulting from a transfer to a post abroad may be issued a new advance when, after arrival at the new post in a foreign area, the employee is reassigned to another post in a foreign area before full repayment of a previous advance of pay. The total unpaid balance, including the new advance, may not exceed the previously stated 6-pay-period limit. An employee who has an outstanding balance resulting from an outpatient medical emergency, may be issued a new outpatient medical emergency advance. The total unpaid outpatient medical emergency balance, including the new advance, may not exceed the 6-pay-period limit. The two types of advances are accounted for independently. Each has a 6-pay-period limit.

#### 4. Collecting Advance of Pay

##### 1. Deduction From Salary

a. Advance of pay is collected by biweekly deductions from an employee's salary. The deduction will begin on the pay day that falls during the second full pay period following the pay period in which the advance was paid.

b. When an employee transfers to another Federal agency prior to repaying the advance of pay, the BBG will make the normal deduction from salary for the pay period of the transfer, as well as offset any existing non-payroll-related monies owed the employee to apply against the outstanding balance. The BBG Office of Financial Operations CFO/A will contact the gaining agency to establish the salary offset to continue collection of the outstanding balance pursuant to procedures/regulations implementing the Debt Collection Act of 1982/Debt Collection Improvement Act of 1996.

##### 2. Precedence Over Other Deductions

In accordance with the order of precedence for payroll deductions prescribed by law and U.S. Government regulations, advance of pay is considered to be an indebtedness due the U.S. Government and the deduction has precedence over other voluntary deductions, including allotments and assignments of pay (see Section 9.5.1.5, Order of Withholding Precedence for Payroll Deductions).

##### 3. Accounting

a. Deductions from an employee's salary for advance of pay are credited to the advance of pay account (appropriation, allotment, travel authorization



number, and social security number). See Section 9.4.6.3.3 , Processing Request for Advance Pay, for specific allotment information required for the different types of salary advances.

b. Such collection data is reflected biweekly on the employee's Earnings and Leave Statement and to the serviced agency on the Payroll Recurring Deductions Report, Net Disbursements and Collected Reimbursements Report, and Form SF-1081, Voucher and Schedule of Withdrawals and Credits.

#### 4. Cancellation of Assignment/Medical Emergency

a. If an assignment to a post in a foreign area is canceled at the convenience of the agency or outpatient medical emergency treatment is canceled and rescheduled at the convenience of the treatment facility/physician, the employee may repay the advance as previously scheduled.

b. If an assignment to a post in a foreign area or the outpatient medical emergency treatment is canceled at the convenience of the employee, the outstanding balance must be repaid in full immediately to the agency

#### 5. Non-issuance of Paycheck

In the instance where non-issuance of a paycheck necessitates a retroactive salary payment, the deduction made for each pay period included in the retroactive salary payment shall not exceed the normal pay back amount. In the event that the advance is not deducted, the non-deducted amount will be treated as an overpayment and repayment will be made in accordance with agency regulations (see Section 9.5.7, Other Deductions)

#### 5. Establishing Accounts Receivable

a. BBG must establish an accounts receivable for each advance of pay on the basis of disbursements charged to its appropriation supported by a signed copy of the Advance of Pay Request.

b. The accounting transactions for maintaining the account receivable must be reported by the payroll system to the BBG biweekly on Payroll Advice of Charge and Payroll Recurring Deductions reports.

#### 6. Collecting Advance of Pay Under Default

When an employee is in default of repayment of the amount advanced, collection actions must be taken as stated in Section 7.9, Debt Collection.

#### 7. Lump-Sum Leave Payment

##### 1. Scope

This section sets forth procedures for calculating and making a lump-sum payment for accumulated and current accrued annual leave, maxiflex leave, and unforfeited compensatory time off (FLSA nonexempt employees only) balances for an employee who has separated from the BBG.

##### 2. U.S. Citizen Employees

##### 1. Period of Leave Computation

##### Section 9.4.7.2.1.1 Annual Leave and Maxiflex Leave

a. A lump-sum leave payment for annual leave is calculated by multiplying the total number of hours of the annual and restored annual leave balances at the time of separation, times the rate or rates (including any premium pay) at which the employee would have been paid had the employee remained employed until the expiration of the leave balance. In computing the period of leave coverage, the first workday immediately following the date on which service was terminated counts as the first day of leave and each successive workday is counted as a day of leave until all leave is exhausted. The period of leave shall not be extended due to any holiday occurring after separation. A similar process is performed for computing the payout of the maxiflex leave.

b. If a pay schedule change is enacted or otherwise established by law for a period that is included in the employee's lump sum leave payment, the lump-sum payment for annual leave should be recomputed to reflect the changed rate for the period it covers. This is also true for the processing of the maxiflex leave.

c. The leave payment includes any pertinent locality-based comparability adjustment of pay that was in effect for the employee at the time of separation under 5 U.S.C. 5304.

d. The hourly lump-sum rate for a Foreign Service officer separating at a chief of mission salary rate is the rate that the officer was receiving on the date on which the officer was last subject to the leave law. Section 9.4.7.2.1.2 Compensatory Time Off (FLSA Nonexempt employees only)

a. A lump-sum leave payment for unforfeited compensatory time off hours balances is calculated by using the earned hourly rate at the time the unforfeited compensatory time off hours were worked, multiplying that rate by 1.5, and then multiplying that resultant outcome by the number of hours worked at that rate.

b. The earned rate includes any pertinent locality-based comparability adjustment of pay that were in effect for the employee at the time the hours were originally worked.

## 2. Applicable Deductions

A lump-sum payment is considered pay for taxation purposes. Flat income tax withholding rates of 6 percent state and 2 percent city are applied where applicable. The Federal supplemental tax withholding rate is found in Publication 15, Circular E, Employer's Tax Guide, which can be found at the IRS website (<http://www.irs.gov/>). A lump-sum annual leave payment is subject to either Social Security and Medicare tax withholding or only Medicare tax withholding, whichever was applicable to the last wages paid the individual. The lump-sum leave payment is not creditable for retirement or TSP purposes and no deduction is made for life or health insurance.

## 3. Employee Indebtedness Check

IBB Form IBB-0134, Clearance for Final Salary Payment, must be completed prior to payment of lump-sum leave to assure that there is no employee indebtedness.

## 4. Accounting

The lump-sum leave payment must be charged to appropriated funds available for the payment of salaries on the date of separation.

## 5. Short Term Employment

Employees who do not complete 90 calendar days of continuous employment under one or more appointments are not entitled to a lump-sum leave payment.

## 6. Reemployed Annuitants

A lump-sum annual leave payment may not be made to an employee who retires and is reemployed without a break in service in a position to which annual leave is transferable. Such an employee will be entitled to a lump-sum payment for annual leave accrued under both the pre-retirement and post-retirement appointments upon final separation. The hourly rate for the payment calculation will be the full salary rate of the reemployed position without any reduction for the amount of the employee's retirement annuity. A lump-sum annual leave payment does not have an affect on a retired employee's annuity payment.

## 8. Advance Payment Of Earned Income Tax Credit (EITC)

a. If eligibility requirements are met, an individual may be entitled to an Earned Income Tax Credit against the individual's U.S. income tax liability. If the amount of the credit is greater than the amount of the tax liability, the excess is treated as an overpayment of taxes and generally will be refunded to the individual at the time a tax return is filed.

b. A U.S. citizen employee, however, may be granted advance payment of Earned Income Tax Credit if eligibility requirements are met. See the following IRS publications for further details: Publication 15, Circular E, Employer's Tax Guide; Publication 596, Earned Income Tax Credit; and Publication 962, Earned Income Tax Credit. The advance is not applicable to FSNs or other overseas employees.

c. An eligible employee must file Form W-5, Earned Income Tax Credit Advance Payment Certificate, with the Payroll Service Center to initiate an advance payment.

d. An advance EITC payment is not compensation for services and is not subject to payroll taxes. Therefore, an advance EITC payment does not change the amount of income tax or social security tax withholding.

## 5. PAYROLL DEDUCTIONS AND CONTRIBUTIONS

### 1. General

Procedures related to mandatory and voluntary deductions from employee salaries, contributions from employers, as well as other payroll deductions are found in Section 9.4.

### 1. Scope and Applicability

a. This subchapter is applicable to U.S. citizen employees, Foreign Service National (FSN) employees, and AMCIT employees unless otherwise stated. AMCIT employees are defined in Section 9.2.2.1.

b. Payroll deductions are those mandatory and voluntary items that are reductions from the gross pay of an employee. Payroll contributions are those payroll-related costs that are borne by the employer, such as the Social Security and Medicare employer tax, the employer's funding for TSP, and the employer contributions to the retirement systems. Employees may also make allotments of pay for authorized purposes.

### 1. Mandatory Deductions

a. Mandatory deductions for U. S. citizen employees include withholding of U.S. Federal, State and local income taxes, deduction for U.S. Social Security taxes, Foreign Service retirement, Civil Service retirement, Federal Employees' Group Basic Life Insurance, and Federal Employees' Health Benefits (FEHB). The payroll system also makes deductions for indebtedness to the United States that qualifies for salary offset, and for court ordered garnishments and bankruptcy payments.

b. Mandatory deductions are made from the salary of eligible Foreign Service National employees continuing in the Civil Service Retirement System. U.S. Federal income tax and U.S. Social Security taxes are withheld on Foreign Service National employees who are U.S. permanent resident aliens (i.e., holders of green cards). Deductions are mandatory for local retirement, life, health, or other benefits when local law requires coverage.

c. Payments to AMCIT employees are subject to U.S. Federal income tax and U.S. Social Security taxes. Deductions are also mandatory for host-country retirement, life, health, or other benefits when local law requires coverage.

### 2. Voluntary Deductions

a. Voluntary deductions from the pay of eligible U.S. citizen employees are made for the Thrift Savings Plan (TSP), repayment of TSP loans, Flexible Spending Accounts, Long Term Care Insurance, and FEGLI optional life insurance.

b. Voluntary deductions are made from the salaries of Foreign Service National employees and AMCIT employees who participate in optional programs.

### 3. Other Deductions

Other deductions are made from the salaries and wages of employees when determined to be legal and required or authorized by law or regulations for:

a. Overpayment of salary or other erroneous payments;

b. Outstanding travel advances;

c. Repayment of travel card indebtedness;

d. Refunds of lump-sum payments;

e. Voluntary repayment of indebtedness to the United States;

f. Satisfaction of Federal income tax levies; and

g. Any purpose approved jointly by the heads of agencies in a country, authorized jointly by headquarters agencies participating in the interagency compensation agreement, and within the current capability of the payroll system.

### 4. Prohibited Deductions

Foreign taxes or other assessments are not withheld from the FSN and AMCIT salaries. FSN and AMCIT employees are individually responsible for the payment of taxes imposed by the government of the host country. A post should not assume any obligation or responsibility to withhold taxes levied by the host government, except where, and in a manner, specifically approved by the Department of State. One basic consideration involved in handling requests to withhold taxes is that neither the host government nor the employee should be given the mistaken impression that the U.S. Government wishes to preclude or discourage the employees of its establishments from complying with the laws of their countries.

### 5. Allotment of Pay

For U.S. Savings Bonds, Combined Federal Campaign (CFC) contribution and union dues, see Section 9.5.8, Allotments of Pay.

### 2. Authority

Guidance for payroll deductions and contributions is based on the following:

a. Chapter 8 of the Foreign Service Act of 1980, as amended, and Section 408 of the Foreign Service Act of 1980, as amended;

b. 5 U.S.C. Sections 5516, 5517, 5520, 5525, 8431-8440, 8701-8716, 8901-8913, 22 U.S.C. Section 4040, 26 U.S.C. Chapters 24, 31, Section 6331, and 42 U.S.C. Section 405;

c. Human Resources & Payroll Systems Requirements, JFMIP SR-99-5, April 1999; and

d. 5 CFR FPM 890, Sections 1600-1699, 22 CFR, 26 CFR, and 31 CFR Sections 215, 351, 353.

### 3. Deductions Through Automated Payroll system

a. Payroll systems must meet U.S. tax withholding and reporting requirements.

b. Management controls must be established and maintained at a satisfactory level to ensure the accuracy of the employee deductions and the employer contributions. Detailed policy on management controls is contained in Section 9.2.5.

#### 4. Order of Withholding Precedence for Payroll Deductions

If the gross pay (earnings) of an employee is not sufficient to permit all mandatory and voluntary deductions to be made, the following order of precedence will apply unless specified otherwise by a bankruptcy court under the bankruptcy laws of 11 U.S.C., OPM, or other laws or regulations:

- a. Retirement (CSRS, FERS, FSRDS, or FSPS);
- b. Thrift Savings Plan (pretax);
- c. Health Benefits Deductions /Health Benefits Deductions receivable repayment (pretax);
- d. Flexible Spending Account deduction (pretax);
- e. Social Security tax and/or Medicare tax;
- f. Federal income taxes;
- g. Health Benefits Deduction/Health Benefits Deductions receivable repayment (post-tax);
- h. FEGLI Basic (excluding optional) life insurance deductions;
- i. State income taxes;
- j. County or city income taxes;
- k. Indebtedness due the United States under provisions of the Debt Collection Act;
- l. Occupational Privilege Tax
- m. Garnishment for alimony and child support payments;
- n. Commercial garnishment orders;
- o. Court-ordered bankruptcy payments under 11 U.S.C.;
- p. FEGLI optional life insurance deductions;
- q. Voluntary repayments of indebtedness to the United States in the order specified by the employee
- r. Other voluntary deductions (long-term care insurance; U.S. Savings Bonds; Combined Federal Campaign (CFC); union dues; savings allotments); and
- s. Levies by the Internal Revenue Service for delinquent prior tax year Federal income taxes/penalties.

#### 2. Retirement

##### 1. Foreign Service Retirement

- a. There are two Foreign Service retirement systems applicable to U.S. citizens in the Foreign Service for which contributions from the employer and deductions from the employee are made: The Foreign Service Retirement and Disability System (FSRDS) and the Foreign Service Pension System (FSPS).
- b. An eligible employee hired prior to or on December 31, 1983, who did not elect to transfer to FSPS remains in the FSRDS. The FSRDS is the Foreign Service equivalent of the Civil Service Retirement System (CSRS) as described in chapter 83 of Title 5, U.S.C. and 5 CFR 831. Participation in this plan is not available to newly hired BBG employees. The employee is subject to only the Medicare taxes.
- c. The FSRDS Offset is the Foreign Service equivalent of the CSRS Offset. It is essentially the same as FSRDS, except that employees must participate in social security coverage as a condition of employment. Employee deductions are reduced by the amount of the social security contribution (Old Age, Survivors, and Disability Insurance (OASDI) tax) in effect for the tax year involved for income below the Social Security contribution and benefit ceiling. Once the Social Security contribution and benefit ceiling has been reached in a given tax year, deductions for this retirement plan will no longer be reduced by the social security tax

through the end of that tax year and will be fully credited to the retirement plan for that year.

d. The FSPS is the Foreign Service equivalent of the Federal Employees Retirement System (FERS), as described in chapter 84 of Title 5, U.S.C. and 5 CFR 841. In general, an eligible employee (1) hired prior to or on December 31, 1983, or (2) rehired on or after that date after a break in service of more than 365 days, or (3) who elected to transfer from FSRDS, is in the FSPS. The employee is subject to both the OASDI and Medicare taxes.

#### 1. Authority

The authority governing the Foreign Service retirement systems is contained in Chapter 8 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4040). For further discussion see 3 FAM 6100 .

#### 2. Rates

Please refer to Appendix 1 at the end of this Chapter for guidance on employee deductions and agency contributions for FSRDS and FSPS retirement plans. Also included is guidance on TSP deductions.

#### 3. Compensation Base for Foreign Service Retire Computation

a. The compensation upon which the FSRDS is computed is base pay inclusive of any locality-based comparability under 5 U.S.C. 5304 or interim geographic adjustment or special law enforcement adjustment under section 302 or 404 respectively of the Federal Employees Pay Comparability Act of 1990.

b. The compensation upon which the FSPS is computed is that in paragraph a of this section plus standby duty pay, administrative uncontrollable overtime (AUO), and tropical differential on the Isthmus of Panama. All other payments such as awards, bonuses, regular overtime, holiday pay, night differential, post differential, danger pay, and lump-sum leave are excluded.

#### 4. Accounting for Foreign Service Retirement Deductions and Contributions

The employer contribution is charged to the same appropriation and allotment which funds the individual's basic pay. All employer contributions and employee deductions are transferred directly to the appropriate Foreign Service retirement receipt accounts.

#### 5. Coverage While Serving With an International Organization

An employee transferred to an international organization under 5 U.S.C. 3581 through 3584 may elect to continue earning retirement credit under FSRDS by paying to the Federal agency the usual employee's retirement payment at least quarterly.

#### 6. Reemployed Foreign Service Annuitant (FSRDS or FSPS)

When a Foreign Service annuitant is reemployed in the Federal Government, the employer shall notify the Retirement Division (PER/RCT/RET), Room 1251, Washington, D.C., 20520 in accordance with 22 U.S.C. 4064(e). It is recommended that the annuitant also advise the Department of State of their reemployment. If the annuitant is reemployed in a Government appointive or elective position on a full-time basis, the annuity is suspended. An annuitant reemployed on a part-time, intermittent, or temporary basis may elect to continue to receive the annuity. However, the sum of the annuity and the salary of the position in which reemployed may not in any calendar year exceed the greater of:

- a. The highest annual rate of basic pay payable during the year for full time employment in the position in which the annuitant is employed; or
- b. The annual rate of basic pay the annuitant was entitled to receive on the date of retirement from the Service.

## 2. Civil Service Retirement

- a. For U.S. citizens, Civil Service retirement consists of two retirement systems: the Civil Service Retirement System (CSRS) or the Federal Employees Retirement System (FERS).
- b. Eligible employees hired prior to or on December 31, 1983, who did not elect to transfer to FERS remain in the CSRS. The employee is subject to only the Medicare portion of FICA taxes and may invest up to the IRS annual limit in the Thrift Savings Plan (TSP).
- c. An eligible employee rehired in a CSRS position after 1983 following a more-than-one-year break in service who had more than five years of service on December 31, 1986, or when rehired, if later, is classified as a CSRS-Offset employee. CSRS coverage is partially offset by Social Security, thus the employee pays a reduced CSRS rate, full Social Security and Medicare taxes and may invest up to the IRS annual limit in the TSP.
- d. An eligible employee (1) hired prior to or on December 31, 1983, or (2) rehired on or after that date after a break in service of more than 365 days, or (3) who elected to transfer from CSRS is in FERS. The employee is subject to both the OASDI and Medicare parts of the FICA taxes and may invest up to the IRS annual limit in the TSP to which the employer will also contribute up to 5 percent.
- e. Foreign Service National employees hired after December 31, 1983, cannot be newly enrolled in CSRS. However, those enrolled in CSRS prior to or on that date may continue to participate. If the enrolled employee is also a U.S. permanent resident alien (PRA), the employee is subject to OASDI and Medicare taxes. Foreign Service National employees are not eligible to participate in FERS or in the TSP.
- f. U.S. retirement plans are not applicable to AMCITs.

### 1. Authority

The authority governing Civil Service retirement is 5 U.S.C. Chapters 83 and 84 and OPM regulations 5 CFR 831 and 841.

### 2. Rates

Please refer to Appendix 1 at the end of this Chapter for guidance on employee deductions and agency contributions for CSRS and FERS retirement plans. Also included is guidance on TSP deductions.

### 3. Compensation Base for Civil Service Retirement Computation

- a. The compensation upon which the rates in Section 9.5.2.2.2 are applied for General Schedule employees is the sum of base pay, standby duty pay, and administrative uncontrollable overtime (AUO). For Federal Wage Schedule employees it also includes night differential, environmental differential and Guam recruitment differential. Payments such as awards, bonuses, regular overtime and holiday pay, night differential for General Schedule employees, post differential, danger pay, and lump-sum leave are excluded.

- b. The compensation upon which the CSRS rates are applied for FSN employees is normally the basic rate unless otherwise specified in the local compensation plan.

### 4. Accounting for Civil Service Retirement deductions and Contributions

- a. Employer contributions and employee deductions for Civil Service retirement plans are paid to OPM receipt account 24X8135.8 on the biweekly payroll voucher. A Journal Voucher and Form SF-2812, Report of Withholdings and Contributions for Health Benefits, Life Insurance and Retirement (RITS Interface) transmitted to the Office of Personnel Management.

b. The FSN payroll offices pay in a like manner the U.S. dollar equivalent of contributions and deductions for FSN employees who are in the CSRS.

5. Reemployed Civil Service annuitant (CSRS or FERS)

According to 5 U.S.C. 8344(a) and 8468 an amount equal to the annuity allocable to the period of reemployment must be deducted from the pay of a reemployed CSRS or FERS annuitant whose annuity continues during reemployment. This applies to an annuitant serving in an appointive or elective position unless excepted by OPM for exceptional needs or emergency. The amounts deducted are deposited into the U.S. Treasury to the credit of the Civil Service Retirement Fund/Federal Employee Retirement System Fund, 24X8135.8, and reported on Form SF-2812 (RITS Interface).

3. Taxes

1. Employment Tax

1. Authority

a. As a part of the U.S. Social Security and Medicare programs there are income and health insurance benefits for the aged for which the Federal Insurance Contributions Act (FICA) levies an employee tax and an employer tax on wages paid (26 U.S.C. 3100 and 26 CFR 31.3100). Thus the tax may be called an employment tax or FICA tax.

b. The FICA tax consists of two parts:

1. Old Age, Survivors, and Disability Insurance (OASDI) and

2. Medicare.

c. Any request by the host government for levy of an employment tax should immediately be brought to the attention of Personnel and the Office of General Counsel.

2. Payments Subject to Social Security and Medicare Taxes

Base pay and the following kinds of remuneration actually paid in a tax year to persons eligible under Section 9.5.3.1.3 and Section 9.5.3.1.4 are subject to FICA tax. OASDI is applicable on remuneration only up to the Social Security annual wage ceiling; there is no annual wage ceiling for Medicare tax.

a. Other types of compensation:

1. -Overtime;

2. -Holiday, Night, and Sunday Pay;

3. -Standby Duty;

4. -Administratively Uncontrollable Overtime Work;

5. -Special Differential for Substantial Amounts of Extra Work;

6. -Post Differential;

7. -Physicians Comparability Allowance;

8. -Danger Pay; and

9. -Language Incentive Differential.

b. All cash awards and lump-sum leave payments;

c. Certain fringe benefits;

d. The unpaid salary, unused annual leave and other compensation of a deceased employee within the ceiling specified, if paid in the same calendar year in which death occurred. If paid after the year of death, FICA taxes are not applicable. (26 CFR 31.3121 (a) (14)-1);

e. All payments made to Foreign Service National employees who hold green cards. The exemption of various allowances provided by 26 U.S.C. 912 is not applicable to FSN/PRAs;

f. All payments made to AMCIT employees. The exemption for various allowances provided by 26 U.S.C. 912 is not applicable.

3. Personnel subject to Full FICA Tax



Remuneration paid to the following personnel is subject to full FICA tax (i.e., both the OASDI and the Medicare components):

- a. U.S. citizen employees not covered by the Civil Service Retirement System (CSRS) or the Foreign Service Retirement and Disability System (FSRDS);
- b. U.S. citizen employees termed CSRS-offset employees described Section 9.5.2.2.2, paragraph c and FSRDS-offset employees described in Section 9.4.5.2.1, paragraph c;
- c. Foreign Service National employees who are U.S. permanent resident aliens (PRAs) and who do not participate in the Civil Service Retirement System (CSRS). The post personnel officer should check bilateral social security totalization agreement for any possible exception.
- d. Foreign Service National personal services contractors who are U.S. permanent resident aliens (PRAs). The post personnel officer should check bilateral social security totalization agreements for any possible exception.
- e. AMCIT employees. Post personnel offices should check bilateral social security totalization agreement for possible exception.

#### 4. Personnel Subject To Medicare Tax

Remuneration paid to the following persons is subject to only the Medicare portion of FICA:

- a. U. S. citizen employees who have continuously performed service since December 31, 1983, covered by the CSRS or the FSRDS. Service is considered continuous if any break in service did not exceed 365 consecutive days;
- b. Foreign Service National employees who are U.S. permanent resident aliens (PRAs) who have continuously performed service since December 31, 1983 covered by the CSRS. Check bilateral Social Security totalization agreements for possible exception.

#### 5. FICA Tax Withholding Rates

It is the responsibility of the employer to withhold the proper employment tax from employees' pay and to make the prescribed employer's contribution. Rates are as stated in 26 U.S.C. 3101 (a) and (b). The maximum annual amount of earnings on which FICA taxes are paid is announced by the Social Security Administration by November 1 for the upcoming calendar year. Both the rates and the wage ceiling are published in IRS Circular E: Employer's Tax Guide which is reissued annually.

#### 6. Accounting for FICA Deductions and Contributions

The FICA taxes and any withheld income tax must usually be paid to the appropriate Federal Reserve Bank biweekly by the payroll service provider. A completed Federal Tax Deposit Coupon should accompany the payment to assure proper identification and posting. FSN payroll offices pay to the appropriate Federal Reserve Bank the U.S. dollar equivalent of contributions and deductions of FSN/PRAs and AMCIT employees. Withholdings are also reported on Form W-2, issued annually.

#### 2. U.S. Federal Income Tax Withholding

##### 1. Authority

The authority for withholding U.S. Federal Income Tax is contained in 26 U.S.C. Chapter 24 (Sections 3401-3405).

##### 2. Personnel Subject to Withholding

Every employee or any other individual providing services who meets IRS's common-law rules on employer-employee relationship and falls into one of the following categories is subject to tax withholding rules:

- a. U.S. citizens, including dual nationals;
- b. Resident alien performing service in or outside the United States;

- c. Nonresident alien working in the United States; or
- d. Foreign Service National employee who has U.S. permanent resident alien status (PRA), i.e., holds a green card.

### 3. Payments Subject to Withholding

Payments subject to FICA taxes are generally also subject to U.S. Federal income tax withholding. The exception to this arises when an employee makes pre-tax deductions for health insurance premiums, and flexible savings plans. These pre-tax deductions from pay, authorized under Section 125 of the Internal Revenue Code, reduce the amount of compensation on which Federal income tax is withheld is computed. TSP, also a pre-tax deduction and authorized under Section 401(k) of the Internal Revenue Service, also reduces the amount of compensation on which Federal income tax is withheld is computed.

### 4. Payments Exempt From Withholding

a. The payroll office will not deduct and withhold U.S. Federal Income tax from employee salaries and wages when the employee certifies exempt status, i.e., that no income tax liability was incurred the preceding year nor is anticipated for the current year. Such employee must file a new Form W-4 each year by February 15.

b. Allowances paid to U.S. citizens through the payroll system that are exempt from FICA are generally also exempt from income tax withholding, including the following:

1. Temporary quarters subsistence allowance and overseas quarters allowance;
2. Post allowance; and
3. Separate maintenance allowance.

c. Other payments such as unpaid salary and unused annual leave of deceased employees are not subject to income tax withholding.

### 5. U.S. Federal Income Tax Withholding Certificate

a. Each individual who is subject to U. S. Federal income tax is required to complete and submit a Form W-4, Employee's Withholding Allowance Certificate, to the employer.

b. Until such time as Form W-4 is received, tax will be withheld on the basis of zero allowances at the rate applicable to a single person. A withholding deduction based on a new or revised W-4 becomes effective at the beginning of the pay period following receipt of the form. Changes in withholding deductions are not made effective retroactively.

c. If an employee expects to owe more income tax for the year than will be withheld by claiming every withholding allowance as indicated by the W-4 work sheet, the employee may increase the withholding by claiming a smaller number of withholding allowances on Form W-4.

d. Additional withholding may be requested on line 6 of the Form W-4.

e. Copies of Form W-4 are subject to review by the IRS and BBG may be required to send a copy to the IRS.

### 6. Tax Withholding Computation

a. The Internal Revenue Code allows a number of different methods for figuring tax withholding. The payroll systems calculate withholding by the percentage method.

b. When a payment of regular salary is being made for two or more pay periods, tax withholding deductions are computed individually for each pay period.

c. Tax withholding deductions from large one-time payments such as awards are at a flat 28 percent rate unless the employee is exempt.

#### Section 9.5.3.2.7 Earned Income Credit Advance Payment

a. The advance Earned Income Tax Credit (EITC) allows those taxpayers who expect to qualify for the EITC and have at least one qualifying child to receive part of the credit in each paycheck during the year the taxpayer qualifies for the credit.

b. If you are working and

1. you expect that your 2006 adjusted gross income (AGI) and earned income will each be less than \$32,001 (\$34,001 if you expect to file a joint return for 2006),

2. you expect to have at least one qualifying child, and

3. you expect to qualify for the EITC, you can choose to get part of the credit with your paycheck. The advance Earned Income Tax Credit (EITC) for TY 2006 maximum credit the employer is allowed to provide throughout the year with the employees pay is \$1,648.

c. To see if you qualify for Advance EITC payments by completing the five questions on the back of Form W-5, Earned Income Credit Advance Payment Certificate, available here online, or by clicking here to use the Advance EITC Wizard, or through the BBG Payroll Service Center.

1. If you qualify, complete the bottom part of the Form W-5 and give it to your employer. Then, based on your income, your employer adds additional money to your take-home pay in each paycheck.

2. If your only income is from self-employment, you cannot qualify for advance EITC payments.

3. The Form W-5 is unlike the Form W-4 in that it must be completed and given to the employer (i.e. the BBG Payroll Service Center) every year by no later than February 15 deadline date for it to remain in effect. If no new Form W-5 is received by the deadline date to renew the EITC and no new W-4 is received, the employee will default to 'Single' withholding status and '0' exemptions.

d. Your advance EITC payments could change if, during the year, your income rises above the dollar limit, or you no longer qualify for the EITC, you need to fill out a new Form W-5 and give it to your employer to stop the advance payments.

e. If you no longer qualify for the Advance EITC, you will have to repay all advance EITC money when you file your tax return.

#### 3. State Income Tax Withholding

##### 1. Authority

Pursuant to 5 U.S.C. 5516-5517, the Secretary of the Treasury executes agreements with States for Federal agencies to withhold State income tax from applicable compensation (1 TFM 3-5000).

##### 2. Employee's Declaration of State Tax Withholding

a. Each employee hired in the United States, regardless of where stationed, shall have on file with BBG a certification that currently identifies their obligation, or absence thereof, for state income tax withholding.

b. As withholding rules may vary from state to state and with the individual's particular circumstances, the employee must ascertain his or her proper filing status. In the Washington area with the three taxing entities Virginia, Maryland, and D.C., the taxing entity is that in which the employee resides. Note that Foreign Service officers resident in the District of Columbia can no longer claim the non-domiciliary exemption as they could prior to 1988.

c. Employees are alerted that change in residence or assignment may require re-filing.

d. State income taxes will be withheld from compensation in accordance with each individual's certification. If a certification is not filed in accordance with paragraph a above, tax shall be withheld at the maximum rate applicable to the individual's last known U.S. address. Exceptions to this rule are where the employee's last known U.S. address was in a non-taxing state (e.g. Texas or Florida).

### 3. Payments Subject to Withholding

Generally the same elements of compensation subject to Federal income tax withholding (see Section 9.5.3.2.3) are subject to state income tax withholding. However, the States of Pennsylvania and New Jersey do not exclude employee's investment deductions for the TSP as the Federal Government and other States do.

### 4. Tax Withholding Computation

Withholding is calculated at the state's prescribed rates. State tax withholding on large one-time payments such as awards is at a flat 6 percent rate unless the employee is exempt or there is no state tax.

### 5. Local Income Tax Withholding

City or county withholding is made for any employee who is subject to a local tax and (1) whose regular place of employment is within the boundaries of the county or city or (2) is a resident of the city or county. If the residence and place of employment are not both within the State in which the city or county is located, withholding is at the option of the employee. The employee should complete a withholding certificate accordingly. Tax withholding on large one-time payments such as awards is at a flat 2 percent rate if there is a local tax.

## 4. Federal Employees' Group Life Insurance (FEGLI)

### 1. Authority

The Federal Employees' Group Life Insurance Act of 1954 (5 U.S.C. 8701-8716) provides low-cost group insurance for employees of the Federal Government. See MOA Part V-A Section 504.

### 2. Eligibility

In general, all U.S. citizen full-time or part-time permanent employees are eligible to participate in the group life insurance plan unless excluded by law or regulation. The "Federal Employees Group Life Insurance (FEGLI) FEGLI Program Booklet for Employees" contains general information on the program. This material is available in the personnel office. Detailed instructions, procedures and regulations concerning FEGLI are available online. Foreign Service National and AMCIT employees are not eligible.

### 3. Coverage of Employees

a. Eligible employees automatically acquire Basic Insurance coverage as of the first day that they are in a pay status unless they waive it on Form SF-2817, Life Insurance Election-Federal Employees' Group Life Insurance Program.

b. Eligible employees may also elect optional life insurance coverage (Option A-Standard, Option B-Additional, and Option-C Family) on Form SF-2817.

### c. Employees in nonpay status:

1. An employee in a nonpay status retains insurance coverage without cost to the employee or the agency for up to twelve months, after which the insurance terminates. See FEGLI pamphlet SF-2817-A for guidance on the conversion right to a private non-group contract;

2. Insurance coverage that is terminated after twelve months of Leave Without Pay (LWOP) is restored automatically when the employee returns to

non-excluded employment or if the employee is granted an annuity effective no later than one month after the employee's insurance is terminated; and

3. An employee serving in an international organization under 5 U.S.C. 3582 may elect to continue insurance coverage by paying the employee's share of the premium to the Federal agency at least quarterly. In these cases, the employee is to send the personal check/money order to the Broadcasting Board of Governors, Director, Financial Operations, Suite 3250, 330 Independence Avenue, SW, Washington, DC 20237, make check/money order payable to the Broadcasting Board of Governors and include his/her social security number with the text "FEGLI Quarterly payment" in the remarks.

#### 4. Waiver of Life Insurance Coverage

Execution of the waiver section of Form SF-2817 by an employee with insurance coverage authorizes the discontinuance of life insurance deductions. Deductions cease as of the last day of the pay period in which the waiver is properly filed. A properly executed waiver, once submitted to the employing agency, remains in effect until canceled, even if the employee transfers to another agency or is reappointed after a break in service of less than 180 days.

#### 5. Request for Cancellation of Waiver of Life Insurance Coverage

An employee who desires to be insured, and has previously waived coverage, may request insurance by submitting Form SF-2822, Request For Insurance-Federal Employees' Group Life Insurance Program, if:

- a. At least one year has elapsed between the effective date of the last waiver and the date of request for insurance;

- b. The employee provides adequate medical evidence of insurability .

#### 6. Basic Life Insurance

##### 1. Amount of Insurance

- a. The annual pay upon which the amount of an employee's insurance is based is the employee's annual pay rate as fixed by law or regulation. This includes any interim geographic adjustment or locality based comparability or special law enforcement adjustment. It also includes any:

1. Standby duty pay;

2. Administratively uncontrollable overtime (AUO); and

3. Night, environmental and Guam recruitment differential for Federal Wage Schedule employees.

- b. The amount of Basic Insurance on which the premium is computed is the annual pay rate rounded to the next higher thousand, plus \$2,000. The minimum possible is \$10,000 and the maximum is the above computation for Federal Executive Level II.

##### 2. Employee Deduction

The deduction for Basic Life Insurance is made from the employee's pay biweekly. The current (July 2005) biweekly rate is 15 cents per \$1,000.

##### 3. Agency Contribution

The employer contributes an amount equal to 50 percent of the employee's deduction for Basic Life.

#### 7. Optional Insurance

The total premium cost for the optional insurance coverage is deducted from the employee's pay.

#### 8. Life Insurance After Retirement

If the eligible retiree retains life insurance, the retiree's portion of the premium is deducted from the monthly annuity and OPM pays the Government's contribution.

#### 5. Federal Employees Health Benefits (FEHB)

### 1. Authority

The Federal Employees Health Benefits Act of 1959 as contained in 5 U.S.C. 8901-8913 and FPM Chapter 890 and Supplement 890-1 is the basis for health benefits available to U.S. citizen employees. Also see MOA Part V-A Section 505.

### 2. Eligibility

Most U.S. citizen, career or career-conditional employees (except those serving under appointments limited to one year or less and AMCIT employees) are eligible to participate in the health benefit plans. Refer to 5 CFR 890 for specific criteria.

### 3. Employee Deductions and Employer Contributions

FEHB deductions are made from the employee's salary at the biweekly rate applicable to the employee's elected health plan. These rates are set annual by the OPM and are available on their website (<http://www.opm.gov/insure/health/index.asp> ; under the section 'How to Choose a Plan', select 'Premiums'). The employing agency contributes the appropriate amount as determined by OPM. This is a pre-tax deduction (a.k.a premium conversion) unless otherwise authorized by the employee to be deducted after-tax by waiving the premium conversion.

### 4. Coverage While on Leave Without Pay (LWOP)

a. FEHB coverage continues for an employee on LWOP for up to 365 days unless it is canceled by submitting Form SF-2809, Health Benefits Registration Form-Federal Employees Health Benefits Program. An employee entering on LWOP should execute a statement for the employing agency on how the employee premium will be paid. The agency continues to pay the employer's contribution.

b. If the employee does not sign a statement canceling the benefits, it is deemed that the employee has consented to continue the FEHB coverage, subject to the 365 day limit and any outstanding indebtedness for health benefit premiums will be deducted from salary upon return to pay status or recovered from any lump sum payable or other sources available for recovery of an indebtedness due the United States.

c. Before expiration of the 365 days, an employee may complete the reverse side of Form SF-2810, Federal Employees Health Form Benefits Program-Notice of Change in Health Benefits Enrollment, for conversion to a private non-group insurance contract.

d. The employee may request cancellation of coverage at anytime by completion of Form SF-2809.

### 5. Coverage While Serving With an International Organization

An employee serving with an international organization under 5 U.S.C. 3343 or 3581 through 3584 may elect to continue FEHB coverage by paying to the Federal agency the employee's premium at least quarterly. In these cases, the employee is to send the personal check/money order to the Broadcasting Board of Governors, Director, Financial Operations, Suite 3250, 330 Independence Avenue, SW, Washington, DC 20237, make check/money order payable to the Broadcasting Board of Governors and include his/her social security number with the text "FEHB Quarterly payment" in the remarks.

### 6. Others Eligible For FEHB Coverage

Other groups qualifying for FEHB coverage include:

a. An annuitant's FEHB premium is deducted from the monthly annuity. OPM funds the Government's contribution;

b. Former spouses of employees or former employees eligible for continued FEHB coverage under Section 932 or 833 of the Foreign Service Act, as amended, must arrange to pay both the employee and agency share of the

premium. If the insured is not entitled to annuity or apportionment payments, he or she must remit premiums monthly to the Foreign Service Retirement Accounts Division (FMP/F/DFS/OCF/RAD); and

c. Temporary continuation of FEHB coverage for 18 months or 36 months is provided beginning January 1, 1990, under Pub. L. 100-654 to certain separated employees, children, and former spouses. The program is called "FEHB TCC" and participants must pay the full premium (the employee and Government portions) plus a two percent surcharge.

#### 6. Thrift Savings Plan (TSP)

TSP consists of several investment funds. Eligible employees may direct their TSP deductions and any employer contributions into the:

- a. The G Fund, Government Securities Investment Fund;
- b. The C Fund, Common Stock Index Investment Fund;
- c. The F Fund, Fixed Income Index Investment Fund;
- d. The S Fund, Small Capitalization Stock Index Investment Fund;
- e. The I Fund, International Stock Index Investment Fund; and
- f. The L Fund, (Lifecycle Funds) diversify participant accounts among the G, F, C, S, and I funds, using professionally determined investment mixes (allocations) that are tailored to different time horizons. Detailed information on the Thrift Savings Plan Funds, Policies and Procedures can be found at <http://www.tsp.gov>. Participants can use this website to access balances and other account information. Additional guidance can be found in MOA Part V-A Section 502.

#### 1. Authority

Title 5 U.S.C. sections 8351, 8431-8440 and 5 CFR 1600-1690 contain the authority and regulations for the tax-deferred Thrift Savings Plan (TSP). Also see section 401 (k) of the Internal Revenue Code.

#### 2. Eligibility

a. Employees in the Civil Service Retirement Systems (CSRS and FERS), and in the Foreign Service Retirement Systems (FSRDS and FSPS) are usually eligible to participate in the TSP. TSP is not available to any FSN or AMCIT employees nor to U.S. citizen employees on temporary or intermittent appointments.

b. Employees must be in pay status for TSP deductions to be withheld from pay or to be eligible for employer contributions to the plan.

#### 3. Enrolling, Changing or Stopping Investment

Employees may make an election to start, stop or change the amount of their contribution at any time.

#### 4. Employee Deductions

a. The employee may elect to invest either a whole percentage of basic pay or a specified whole dollar amount per pay period. If an employee elects a whole dollar amount and the amount exceeds the equivalent of the maximum allowable rate, then the maximum allowable rate will be invested for that pay period.

b. Total employee investment in a tax year may not exceed the ceiling limitation set in the U.S. Tax Code (26 U.S.C. 402(g)(1)). This limitation, published on the TSP website and in the Thrift Savings Plan for Federal Employees booklet, changes annually. This annual ceiling on tax-deferred investment is inclusive of any retroactive payments made during the year.

c. FERS and FSPS employees—The maximum deduction for the TSP may not exceed the IRS annual limit. When the annual ceiling for employee investment is reached, employee deductions and employer matching contributions are suspended for the remainder of the tax year. Therefore, it is to a higher-salaried employee's advantage to elect a rate of

investment that spreads employee TSP deductions evenly throughout the tax year so that agency matching contributions will be made throughout the tax year.

d. CSRS and FSRDS employees—CSRS and FSRDS employees may invest up to the IRS annual limit.

#### 5. Partial Deductions

When the net pay available for the TSP deduction in a pay period is less than either the amount computed based on the elected percentage of basic pay or the elected whole dollar amount, no TSP employee deduction will be made for the pay period.

#### 6. Employer Contributions

a. FERS and FSPS Employees—The employer contributes 1 percent of basic pay to the TSP account of a FERS or FSPS employee, regardless of whether the employee elects to invest in TSP. If the employee does not submit Form TSP-1 to indicate their investment choice, the 1 percent will be invested in the G fund. The employer also matches dollar for dollar the first 3 percent the employee invests. For next 2 percent the employee invests, the employer matches 50 cents of each dollar invested.

For an illustration, please see Appendix 1 to this Chapter. The agency 1 percent automatic contribution continues throughout the tax year, even after a high-salaried employee's investment deductions reach the tax code annual limitation discussed in Section 9.5.6.4.

b. CSRS and FSRDS Employees—Employees in the CSRS and the FSRDS are not eligible for the agency automatic 1 percent contribution or the agency matching contributions.

#### 7. Taxability of Employee's Deductions for TSP

Employee investments in the TSP are tax-deferred for U.S. federal income tax, i.e., they are deducted from pay before U.S. federal income tax is computed. These payments are also tax-deferred for State income tax except in Pennsylvania and New Jersey. However, TSP deductions are subject to FICA taxes.

#### 8. Loans

If the employee obtains a loan from their TSP account from the Thrift Board, the payroll system will facilitate repayment through recurring deductions from biweekly pay to the TSP in accordance with a properly executed Form TSP-22, TSP Loan Payment Allotment Form. When repayment of such a loan has been completed, the Thrift Board will issue a letter stating such to the employee. When the employee provides a copy of the letter to the BBG Payroll Service Center, further deductions for the loan repayment will be stopped.

#### 9. TSP Account Statements

The employee will receive a TSP Participant Statement twice a year directly from the TSP Office at the National Finance Center (NFC). An employee can also access their account information at <http://www.tsp.gov>. The employee should review his or her biweekly earnings and leave statement and TSP statements to make certain that proper deductions and any agency contributions are reflected. Employees can also direct the distribution of their withholdings/contributions among the available Funds from this website.

#### 10. Correction of Agency Administrative Error

##### 1. Administrative Error



a. An employee may present a claim for retroactive correction of an act or omission by the employing agency that was not in accordance with applicable statutes, regulations or administrative procedures, such as:

1. Failure to participate;
2. Delay in participation;
3. Insufficient deduction or contribution;
4. Excess deduction or contribution;
5. Incorrect investment fund; or
6. Ineligible participation.

b. BBG may correct an administrative error that is brought to or comes to its attention, regardless of whether an employee submits a claim. Administrative errors under this section shall be addressed consistent with 5 CFR Part 1605.

c. If any BBG employee believes that an error has occurred, the employee must make a formal claim to OFO. The employee must make the claim in writing and include the employee's social security number, a complete description of the claim, and include all supporting documentation.

d. BBG must promptly correct any error for which the participant files a claim within six months of its occurrence; the correction of any such error for which the participant files a claim after that time is in the BBG's sound discretion. Errors arising from retirement system misclassification must be corrected no matter when they are discovered, whether by the agency or a participant.

e. The Director, Office of Financial Operations shall issue the employee a written decision regarding the claim within 30 days of receipt of the employee's written claim. The Director, Office of Financial Operations shall review each claim as to validity in order to seek appropriate resolution.

f. If the claim is denied in whole or in part, the written decision of the Director, Office of Financial Operations, must contain the determination of the claim (approval or denial). In the case of a denial, the notification must contain:

1. a determination on the claim;
2. the reasons for denial;
3. all appropriate references to applicable statutes or regulations;
4. any additional material or information that would enable the Director Office of Financial Operations to grant the employee's claim (if applicable);
5. an opportunity for employee to perfect the case;
6. a description of the employee's appeal rights;
7. the name and address of the appeal officer; and
8. the appeal time limits (30 days from date of receipt).

g. Within 30 days of receipt of the decision denying the claim, the employee may appeal the decision. The appeal must be in writing and submitted to the Executive Director, BBG. The employee must submit any additional material that would enable the Executive Director, BBG to perfect the appeal.

h. Executive Director, BBG shall issue the employee a written decision within 30 days of receipt of the appeal. Executive Director, BBG is the final resolution authority and must provide a written decision to the employee (including citations to any applicable statutes, regulations or procedures). In the event of a denied appeal, the employee will be deemed to have exhausted his or her administrative remedy and will be eligible to file suit against the employing agency in the appropriate Federal district

court pursuant to 5 U.S.C. 8477. There is no administrative appeal to the Federal Retirement Thrift Investment Board of a final agency decision.

i. Consult 5 CFR 1606 for additional details of employee claims for lost earnings.

## 2. Lost Earnings

a. The employing agency shall pay into the employee's TSP account earnings lost by a TSP participant which are attributable to certain administrative errors made by the employer (5 CFR 1606).

b. Only errors exceeding the de minimis rules are eligible for calculation of lost earnings. Lost earnings will not be calculated where the amount of money for a source of contributions (Agency Automatic 1 percent, Employee Deduction, or Agency Matching Contribution) to a participant's account is less than \$1.00 (applied separately to each pay period involved). Also, where the error involves delay in submitting deduction or contribution or loan allotment to the TSP, lost earnings are not payable unless the belated payment was received by the TSP record keeper more than thirty days after the pay date associated with the pay period for which the payment would have been submitted had the employing agency error not occurred. The 30-day rule does not apply to investment in an incorrect investment fund.

c. Lost earnings are not payable with respect to employee deductions that should have been deducted but were not (regardless of whether participant makes up those payments in later pay periods). Since the employee had the use of the money, requiring the agency to pay lost earnings would result in a windfall to the employee. Lost earnings are payable on Agency Matching Contributions if the participant does make up previously missed TSP deductions. Lost earnings are paid on Agency 1 percent Contributions delayed more than thirty days after the date they should have been paid.

d. BBG may pay lost earnings when authorized regardless of whether an employee submits a claim. Lost earnings under this section shall be addressed consistent with 5 CFR part 1606.

e. If any BBG employee believes that an agency error has occurred that has resulted in lost earnings, the employee may file a claim. Claims for lost earnings must be filed within one year of the employee's receipt of the earliest of the TSP Participant Statement, TSP Loan Statement, agency earnings and leave statement or other document that indicates that the agency error has affected the employee's TSP account.

f. Claims for lost earnings must be made and will be decided consistent with the procedures outlined in Section 9.4.6.10.1 (b) through (k).

## 3. Accounting

The TSP record keeper charges lost earnings or investment loss to the submitting payrolling office. The submitting payrolling office will charge the appropriation/allotment which funds the employee's basic pay and the allottee will receive a manually prepared Form SF-1081, Consolidated American Payroll Voucher and Schedule of Withdrawals and Credits, with detailed information. Just as with other payroll processing payments, the recipient agency should not enter Form SF-1081 on its Statement of Transactions as the payroll provider will complete the transfer on its own Form SF-224, Statement of Transactions.

## 7. Other Deductions

### 1. Pay Adjustments

a. Upon determination of overpayment, adjustment is usually made in the next pay period, or a check is requested, or a recurring deduction is initiated, depending on the particular circumstances and the amount

involved. Procedures in Section 9.8 are to be followed prior to adjustment of salary.

b. Immediate deduction from pay may be made for adjustments to pay arising out of an employee's election of coverage or a change in coverage under a federal benefits program or adjustments in pay if the amount to be recovered was accumulated over four pay periods or less (See 5 CFR 550.1104 (c)(2)).

c. Employee indebtedness incurred while in a nonpay status for the employee share of health insurance premiums should be recovered promptly upon employee's return to duty. The employee should be advised of the amount due and given an opportunity to establish a reasonable payment plan.

d. In accordance with 5 U.S.C. 5514 collection of a debt an employee owes the U.S. Government may be made by offset from salary without the employee's consent provided proper notification and opportunity to exercise administrative rights have been made. The amount of the offset may not exceed 15 percent of the employee's disposable pay. If employment ends before salary offset is completed, the remaining debt will be liquidated by an offset from payment of any nature due the employee (22 CFR 34.16-25).

e. Who may waive claim against the employee is determined by the aggregate gross amount of overpayment without regard to any repayments. Where conditions warrant, collection of overpayments made by the payroll system may be waived by the Director Office of Financial Operations for claims of \$500 or less and by the Chief Financial Officer for claims of \$1,500 or less. A claim in excess of \$1,500 may only be waived by the Chief Financial Officer. When denying waiver of a claim in any amount, the employee should be advised of the right to appeal the denial to the Executive Director, BBG. See Section 9.7 of this Chapter for further details. Note: At post, the principal officer has authority to waive collection of post overpayments aggregating \$1,500 or less and this authority may be redelegated in writing to the post administrative officer.

## 2. Delinquent Travel Advances

A delinquent travel advance may be collected through offset against accrued pay (5 U.S.C. 5705). The amount deducted for any pay period may not exceed 15 percent of disposable pay, unless it is the employee's final check.

## 3. Garnishment

a. Child Support or Alimony—The maximum part of aggregate disposable earnings subject to garnishment for child support or alimony shall not exceed 50 percent to 65 percent as detailed in 5 CFR 581.402. An order by a court of competent jurisdiction within any State, territory, or possession of the United States or the District of Columbia or a court of competent jurisdiction in any foreign country with which the U.S. has entered into an agreement that requires the U.S. to honor such process will be recognized.

b. Commercial—Commercial garnishment is allowed by Pub. L. 103-94 beginning February 3, 1994. Garnishment by order of a court of competent jurisdiction within any State, territory, or possession of the United States or the District of Columbia is limited to not more than 25 percent of disposable earnings. See 5 CFR 582.

c. State or local tax—Garnishment of disposable earnings for a state or local tax obligation has no percentage or earnings limit.

d. A request for payments pursuant to court-ordered garnishments for BBG employees and personal services contractors shall be submitted to the BBG Payroll Service Center, Office of Financial Operations.

e. Once received by the BBG Payroll Service Center, the documents are transmitted to the Office of the General Counsel for legal review. Once the review is completed, the documents are transmitted to the payroll service provider for implementation.

f. An agency's administrative costs in executing commercial garnishment action may be added to the garnishment and the agency may retain costs recovered as offsetting collections.

#### 4. Levy for U.S. Taxes

Levy may be made upon salary or wages of any employee or elected or appointed official of the United States by serving a notice of levy on the employer of the delinquent taxpayer. Biweekly wages exempt from levy are equal to the sum of the taxpayer's standard deductions, any additional standard deductions due to blindness or age, and personal exemptions divided by 26. Also exempt from levy are amounts necessary to comply with judgments for support of minor children (26 CFR 301.6331 - 301.6334). The IRS serves these levies directly to the payroll service provider for implementation. There is no agency review of the levy document.

#### 5. Judgment Offsets

Where a court determines an employee is indebted to the United States, collection of debt by deduction is made in reasonable amounts from the current pay account of the employee. The maximum amount deducted for any period ordinarily may not exceed 25 percent of the net disposable pay from which the deduction is made unless deduction of a greater amount is necessary to make collection within the expected period of employment. At a minimum, the amount deducted must equal at least 15 percent of the net disposable pay from which the deduction is made (Federal Personnel Manual 552).

#### 8. Allotments Of Pay

##### 1. Authority

a. The basic authority for allotments is 5 U.S.C. 5527, E.O. 10982, and 5 CFR 550.300. See also Federal Personnel Manual Supplement 990-2, Subchapter S3 and Treasury Financial Manual 1-TFM 3-6000 and 7000. Making an allotment of pay is a voluntary act by an employee that carries no corresponding obligations on the part of the U.S. Government and requires no administrative adjudication to become effective.

b. Allotments are revocable at the will of the allotter (employee) and invest no property rights in the allottee (payment recipient) unless and until they have been paid to the allottee. Allotment records are for official use only and their disclosure is protected by 22 CFR 505.

##### 2. Certain Specified Purposes

###### 1. Combined Federal Campaign allotments

Under 5 CFR 550.341 an employee may make an allotment for contribution to the Combined Federal Campaign if the employee is employed in an area in which a Combined Federal Campaign authorized by OPM is established. The allotment will be an equal amount deducted each pay period for a term of one year beginning with the first pay period which begins in January and ending the last pay period which begins in December. The minimum biweekly amount is \$1 and the amount of the allotment may not be changed. The employee may discontinue the allotment at any time.

###### 2. U.S. Savings Bonds

###### Section 9.5.8.2.2.1 Authority

The purchase of U.S. Savings Bonds, Series EE, is governed by 31 CFR 351 and 353. The purchase of the Series I U.S. Savings Bond is governed by 31 CFR 359 and 360.

#### Section 9.5.8.2.2.2 Employees Who are Eligible

The Voluntary Payroll Savings Plan is provided to U.S. citizen employees payrolled by the payroll service provider. The FSN payroll system does not handle bond deductions.

#### Section 9.5.8.2.2.3 Initiation or request for change of bonds

Requests by an employee to participate in the Voluntary Payroll Savings Plan for the initiation or change of a bond deduction must be submitted to the servicing payroll office through Employee Express or on Form SB 2362, New Combined EE/I Payroll Enrollment Form. Form SB 2362 must show the Social Security number of the owner and should contain the Social Security number of any co-owner or beneficiary.

#### Section 9.5.8.2.2.4 Available Bond Denominations

The available denominations and purchase prices are:

Denomination	Purchase Price
--------------	----------------

\$100	\$50
-------	------

200	100
-----	-----

500	250
-----	-----

1,000	500
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#### Section 9.5.8.2.2.5 Amount of payroll deduction

The minimum allowable deduction for a U.S. Series EE bond purchase is \$3.75 per biweekly period. Payroll deductions in amounts greater than the minimum allowable deduction may be made in any amount.

#### Section 9.5.8.2.2.6 Time and date of issuance

a. The "issue date" shown on the bond is the month and year in which interest will begin to accrue. This issue date is determined under average-dating rules, i. e., the month in which the end of a pay period falls when at least one-half of the purchase price is accumulated, regardless of the number of consecutive payroll deductions required to complete the full purchase price.

b. The bond is not printed by the U.S. Treasury until the accumulated deductions equal the purchase price of the bond. Depending on delivery time variations, the bond should be received by the owner about two weeks after the close of the pay period in which the accumulated deductions equal the purchase price of the bond.

#### Section 9.5.8.2.2.7 Cashing bonds

USDOs and cashiers are not permitted to cash U.S. Savings Bonds. Overseas, an owner may cash a bond at a local branch of a U.S. bank. Or, after certification by a consular officer, mail the bond to one's bank in the United States, or as a last recourse, mail the bond to the Federal Reserve Bank, Federal Reserve Post Office Station, New York, New York, 10045.

#### Section 9.5.8.2.2.8 Maintenance of individual bond accounts

a. The payroll system maintains in the automated files the Individual Bond Account Record for each employee participating in the payroll deduction plan for the purchase of U.S. Savings Bonds. Bond deductions are held in deposit fund 95X6050, Employees' Payroll Allotment Account, U.S. Savings Bonds, until the accumulated deductions for the employee equal the bond purchase price.

b. When an employee transfers from BBG to another payroll system within the Federal Service, the allotment authorization will be part of the employee's official records sent to the transferee agency which will continue deductions on the basis of the transferred authorization. However, any unapplied balance remaining in the employee's bond account at the time of the transfer is refunded to the employee on a current payroll voucher.

#### Section 9.5.8.2.2.9 Cancellation of payroll deduction

Once initiated, payroll deductions will continue, providing gross pay is adequate, until the employee cancels the deduction by submitting a memo authorizing the cancellation. Any unapplied balance remaining in the employee's bond account upon cancellation of the payroll deduction or separation from employment will be refunded to the employee.

Section 9.5.8.2.2.10 Undeliverable, lost or erroneously issued bonds

a. When an undeliverable bond is returned to Treasury, Treasury seeks a more current address from the agency payrolling office and remails it. In the event of an employee's death, the bond should be delivered to the co-owner or beneficiary and a receipt obtained. If the bond cannot be delivered, it should be returned to the Treasury Regional Finance Center which issued it;

b. If the owner has not received a bond but adequate time has elapsed, notify the agency payrolling office. The payroll service provider will send the owner Form PD F 3062-4 to complete and mail to Department of the Treasury, Bureau of the Public Debt, PO Box 7012, Parkersburg, WV 26106-7012. for issuance of a replacement bond. The employee can anticipate receipt of the replacement bond within three months. The form is available online at <http://www.publicdebt.treas.gov/forms/sav3062-4.pdf>.

c. If a U.S. Savings Bond is lost or stolen after delivery, the owner should notify in writing the agency payrolling office. To obtain a replacement bond, complete Form PD F 1048 and mail it to the Bureau of the Public Debt, PO Box 1328, Parkersburg, WV 26106-1328. The form is available online at <http://www.publicdebt.treas.gov/forms/sav1048.pdf>.

d. To reissue an erroneously issued or damaged bond, the payroll service provider prepares a PD F 4000, Request To Reissue United States Savings Bonds (Add Beneficiary Or Co-owner, Remove Beneficiary Or Decedent, Show Change Of Name, And/Or Correct Error In Registration) stating the reason for reissue and submit it with the bond to either of the Treasury Retail Sites addresses listed below.

Treasury Retail Securities Site PO Box 299

Pittsburgh, PA 15230-0299 Treasury Retail Securities Site

PO Box 214

Minneapolis, MN 55480-0214

The form is available online at

<http://www.publicdebt.treas.gov/forms/sav4000.pdf>.

3. Labor/Management Organization Dues

Section 9.5.8.2.3.1 Authority for labor/management organization membership dues deductions

Under provisions of agreements negotiated with U.S. citizen employee organizations under Executive Order 11636, members of such organizations may have membership dues withheld from their pay.

Section 9.5.8.2.3.2 Request for dues withholding

Form SF-1187, Request for Payroll Deductions for Labor Organization Dues, is used for requesting and authorizing the withholding of membership dues and payment to the appropriate organization. The employee completes the form except for Section A and sends it to the labor/management organization which completes Section A and forwards it in accordance with the agreement. The labor/management organization will provide the BBG Payroll Service Center with a list of officials authorized to certify Form SF-1187.

Section 9.5.8.2.3.3 Deduction of dues

Withholding will commence with the first full pay period after the BBG Payroll Service Center processes Form SF-1187. There will be no

retroactive withholding by the payroll service provider except to correct errors made by the payroll service provider. There will be no refunds processed by the payroll service provider for over-withholding of dues resulting from errors made by the payroll service provider or the non-timely processing of Form SF-1188; employees will request such refunds directly from the labor organization.

#### Section 9.5.8.2.3.4 Discontinuance of membership dues withholding

a. An employee who has authorized the withholding of organization dues may request revocation of such authorization by submitting a completed Form SF-1188, Cancellation of Payroll Deductions For Labor Organization Dues, or a memorandum in accordance with the agreement. Cancellation will not be effective until the pay period beginning on or after the next established cancellation date.

b. Should an organization lose its right to exclusive representation of the employees of an agency under Executive Order 11636, it is the responsibility of the agency union representative to notify the payrolling office. The payrolling office will cease withholding membership dues upon receipt of such notification.

c. Removal from an agency's payroll, such as in the case of termination of employment by that agency, will automatically terminate employee organization dues withholding.

#### 3. Other Allotments

In addition to the allotments specified in Section 9.4.8.2, employees may make general purpose allotments.

##### 1. Purposes for Which Allotments May Be Made

a. Employees in the United States may make allotments for the following purposes:

1. For the support of relatives or dependents of the allottees including voluntary child support and/or alimony;
2. For fixed amounts to checking and savings accounts (other than net pay to banks);
3. For payment of insurance premiums;
4. For installment payments on the purchase of an automobile;
5. For payment to a Federal Credit Union;
6. For payment to lawfully appointed attorneys;
7. For other similar purposes, not specifically prohibited and when approved by the authorized certifying officer.

b. U.S. citizen employees overseas may make allotments for the following purposes:

1. For the support of relatives or dependents of the allottees including voluntary child support and/or alimony;
2. For fixed amounts to checking and savings accounts (other than net pay to banks);
3. For payment of insurance premiums;
4. For installment payments on the purchase of an automobile;
5. For payment to a Federal Credit Union;
6. For payment to lawfully appointed attorneys;
7. For other similar purposes, not specifically prohibited and when approved by the authorized certifying officer.

c. Foreign Service Nationals and AMCITs may make allotments for the following purposes:

1. For checking and savings accounts;
2. For the support of relatives or dependents of the allotter;

3. For group insurance in a private company underwritten by a U.S. insurance company;
4. For group insurance in a private company not underwritten by a U.S. insurance company, when approved by the post administrative officer;
5. For any purpose approved jointly by the heads of agencies in a country and authorized jointly by the agencies headquarters participating in the interagency compensation agreement. NOTE: BBG policy is to pay FSNs and AMCITs in the currency of the country where employed. Accordingly, allotments are paid in the currency in which the local compensation plan is stated except as provided in Section 9.5.

#### 2. Purposes for Which allotments May Not Be Made

- a. U.S. citizen employees may not make allotments for the purchase of retirement service credit for prior years (military service deposit or civilian service deposit) or for any other purpose for which a payroll deduction is prohibited.
- b. Foreign Service National and AMCITs may not make allotments for the purchase of retirement service credit for prior years (military service deposit or civilian service deposit); Taxes or other assessments levied by foreign governments against employees except where authorized by U.S. statute, treaty, or Executive Agreement; and

1. Any purpose for which a payroll deduction is prohibited.

#### 3. Limitations on Allotments

- a. Employees within the United States may have up to two allotments. The number of allotments for U.S. citizen employees stationed overseas may not exceed three.
- b. The number of allotments for Foreign Service Nationals and AMCITs may not exceed three.
- c. Allotments must be made on a pay period basis only.
- d. An allotment must be stated in a fixed dollar (or other unit of currency) amount unless it is an allotment of net pay.
- e. An employee may not have more than one allotment of pay payable to the same allottee at the same time.

#### 4. Initiation, Change or Discontinuance of an Allotment of Pay

- a. An allotment of pay may be initiated by submitting Form SF-1199A, Direct Deposit Sign-Up Form or through Employee Express. Employees are responsible for making the necessary arrangements with their banks or other financial institutions for the disposition of allotment payments prior to the submission of Form SF-1199A or request through Employee Express.

- b. An allotment is discontinued on:

1. The written request of the allotter;
  - b. The retirement, death, or separation from the service of the allotter;
  - c. In instructions from BBG when conditions under which allotment was permitted no longer exist; or
4. Request through Employee Express.

#### Section 9.6 VOUCHERING AND PAYMENT OF SALARY ALLOWANCES

##### 1. Authority

- a. Regulations relating to the preparation of payroll vouchers are issued by the Office of Personnel Management (OPM), the Office of Management and Budget (OMB), the Financial Systems Integration Office (formally JFMIP) and the Department of Treasury.
- b. The Treasury Financial Manual, Vol. 1, Ch. 3-2000 and JFMIP Human Resources & Payroll Systems Requirements (JFMIP-SR-99-5, April 1999),



provide requirements for vouchering and payment of salaries and allowances to employees.

## 2. Method Of Vouchering

### 1. Basis for Vouchering

a. Individual pay record data derived from official sources including:

1. Notification of Personnel Action, For, SF-50, data from the personnel system ; or

2. Authority to pay telegram request from employee's current payroll office.

b. Form SF-1190, Foreign Allowances Application, Grant and Report, authorizes or cancels payment of such post-specific allowances as post differential, danger pay, post allowance, temporary quarters subsistence allowance, living quarters allowance, and separate maintenance allowance.

c. Documents supporting deductions and allotments from gross pay include:

1. W-4, Employee's Withholding Allowance Certificate for income tax withholding;

2. State Income Tax Withholding Certificates;

3. City Income Tax Withholding Certificates;

4. TSP-1, Thrift Savings Plan Election form;

5. TSP-1-C, Catch-Up Contribution Election form;

6. SF-1199A, Direct Deposit Sign-Up Form;

7. SF-2809, Health Benefits Registration Form;

8. SF-2817, Life Insurance Election;

9. SF-1192, Authorization for Purchase and Request for Change;

10. TSP-22, Thrift Savings Plan Loan Payment Allotment Form;

11. SF-1187, Request for Payroll Deductions for Labor Organization Dues;

12. SF-1188, Cancellation of Payroll Deductions for Labor Organization Dues;

13. SB 2362, New Combined EE/I Payroll Enrollment Form; and

14. CFC 804, Combined Federal Campaign.

### 2. Regular Payroll

A regular biweekly payroll voucher is prepared to include all employees being paid. An Earnings and Leave statement showing pay, allowances, deductions, allotments, and net pay for a pay period and cumulative totals for the calendar year to date, along with leave balances at the end of the pay period, is provided to employees each pay period.

### 3. Supplemental Payrolls

When a payroll payment cannot be included on a regular payroll, a supplemental payroll voucher may be prepared. All payroll data from the supplemental voucher must be entered into the payroll system. Every effort should be made to keep the number of supplemental payroll vouchers to a minimum.

### 4. Pay Periods

The pay period for all employees except the head of the agency shall cover two administrative workweeks. Pay periods are numbered beginning with the first full pay period in a calendar year and ending with the last pay period that began in the same calendar year.

### 5. Payroll Vouchers

The following standard forms are prescribed by Treasury for the purpose of making payments (I TFM 3-2020):

a. SF-1166, Voucher and Schedule of Payments;

b. SF-1166 OCR, Voucher and Schedule of Payments (OCR Readable);

c. ECS, Treasury's Electronic Certification System through a modem.

### 3. Certification

## 1. Authority

The responsibilities and accountability of a certifying officer are provided in 31 U.S.C. 3528.

## 2. Responsibilities

a. Suitable control procedures shall be incorporated into the payroll process to provide effective checks to assure that payroll data is correctly processed. Such procedures are necessary to assure that all data are considered in the processing, the results of the processing are accurate, and that no unauthorized alterations are made to transactions and records. As there are limitations to the scope of any one check, independent total, or other predetermined total, a body of checks and balances are required to provide an acceptable level of independent verification of the accuracy of payments.

b. The payroll voucher must be certified by a duly authorized certifying officer. The certifying officer will make such examination of the facts underlying the payroll voucher as is necessary to ensure the correctness and validity of the payment. No employee may certify his or her own individual disbursements, but may certify a voucher for the BBG payroll which includes his or her own pay. The certified voucher schedule is transmitted to the Treasury or the USDO for payment.

## 4. Payroll Payments

### 1. Time of Payment

a. Payments to employees of the BBG and other agencies serviced by the payroll service provider shall be made by no later than the second Thursday after the close of the pay period. The time schedule must take into account the time required for processing, review, and adjustments as well as transmittal or delivery time.

b. As per 5 U.S.C. Chapter 55, the pay lag shall not, in any case, exceed 12 calendar days and pay periods shall not be less than 2 weeks long.

### 2. Payday for FSN Payroll Systems

Payroll payments are made on the second Thursday after the close of the pay period unless local practices compel the designation of some other day for FSNs. Only requests that can be accommodated by the normal processing schedule may be considered. In such instances, some other payday may be determined by the Director of the Regional Administrative Management Center (RAMC) with the concurrence of the DOS.

### 3. Source of Funds

Payment is vouchered against the BBG appropriations by the payroll service provider. The payroll service provider reports the disbursements on the monthly SF 224 it submits to Treasury.

### 4. Source of Funds---FSN Payroll System

Payroll costs are to the BBG appropriations and are reported to the U.S. Treasury on the monthly Form SF-1221, Statement of Transactions.

### 5. Method Of Payment---U.S. Citizens

#### 1. Salaries

a. Net pay of employees is transmitted by means of electronic funds transfer (EFT) using the Treasury Financial Communications System, where feasible. Direct Deposit Sign-Up Form 1199A or a computer-generated facsimile must be completed and signed by the employee. When payments are not possible by means of EFT, salaries must be paid in U.S. Treasury dollar checks. Payment in foreign currency is not permitted.

b. Consistent with the Debt Collection Improvement Act (DCIA) of 1996, the Department will use EFT to disburse payments to all employees both American and foreign nationals, including personal service contractors,

individuals hired through personal service agreements, foreign service nationals (FSNs), and annuity benefit recipients. Disbursements in this paragraph are defined as salary, allowances, and benefit payments, and the law will apply to all of these disbursements. All employees hired or retired after July 26, 1996, are subject to mandatory EFT requirements consistent with DCIA. The law mandates EFT for all Federal payments after January 1, 1999. Recipients must designate one or more financial institutions or authorized payment agents to which such payments shall be made. Recipients must provide agencies with the necessary information to make these EFT payments at the time the employee is hired or retired. The DCIA and this policy apply to all employees of the BBG.

c. Overseas, for non-American employees, including foreign service nationals, personal service contractors, individuals hired through personal service agreements, and all benefit recipients, BBG will implement use of EFT to disburse all payments whenever it is consistent with host country law and regulations, and practical when considering host country banking infrastructure capabilities. The servicing Financial Service Center (FSC) director in conjunction with post management will determine on a country specific basis whether the capability exists to implement EFT payments for non-Americans. In some cases, where host country law prohibits mandatory EFT non-American employees may be given the option to use EFT. This determination will also be made jointly with post management.

## 2. Allowances

In addition to the benefits that may only be paid via the payroll system, living quarters and temporary quarters subsistence allowance may also be paid through the payroll system.

## 3. Advances

a. Advances, other than advance of pay, are not paid through the payroll system. However, repayment of an advance may be collected through the payroll system via its recurring deduction process. When an advance of living quarters allowance is made, it is recorded from the signed request and approval form into the payroll system and its conversion from advance to earned expense is recognized biweekly, or when appropriate, collected back from the employee.

b. If the servicing payroll office is unable to collect the total amount of the advance from a BBG employee, the collection responsibility is passed to the Office of Financial Operations.

## 4. Purchase of Retirement Credits

a. The Payroll Service Center receives checks from employees for retirement credit for military service. The Payroll Service Center sends the checks to the lockbox located in St. Louis, MO for deposit and forwards the appropriate documentation to the Department of State to add to history record. The payroll service provider then sends the record to OPM to credit the employee.

b. Voluntary contributions may be made by the employee to the Civil Service Retirement Fund to purchase additional annuity. Employees with unfunded years of prior civilian service (e.g. Peace Corps) may also make voluntary contributions to either the CSRS or FERS Funds. Making such contributions is a matter between the individual employee and OPM, for which the BBG has no responsibility. Neither payroll deductions nor payments in dollar checks are authorized to facilitate purchase of additional retirement credit through voluntary contributions.

## 6. Method Of Payment---Foreign Service National And AMCIT Employees

## 1. Salaries and Allowances

Salaries and allowances of FSN employees and AMCITs are paid in the currency of the country where employed, except as otherwise authorized per Section 9.6.6.2. AMCIT is a U.S. citizen resident employee of the U.S. Government in the host country who is not a spouse or dependent of a U.S. Government employee or a uniformed service member abroad.

## 2. Exceptions

1. Immigration and/or approved Visits to the United States The principal officer at a post is authorized to approve U.S. dollar payments by Treasury check to an FSN employee when the employee is immigrating to or visiting the United States and the employee will be in the United States on the payday. The check is forwarded to the employee in the United States.

## 2. Prevailing Local Compensation Practice

a. If the prevailing local compensation practice allows payment in other than the local currency, the post may request permission for salary payment in such currency. Such requests may be made, provided the principal officer determines that:

1. Such payment is permitted by local law;
2. Payment will not encourage prohibited or illegal currency conversion by employees;

3. Payment does not conflict with U.S. goals.

b. If so determined, a request to pay in other than local currency should be made to the bureau's executive director, explaining:

1. Pertinent host country exchange controls;
2. Pertinent local laws;
3. Rates of exchange, official and unofficial;
4. Details of determination of prevailing practice; and
5. Department of Defense (DOD) payment practices, if any, in such country.

c. The request shall be reviewed by Office of Human Resources, Office of the Chief Financial Officer, and program office. Office of Financial Operations shall determine if processing such payments is administratively feasible. The program office's administrative officer is responsible for coordinating the review. If payment in other than local currency is approved, each subsequent salary change survey should review continuing conditions and need. The post shall promptly inform the bureau executive director whenever conditions justifying such exception cease to exist.

## 3. Other Exceptions

If a unique temporary personal situation creates such hardship as to justify payment in other than local currency for a specific individual on a humanitarian basis, a request for an exception may be made to the administrative officer of the program office. Exception may not be granted for more than 6 months.

## 4. Payroll Deduction for Civil Service Retirement

When an FSN employee participates in the Civil Service Retirement System, a deduction is made from salary as described in Section 9.4.2.2. The U.S. dollar equivalent of the employee deduction and the Government contribution are computed and reported to OPM biweekly and credited to OPM's trust account, Civil Service Retirement and Disability Fund, symbol 24X8135.8 on the monthly Form SF-1221.

3. Payroll Deduction for U.S. Social Security Tax and U.S. Income Tax Any FSN employee who is a U.S. permanent resident alien (Green Card holder) is subject to U.S. Social Security tax and U.S. Income tax unless excluded by a bilateral treaty between the United States and the host country (42 U.S.C. 410 and 26 U.S.C. Sections 3102 and 3122). An AMCIT is also subject

to U.S. Social Security tax and U.S. Income tax unless excluded by treaty. U.S. Income tax is withheld in accordance with the filed Form W-4, Employee's Withholding Allowance Certificate. The equivalent in U.S. dollars at the exchange rate current at the time of payroll calculation of such withholding and Government contribution is reported and paid to the Federal Reserve Bank.

#### 4. Purchase of Retirement Credits

- a. The post may authorize acceptance of a lump sum amount by personal check from the FSN (payable to OPM) when OPM has authorized the FSN employee to make a deposit or redeposit for past creditable service. The employee authorization is accomplished through Form OF-212.
- b. The post personnel office must insure that an OPM Form BRI 49-112A for each employee making a deposit has been prepared to accompany the check to OPM. Blank BRI 49-112A forms may be obtained from OPM. Reproductions or facsimiles are not permitted.
- c. Voluntary contributions may be made by the employee to the Civil Service Retirement Fund to purchase additional annuity. Making such contributions is a matter between the individual employee and OPM, for which the BBG has no responsibility. Necessary conversions of foreign currencies to dollars required for such contributions must be accomplished by the individual employee. Neither payroll deductions nor payments in dollar checks are authorized to facilitate purchase of additional retirement credit through voluntary contributions.

#### 5. Currency Exchange Rates

##### 1. Salaries and Allowances Fixed in U.S. Dollars

Salaries and allowances fixed in U.S. dollars, which are paid in equivalent local currency, are paid at the current rate of exchange at the time of payroll calculations. Exception to this may occur under unusual circumstances and after consultation with the payrolling center.

##### 2. Salaries Fixed in foreign currency

Where salaries and allowances are fixed in local currency and paid in local currency, U.S. dollar equivalent entries are computed for salaries and allowances as well as any civil service retirement, U.S. Social Security and Federal income tax withholdings and contributions by using the current rate of exchange at the time of payroll calculations.

#### 7. External Reporting

The servicing payroll office submits various reports related to payroll payments to the BBG.

##### 1. Payroll Processing System

The payroll system prepares the following external reports:

- a. Payments and Collections Transfer Register Form FS-477, Report of Disbursements by Allotment Form FS-478, and Voucher and Schedule of Withdrawals and Credits Form SF-1081;
- b. Employer's Quarterly Federal Tax Return Form 941 showing compensation, Federal income tax withheld, and Social Security taxes (to Internal Revenue Service quarterly);
- c. Wage and Tax Statement Form W-2 on taxable compensation and U.S. income taxes and Social Security taxes withheld (to Social Security Administration and pertinent States annually);
- d. Statement for Recipients of Interest Income Form 1099-INT on interest paid of \$600 or more in the calendar year (to the Internal Revenue Service annually);

- e. Journal Voucher and Report of Withholdings and Contributions for Health Benefits, Group Life Insurance and Civil Service Retirement Forms SF-2812 and SF-2812A (by agency to OPM biweekly);
- f. FEHB Transmittal and Summary Report to Carrier Form SF-2811 (by agency to health insurance carriers biweekly);
- g. Journal Voucher and Report of Withholdings and Contributions for Foreign Service Retirement Systems Form DS-1834 (to the Foreign Affairs Retirement and Disability System biweekly);
- h. Annual Reconciliation of Payroll Deductions Form SF-415 transmits retirement withholdings and contributions summary (to parent agencies annually);
- i. Statement of Transactions Form SF-224 on disbursements and collections to the General Ledger and Treasury monthly.

## 2. FSN Payroll System

The State Department Charleston Financial Service Center (FSC) prepares the following external reports:

- a. The payroll system is integrated with the FSC accounting system. Agencies receiving allotment accounting services are provided FSC-60 and FSC-62 reports on obligations and liquidations. Other agencies receive a biweekly Payroll Expenditure report and a Payments and Collections Transfer Register Form FS-477M monthly.
- b. Payments and collections reflected on Form SF-1221, Statement of Transactions, by the USDO (to Treasury monthly);
- c. Employer's Quarterly Federal Tax Return, Form 941, showing compensation, Federal income tax withheld and U.S. Social Security taxes paid (to the Internal Revenue Service quarterly on FSN/PRAs and AMCITs);
- d. Wage and Tax Statement Form W-2 on taxable compensation and Federal income taxes and U.S. Social Security taxes withheld (to Social Security Administration on FSN/PRAs and AMCITs annually);
- e. Journal Voucher and Report of Withholdings and Contributions for Health Benefits, Group Life Insurance and Civil Service Retirement Forms SF-2812 and SF-2812A (for CSR to OPM biweekly);
- f. Local Employee's Pay card for FSNs participating in the Civil Service Retirement System (to BBG headquarters at least annually);
- g. Annual Reconciliation of Payroll Deductions Form FS-415 transmits retirement withholdings and contributions summary for FSNs in the CSRS (to parent agencies);
- h. Biweekly list on employee deductions and employer contributions for host country social insurance or private insurance plans (to post). Post is responsible for external reporting and payment on local social security program when it functions on other than a biweekly schedule; and
- i. Host government income taxes normally are not computed or withheld, however a report of payments made to an employee for the year may be applicable at particular posts.

## 7. PAYROLL SERVICE CENTER

The Payroll Service Center, Office of Financial Operations (OFO) serves as liaison between BBG and the payroll service provider in regards to all payroll functions and issues. The Payroll Service Center's key duties in regards to the payroll liaison function include:

- a. Resolving payroll issues, such as salary overpayments, underpayments, and leave adjustments. The Payroll Service Center has on-line access to the payroll systems to query employee detailed pay records to assist in resolving issues. The Payroll Service Center coordinates with BBG

employees, timekeepers, the personnel office, OPM and DOS research pay individual pay issues and make appropriate adjustments.

b. Distribution of earnings and leave statements. Currently, the Payroll Service Center receives hardcopy statements from the payroll service provider for all domestic and overseas employees and then distributes them to the employees. This process is being automated and eventually all employees will receive their statements electronically via Employee Express.

c. Processing personnel actions. BBG's Office of Human Resources sends all personnel actions to the Payroll Service Center which then forwards them to the payroll service provider.

d. Distributes payroll reports. The Payroll Service Center receives reports from the payroll service provider and distributes them to BBG Administrative offices (leave, OT, etc.) and Budget office (Advice of Charge). The Payroll Service Center is currently implementing Report.web to make these reports available via the internet.

e. Monitor changes to payroll systems. The Payroll Service Center routinely meets with the payroll service provider systems staff to coordinate and review the status of changes to the payroll system, including the automated time and attendance system-TATEL

f. Collections. When notified that an employee owes BBG funds for things such as salary overpayment, delinquent travel advances, or over-advanced leave, the Payroll Service Center sends a collection letter to the employee. If the employee fails to pay within the appropriate amount of time, the Payroll Service Center contacts the payroll service provider to initiate collection by offset.

g. Garnishments. The Payroll Service Center receives notices from the courts. The Payroll Service Center first sends the notice to BBG's General Counsel who reviews it for legality and returns it to Josephine with their finding. If approved by BBG's GC, the Payroll Service Center forwards the notice to the payroll service provider's legal counsel who also reviews it. If they approve it, they forward it to the payroll service provider to initiate collection

h. .

i. Tracks advanced leave. The Payroll Service Center reviews reports of advanced sick leave used against advanced sick leave approved. If unapproved advanced sick leave is found, the Payroll Service Center notifies the employee's timekeeper to revise the leave to annual or LWOP. The DOS payroll system tracks advanced annual leave. If they identify an excess advance (i.e. more than can be earned in the current year.) they notify the Payroll Service Center which in turn notifies the employee's timekeeper to make an adjustment.

j. Collections for credit for military service. The Payroll Service Center receives checks from employees for retirement credit for military service. The Payroll Service Center sends the checks to the lockbox located in St. Louis, MO for deposit and forwards the appropriate documentation to the Department of State to add to history record. The payroll service provider then sends the record to OPM to credit the employee.

k. Process exit clearances. When an employee is leaving BBG they must obtain appropriate signatures on a clearance document. When the form is completed it is provide to the Payroll Service Center, which then forwards it to DOS.

1. Personnel Reports. The Payroll Service Center provides payroll information and reports to the Office of Human Resources to complete the SF-113A and 113G reports.

m. Accounting code adjustments. The Payroll Service Center assists and provides the necessary information to make changes to the payroll system to adjust accounting codes (e.g., organization and allotment codes).

n. Internal BBG coordination:

1. The Payroll Service Center meets quarterly with the timekeepers to discuss changes or updates to the TATEL system and to clarify issues that the timekeepers might have.

2. The Payroll Service Center meetings monthly with Office of Human Resources staff to discuss Payroll/Personnel issues.

#### Section 9.8 SALARY OFFSETS

##### Section 9.8.1 Authority

31 U.S.C. 3701; 31 U.S.C. 3711 et seq.; 5 U.S.C. 5514; 31 CFR Parts 900-904; 5 CFR Part 550; and 22 CFR Part 512.

##### Section 9.8.2 Responsibilities

###### Section 9.8.2.1 Administering Regulations

The Director of Financial Operations, has been designated the official responsible for administering these regulations in the Broadcasting Board of Governors.

###### Section 9.8.2.2 Determining Amounts of Overpayments

The Office of Financial Operations determines the amounts of erroneous payments made to or on behalf of employees.

##### Section 9.8.3 Collection of Debts by Salary Offset

a. Salary offsets are the required method to collect a debt under 5 U.S.C. 5514, as implemented by the Broadcasting Board of Governors in 22 CFR Part 512 and this MOA, by deductions at one or more officially established pay intervals from the current pay account of an employee without his or her consent.

b. Salary offset procedures in this MOA will be used to collect from current employees debts originating from personnel/payroll processing, delinquent debts owed to the agency not originating from personnel/payroll processing, and delinquent debts owed to other Federal agencies.

c. Exceptions to the applicability of the salary offset provisions in this MOA are as follows:

1. Salary offset provisions do not apply to debts or claims arising under the Internal Revenue Code of 1954 as amended (26 U.S.C. 1 et seq.), the Social Security Act (42 U.S.C. 301 et seq.), or the tariff laws of the United States or to any case where collection of a debt is explicitly provided for (e.g. FEHB health insurance debts accrued while the employee was in LWOP status or had insufficient pay to cover the biweekly premium in 5 CFR Part 890.502) or prohibited by another statute (e.g., travel advances in 5 U.S.C. 5705).

2. The salary offset provisions in this MOA do not preclude an employee from requesting a waiver of a salary overpayment under 5 U.S.C. 5584, 10 U.S.C. 2774, or 32 U.S.C. 716, or in any way questioning the amount or validity of a debt by submitting a subsequent claim to the General Accounting Office in accordance with procedures prescribed by the General Accounting Officer, nor does it preclude an employee from requesting waiver when waiver is available under any statutory provision.

###### Section 9.8.3.1 Debts Originating from Personnel/Payroll Processing

###### Section 9.8.3.1.1 Action by the Office of Financial Operations



a. Prior to offsetting an employee's salary, notifies the employee in writing of the amount and reasons for indebtedness and requests repayment of the amount within 30 calendar days from the date of the notification letter.

1. The notification letter will contain at a minimum the following information:

a. The Financial Operations Division determination that a debt is owed including the nature, origin, and amount of the debt;

b. The Financial Operations Division's intent to collect the debt by means of deduction from the employee's current disposable pay account;

c. The amount, frequency and proposed beginning date and duration of the intended deductions;

d. An explanation of the Financial Operations Division's policy concerning interest, penalties, and administrative costs;

e. The employee's right to inspect and copy Government records pertaining to the debt;

f. The opportunity to establish a schedule for the voluntary repayment of the debt or to enter into a written agreement to establish a schedule for repayment in lieu of offset per the requirements of 31 CFR 902.2(e).

g. The employee's right to a hearing arranged by the Financial Operations Division and conducted by an administrative law judge or, alternatively, an official not under the control of the head of the Broadcasting Board of Governors;

h. The method and time period for filing a petition for a hearing;

i. That timely filing of the petition will stay the commencement of collection proceedings;

j. That final decision on the hearing will be issued not later than 60 days after the filing of the petition for hearing unless the employee requests and the hearing officer grants a delay in the proceedings.

k. That knowingly false, misleading, or frivolous statements, representations or evidence may subject the employee to:

i. Disciplinary procedures under chapter 75 of title 5, United States Code or any other applicable statutes;

ii. Penalties under the False Claims Act, sections 3729-3731 of title 31 U.S.C. or any other applicable statutes.

iii. Criminal penalties under sections 286, 287, 1001, 1002 of title 18 United States Code or any other applicable statutes.

l. Any other rights or remedies available to the employee, including representation by counsel or his respective bargaining unit, under the statutes or regulations governing the program for which collection is being made.

m. That amounts paid on or deducted for the debts that are later waived or found not owed to the United States will be promptly refunded to the employee.

2. Notifications under this section will be hand delivered with a record made of the delivery, or will be mailed certified mail with return receipt requested.

3. No notification, hearing, written responses or final decisions under this regulation (22 CFR 512) and MOA section are required of Broadcasting Board of Governors for any adjustment to pay arising from an employee's election of coverage under a Federal benefit program requiring periodic deductions from pay, if the amount to be recovered was accumulated over four pay periods or less.

b. Deduction from pay

Unless the amount owed is repaid in full prior to the end of the 30-day period, the Financial Operations Division will request the payroll service provider to implement a salary offset to recover the monies owed.

1. Deduction by salary offset, from an employee's disposable current pay, will be subject to the following circumstances:

a. When funds are available, the Financial Operations Division will collect debts owed the United States in full in one lump sum. If funds are not available or the debt exceeds 15% of disposable pay for an officially established pay interval, collection will normally be made in installments.

b. The installments shall not exceed 15% of the disposable pay from which the deduction is made, unless the employee has agreed in writing to a larger amount.

c. Deduction will commence with the next full pay interval following notice that deductions will commence.

2. Where the employee offers in writing an alternative repayment plan for salary offset and the installments are less than 15% of his or her disposable pay due to economic hardship, the employee must provide sufficient documentation regarding the economic hardship and details of his or her monthly income and expenses for Financial Operations Division to evaluate whether the alternative repayment plan is reasonable given the circumstances.

3. Installment deductions will not be made over a period greater than the anticipated period of employment.

c. Hearings

1. Petitions - General

a. An employee may request a hearing by filing a written petition with the Director, Financial Operations Division stating why he or she believes the Financial Operations Division's determination of the existence or amount of the debt is in error.

b. The employee must sign the petition and fully identify and explain with reasonable specificity all facts, evidence and witnesses that the employee believes support his or her position.

c. The petition must be filed no later than fifteen (15) calendar days from the date the notification under 22 CFR Sec. 512.20(b) was hand delivered or the date of delivery by certified mail.

d. Where petition is received after the 15 calendar day limit, Financial Operations Division will accept the petition if the employee can show that the delay was beyond his or her control or because of failure to receive notice.

e. If the petition is not filed within the time limit, and is not accepted pursuant to paragraph (a)(4) of this section, the employee's right to hearing will be considered waived, and salary offset will be implemented.

2. Types of Hearings - General

a. The form and content of the hearing will be determined by the hearing official who shall be a person outside the control or authority of Broadcasting Board of Governors.

b. The employee may represent him or herself, or may be represented by counsel.

c. The hearing official will maintain a summary record of the hearing.

d. The hearing official will prepare a written decision which will state:

i. The facts purported to evidence nature and origin of the alleged debt;

ii. The hearing official's analysis, findings, and conclusions relative to:

a. The employee's and/or the Financial Operation Division's grounds;

b. The amount and the validity of the alleged debt;

c. The repayment schedule, if applicable.

e. The decision of the hearing official shall constitute the final administrative decision of the Broadcasting Board of Governors.

3. Upon receipt of the petition for a hearing, the Financial Operations Division will arrange for a hearing official to oversee the hearing.

4. Upon completion of the hearing and receipt of the hearing official's analysis, findings, and conclusions, Financial Operations Division will implement these findings.

Section 9.8.3.2 Debts Owed to the Agency Not Originating from Personnel/Payroll Processing

Financial Operations Division will transmit to the servicing payroll provider for salary offset current employee delinquent debts subject to administrative offset procedures under Section 512.10 of 22 CFR Part 512 and procedures found in MOA Part VII Section XX. Financial Operations Division will provide supporting documentation for the indebtedness and its compliance with debtor notification under Section 512.9 of 22 CFR Part 512 and procedures found in MOA Part VII Section XX. These salary offsets will be no greater than 15% of the employee's net disposable pay.

Section 9.8.3.3 Debts Owed to Other Federal Agencies

Where the Financial Operations Division has received a salary offset request letter from another agency to recover monies owed to that agency (the creditor agency) by an employee, Financial Operations Division will review the request to ensure that the creditor agency has certified the indebtedness in writing in compliance with that agency's regulations and those of OPM.

a. The creditor agency's request must certify in writing to the Broadcasting Board of Governors that the employee owes the debt, the amount and basis of the debt; the date on which payment is due, the date the Government's right to collect first accrued, and that the creditor agency's regulations implementing 5 U.S.C. Section 5514 have been approved by OPM.

b. If collection must be made in installments, the creditor agency must advise Financial Operations Division of the number of installments to be collected, the amount of each installment, and the commencing date of the first installment.

Section 9.8.3.4 Interest, Penalties, and Administrative Costs

Section 9.8.3.4 1 Assessment

a. Except as provided in paragraph (h) of this section, or Sec. 9.8.3.4.2 below, Financial Operations Division will assess interest, penalties, and administrative costs on debts owed to the United States pursuant to 31 U.S.C. 3717. Before assessing these charges, Financial Operations Division will mail or hand deliver a written notice to the debtor (see MOA Part VII Section 9.8.3.1.1). This notice will include a statement of the Broadcasting Board of Governors' requirements concerning 22 CFR. Sec. 512.9 and 512.21.

b. Interest shall accrue from the date on which notice of the debt is first mailed or hand-delivered to the debtor, using the most current address available to the Board.

c. The rate of interest assessed shall be the rate of the current value of funds to the United States Treasury (i.e., the Treasury Tax and Loan account rate), as prescribed and published by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins annually or quarterly, in accordance with 31 U.S.C. 3717. The rate of interest as initially assessed shall remain fixed for the

duration of the indebtedness. However, in cases where the debtor has defaulted on a repayment agreement and seeks a new agreement, Broadcasting Board of Governors may set a new rate that reflects the current value of funds to the Treasury at the time the agreement is executed. Interest will not be assessed on interest, penalties, or administrative costs required by this section.

d. Financial Operations Division will assess charges to cover administrative costs incurred as a result of a delinquent debt. Calculation of administrative costs shall be based upon actual costs incurred. Administrative costs include costs incurred to obtain credit reports in the case of employee debt or in using a private debt collector in the case of non-employee debt.

e. Financial Operations Division will assess a penalty charge not to exceed 6% per year on any portion of a debt that is delinquent for more than 90 days. This charge need not be calculated until the 91st day of delinquency, but shall accrue from the date that the debt became delinquent.

f. When a debt is paid in partial or installment payments, amounts received shall be applied first to the outstanding penalty and administrative cost charges, second to accrued interest and third to outstanding principal.

g. Financial Operations Division will waive the collection of interest on the debt or any portion of the debt that is paid within 30 days after the date on which interest began to accrue. Financial Operations Division may extend this 30-day period, on a case-by-case basis, if it reasonably determines such action is appropriate. Financial Operations Division may also waive in whole or in part the collection of interest, penalties, and administrative costs assessed under this section per the criteria specified in part 902 of the Federal Claims Collection Standards (31 CFR Part 902) relating to the compromise of claims or if the Financial Operations Division determines that collection of these charges is not in the best interest of the United States. Waiver under the first sentence of this paragraph is mandatory. Under the second and third sentences, it may be exercised under the following circumstances:

1. Waiver of interest pending consideration of a request for reconsideration, administrative review, or waiver of the underlying debt under a permissive statute, and

2. Waiver of interest where Financial Operations Division has accepted an installment plan under MOA Part VII Section 9.8.3.1.1, there is no indication of fault or lack of good faith on the part of the debtor and the amount of the interest is large enough, in relation to the size of the installments that the debtor can reasonably afford to pay, that the debt will never be repaid.

h. Where a mandatory waiver or review statute applies, interest and related charges may not be assessed for those periods during which collection must be suspended under Sec. 903.2(c)(1) of the Federal Claims Collection Standards (31 CFR Part 903).

#### Section 9.8.3.4 2 Exemptions to Assessment

a. Financial Operations Division will not assess interest, penalties, and administrative charges on the following, as the provisions of 31 U.S.C. 3717 do not apply:

1. To debts owned by any State or local government;
2. To debt arising under contracts which were executed prior to, and were in effect on October 25, 1982;

3. To debts where an applicable statute, loan agreement, or contract either prohibits such charges or explicitly fixes the charges that apply to the debts arising under the Social Security Act, the Internal Revenue Code of 1954, or the tariff laws of the United States.

b. However Financial Operations Division is authorized to assess interest and related charges on debts which are not subject to 31 U.S.C. 3717 to the extent authorized under the common law or other applicable statutory authority.

Section 9.8.3.5 Liquidation from final check or recovery from other payment

a. If an employee retires or resigns before collection of the debt is completed, Financial Operations Division will direct the payroll service provider to offset the entire remaining balance from the final payment(s) of any nature to such extent as is necessary to liquidate the debt.

b. Where debt cannot be liquidated by offset from final payment, Financial Operations Division will direct the payroll service provider to offset later payments of any kind due from the United States inclusive of Civil Service Retirement and Disability Fund pursuant to 5 U.S.C. 8347 and 5 CFR 831.1801 et seq of this regulation.

c. Where actions under sections a. and b. above have not liquidated the debt, Financial Operations Division will follow the administrative offset procedures under 22 CFR 512.9 - 512.16, as described in MOA Part VII Section XX.

Section 9.8.3.6 Continuation of Debt Collection Upon Transfer of Debtor to Another Federal Agency

c. Where the Financial Operations Division has completed procedures in MOA Part VII Section 9.8.3.1.1 and the employee transfers to another Federal agency prior to liquidation of the debt, the Financial Operations Division will request recovery of the outstanding balance from the employee's paying agency.

d. The Financial Operations Division will certify in writing to the paying agency that the employee owes the debt, the amount and basis of the debt; the date on which payment is due, the date the Government's right to collect first accrued, and that the Broadcasting Board of Governors' regulations implementing 5 U.S.C. Section 5514 have been approved by OPM.

e. If collection must be made in installments, the Financial Operations Division must advise the paying agency of the number of installments to be collected, the amount of each installment, and the commencing date of the first installment.

f. In cases where there has been a break in service (i.e., the employee separates from the Broadcasting Board of Governors with an outstanding debt balance and administrative offset procedures described in MOA Part VII Section XX have been followed) and the individual becomes re-employed with another Federal agency, Financial Operations Division will follow the procedures described above in sections a. - c. In similar fashion, where such an individual becomes re-employed with the Broadcasting Board of Governors with an outstanding balance on a debt owed to the Broadcasting Board of Governors, Financial Operations Division will direct the payroll service provider to initiate a salary offset at 15% of the employee's net disposable pay.

Section 9.8.3.7 Non-waiver of rights by payments

An employee's voluntary payment of all or part of a debt being collected under 5 U.S.C. 5514 will not be construed as a waiver of any rights which

the employee may have under 5 U.S.C., or any other provision of contract or law, unless statutory or contractual provisions provide to the contrary.

Section 9.8.3.8 Refunds

- a. The Financial Operations Division will instruct the payroll service provider to promptly pay a refund of monies previously collected when:
1. A debt is waived or otherwise found not to be owed to the United States; or
  2. The Broadcasting Board of Governors is directed by an administrative (e.g., hearing official) or judicial order to refund amounts deducted from his or her current pay.
- b. Refunds do not bear interest unless required or permitted by law or contract.

## Section 9.9 WAIVERS OF OVERPAYMENT

### Section 9.9.1 General Policy

Generally, consideration for waiving an erroneous payment of pay or allowances is not given without a justifiable reason submitted in writing by the employee or other person having an interest in waiver of the claim. However, in the absence of such request, the Director or a delegated official (see Section 9.9.4 below) may initiate waiver procedures. The Broadcasting Board of Governors suspends collection action on an erroneous payment of pay or allowances during the period a request for a waiver is under consideration. The amount considered for a waiver is in all cases based on the gross amount of the erroneous payment. If a waiver request is disapproved, consideration will then be given to the salary offset procedures authorized by 5 U.S.C. Sec. 5514 and 22 CFR Part 512 (see Section 9.8.3 above), except for when (1) an application for waiver has not been received or (2) the erroneous payment has not been refunded and Financial Operations determines that the amount of the payment does not justify the cost of the waiver action. The erroneous payment will be considered under the salary offset provisions of 5 U.S.C. Sec. 5514 and 22 CFR Part 512.

### Section 9.9.2 Authority To Waive A Claim

#### Section 9.9.2.1 Law and Regulations

Title 5, Part III, Subpart D, Chapter 55, Subchapter VIII, Section 5584.

#### Section 9.9.2.2 Director's Authority

The Director of the Broadcasting Board of Governors is authorized to waive in whole or in part a claim of the United States Government, when the claim meets the standards for waiver contained in Title 5, Part III, Subpart D, Chapter 55, Subchapter VIII, Section 5584. In the absence of other request, the Director may also initiate waiver procedures for a claim in any amount. Section 9.9.3 Delegation Of Director's Authority

Authority to waive claims for erroneous payments of pay, overseas allowances, or travel and transportation allowances to or on behalf of an employee and, in the absence of other request, to initiate waiver procedures is delegated as follows:

- a. To the Chief Financial Officer
1. To waive in whole or in part a claim; and
  2. In the absence of other request for waiver of a claim in any amount, to initiate waiver procedures, with review and settlement action being subject to prescribed authorities and procedures.
- b. To the Director of Financial Operations
1. To waive in whole or in part a claim not more than \$50; and

2. In the absence of other request for waiver of a claim in any amount, to initiate waiver procedures, with review and settlement action being subject to prescribed authorities and procedures.

#### Section 9.9.4 Action By The Chief Financial Officer

The Chief Financial Officer reviews each claim, and:

- a. Subject to the review and recommended action of the Office of the General Counsel (GC); waives the claim in whole or in part without regard to any repayments when the Chief Financial Officer has no doubt that waiver action is proper.
- b. Subject to GC's review and recommended action, disapproves waiver when the Chief Financial Officer determines that waive is not justified.
- c. Forwards case files of claims to the Office of Financial Operations for recording waivers granted or denied, and any other actions determined necessary, and filing.

#### Section 9.9.5 Submitting Application For Waiver

##### Section 9.9.5.1 Originating Domestically

Submit applications for waiver of claims in writing to the Director, Office of Financial Operations. Applications include those for waiver of erroneous overseas payments to Foreign Service personnel who are assigned to domestic duty at the time application is made, or who have separated from the service and no longer reside overseas. No special form is prescribed.

##### Section 9.9.5.2 Documentation Required

a. General - Except as provided in paragraph b below, each application for waiver must be supported by a report that includes the following:

1. A statement of the aggregate amount of the erroneous payment supported by the pay record(s), voucher(s), or any other correspondence pertaining to the erroneous payment.

2. A statement explaining the circumstances under which the erroneous payment was made, the date it was discovered, and whether it was subject to an exception made by the Comptroller General of the United States.

3. A statement by a person having personal knowledge, other than the employee, as to whether or not there is any indication of fraud, misrepresentation, fault, or lack of good faith on the part of the employee or other person having an interest in obtaining a waiver of the claim.

4. A statement by the employee as to his or her knowledge of the overpayment.

5. Copies of correspondence, personnel actions, earnings and leave statements, indoctrination or other instructions, etc., and any other information that may be of help in determining whether collection action on the claim would be against equity and good conscience and not in the best interests of the United States. It is essential that each application submitted to the Office of Financial Operations include as much of the above data and other pertinent information as may be reasonably accessible to avoid unnecessary processing delays.

b. Overpayments of \$50 or Less - The detailed report and documentation specified in paragraph a above are not required in those cases of erroneous payments involving amounts of \$50 or less where there is no indication in the record of fraud, misrepresentation, fault, or lack of good faith on the part of the employee or any other person having interest in obtaining a waiver of the claim. However, appropriate details developed in the normal course of establishing the existence of the erroneous payment should be provided.

## Section 9.9.6 Responsibilities In Handling Applications For Waiver

### Section 9.9.6.1 Applications for Waivers for Review

a. Initial Recording of Applications - Upon receipt of an application for waiver, Financial Operations enters in a Pay and Allowance Waiver Register, the date of the application, date received, name of the employee paid or on whose behalf payment was made, amount of the erroneous payment, and the date and person or office to which the request is forwarded for consideration when the file is complete (4 CFR 1, Sub-chapter G, Part 92.8).

b. Forwarding Applications - Financial Operations takes action as follows:

1. Claims of \$50 or Less - Reviews the file to assure required information is included, obtains additional data if required, and forwards the file to the Director, Office of Financial Operations who determines the action and records his or her determination in the file.

2. Claims of More than \$50 - Reviews the file to assure required information is included, obtains additional data if required, and forwards the file to GC for review, recommendation, and submission to the Chief Financial Officer for action.

3. Claims of \$50 or Less in Which Waiver Action is Doubtful - Where the Director, Office of Financial Operations has indicated doubt as to whether the waiver action is proper, the Director forwards the file to GC for review and recommended action.

4. All Claims - In connection with the review prescribed in (1) and (2) above, Financial Operations obtains or prepares (if not already included in the case file) an explanation as to corrective action taken to prevent similar erroneous payments.

c. GC Action

1. Reviewing Case Files and Documenting Recommendations - GC reviews each file submitted to it for completeness and relationship to the standards and all conditions and limitations prescribed in Title 5, Part III, Subpart D, Chapter 55, Subchapter VIII, Section 5584. GC obtains any additional information that it requires to make its recommendation. GC forwards cases needing development through investigation to the Office of Security. Security returns the files to GC with its reports.

2. Disposing of Case Files - When review of a case is complete, GC forwards the file with its recommendation to the Director, Financial Operations for final determination.

d. Recording Final Action Taken on Application for Waiver - The Office of Financial Operations records in the Pay and Allowance Waiver Register the final action taken by The Broadcasting Board of Governors on the application for waiver. Data includes the date final action is taken, amount waived (if any), and amount refunded (if any). If a claim is submitted to the Office of Personnel Management, Financial Operations records the date it is forwarded and subsequently records the action taken by the Office of Personnel Management and the date of the action.

e. Informing Interested Persons of Final Determination - Financial Operations advises the employee and/or other persons interested in the claim of the final determinations in the case. Where a waiver in whole or in part is granted and the claim was previously paid by the employee or other person, the payor is informed of his or her right to a refund of the amount waived, if applied for within two years after the waiver is granted. A request for refund of any repayments may be included in the application for waiver. If so, and waiver is granted, refund action is automatically



initiated. If waiver is denied and the amount was not previously repaid, collection action for the indebtedness is immediately reinstituted. Section 9.9.6.2 Filing Waiver Applications After Final Determination Made Financial Operations maintains an individual folder for each case containing all documents relating to it, including any separate refund requests. This file is the written record in each case and is required to be available for six years and three months for review by the Office of Personnel Management.

#### Section 9.9.7 Limitations On Waiving Claims

- a. Time Limitations - Conditions for waiver: An application for waiver must be received by the Office of Financial Operations within 3 years immediately following the date on which the erroneous payment was made.
- b. Other - Any erroneous payment that is the subject of an exception made by the Comptroller General may not be waived by the Broadcasting Board of Governors.

#### Section 9.9.8 Other Provisions

- a. Amount Waived Deemed a Valid Payment - An erroneous payment of pay or allowance that is waived is deemed a valid payment for all purposes.
- b. Refunds - Taxable claim amounts waived and refunded are included as a part of wages reported on the employee's Form W-2, Withholding Statement, for the current taxable year. All waiver refunds are charged to the appropriation and allotment from which the erroneous payments were made.
- c. Employee Separating From The Broadcasting Board of Governors - When an employee is separating from the Broadcasting Board of Governors and has filed application for waiver of an erroneous payment which has not yet been finally adjudicated, the amount of the erroneous payment will be withheld from his or her final salary payment. If waiver is subsequently granted, the amount will be refunded.

#### Section 9.9.9 Appeal to Denied Claim

- a. Upon notification of claim denial or disapproval, the requestor make a request for an appeal.
- b. Appeals are made in writing to the Executive Director of the BBG within 30 days of notification. Requests for appeal must include written justification for waiver.
- c. Upon receipt, the Executive Director will request case files from the Office of Financial Operations for review.
- d. The Executive Director shall review appeal request case files and make a final determination. This decision is final and may not be appealed.

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**TITLE 7**  
**PART 100 – ACCOUNTING PRINCIPLES AND STANDARDS**

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## 101 Scope

The Agency's financial management system shall incorporate generally accepted accounting principles and standards for Federal agencies in accordance with instructions identified in OMB Circular A-134 Financial Accounting Principles and Standards .

## 102 Authorities

- 102.1 Chief Financial Officers Act of 1990 (Pub. L. No. 101 – 576)
- 102.2 Accountability of Tax Dollars Act of 2002 (Pub. L. No. 107 – 289)
- 102.3 The Anti-Deficiency Act (31 U.S.C. 1341)
- 102.4 Budget and Impoundment Control Act of 1974 (2 U.S.C. 681)
- 102.5 Federal Managers' Financial Integrity Act of 1982, Pub. L. 97-255 (31 U.S.C 3512)
- 102.6 OMB Circular A-136 Financial Reporting Requirements

## 103 Hierarchy for Accounting Principles and Standards

The American Institute of Certified Public Accountants (AICPA) designated the Federal Accounting Standards Advisory Board (FASAB) as the body that establishes accounting principles for federal entities. The AICPA's hierarchy of generally accepted accounting principles (GAAP) in Statement of Auditing Standards (SAS) No. 91, The Federal GAAP Hierarchy, governs what constitutes GAAP for U.S. government reporting entities. The hierarchy lists the priority sequence of sources that BBG will look to for accounting and reporting guidance.

For financial statements of federal governmental entities, the GAAP hierarchy is:

- 103.1 Category (a) - officially established accounting principles, consists of FASAB Statements and Interpretations, as well as AICPA and Financial Accounting Standards Board (FASB) pronouncements specifically made applicable to federal governmental entities by FASAB

Statements or Interpretations. FASAB Statements and Interpretations will be periodically incorporated in a publication by the FASAB.

103.2 Category (b) - consists of FASAB Technical Bulletins and, if specifically made applicable to federal governmental entities by the AICPA and cleared by the FASAB, AICPA Industry Audit and Accounting Guides and AICPA Statements of Position.

103.3 Category (c) - consists of AICPA Accounting Standards Executive Committee (AcSEC) Practice Bulletins if specifically made applicable to federal governmental entities and cleared by the FASAB, as well as Technical Releases of the Accounting and Auditing Policy Committee of the FASAB.

103.4 Category (d) - includes implementation guides published by the FASAB staff, as well as practices that are widely recognized and prevalent in the federal government.

"In the absence of a pronouncement covered by rule 203 or another source of established accounting principles, the auditor of financial statements of a federal governmental entity may consider other accounting literature, depending on its relevance in the circumstances. Other accounting literature includes, for example, FASAB Concepts Statements; the pronouncements referred to in categories (a) through (d) described above when not specifically made applicable to federal governmental entities by the FASAB; FASB Concepts Statements; Governmental Accounting Standards Board (GASB) Statements, Interpretations, Technical Bulletins, and Concepts Statements; AICPA Issues Papers; International Accounting Standards of the International Accounting Standards Committee; pronouncements of other professional associations or regulatory agencies; Technical Information Service Inquiries and Replies included in AICPA Technical Practice Aids; and accounting textbooks, handbooks, and articles. The appropriateness of other accounting literature depends on its relevance to particular circumstances, the specificity of the guidance, and the general recognition of the issuer or author as an authority.

## 104 Fund Control

104.1 Definition - The term "fund control" refers to management control over the use of funds to ensure:

- a. Funds are used only for authorized purposes;
- b. They are economically and efficiently used;
- c. Obligations and expenditures do not exceed the amounts authorized; and
- d. The obligation or expenditure of amounts authorized is not reserved or otherwise deferred without Congressional knowledge and approval.

104.2 Fund Control System - In accordance with the Fund Control Policy and Regulations, the BBG has established the following fund control system.

- a. Apportionment and Reapportionment of Appropriations - The Chief Financial Officer (CFO) has delegated to the Director, Office of Budget, the responsibility for requesting apportionments and reapportionments in accordance with operating plans approved by the Office of Budget, and the responsibility for reporting on the use of apportionments and reapportionments to the Office of Management and Budget.

b. Fund Controls - The control of appropriations and/or funds within consolidated financial plans and apportionments and reappropriations is exercised by allotment authorities, which are delegations of authority to issue allotments; allotments; operating allowances; and systems for the control of obligations and disbursement documents. It is the Agency's policy to establish fund authorizations for budgetary control at the highest practical levels. The following principles apply:

(1) Allotment authorities are issued to officers of major organizations that have autonomous or semiautonomous organizations reporting to them.

(2) Allotments are made to officers at the major organization level. In addition, allotments shall be issued to officers of autonomous or semiautonomous organizations by officers of major organizations receiving allotment authorities.

(3) Operating allowances are issued within allotments where necessary to facilitate control against allotments.

(4) It is also policy to limit the number of allotments to those essential to assure that obligations are not incurred in excess of apportionments and reappropriations. The number of allottees assigned to each allotment for each appropriation or fund for which the allottee has operational responsibility is also limited. Reliance on systems of multiple allotments to provide analysis of obligation activity shall be avoided.

(5) Advices of Allotment are issued by the Director, Office of Budget, in conformance with approved financial plans, and within the amounts and limitations of apportionments or reappropriations made by the Office of Management and Budget.

(6) The Director, Office of Budget is responsible for assuring, with respect to all funds, including trust funds, that:

- appropriate accounting is performed to provide for accurate disclosure of the status of all appropriations and other forms of obligational authority in terms of apportionments, allotment authority, allotments, operating allowances, obligations, and disbursements;
- allotments do not exceed apportionments and reappropriations; and
- amounts recorded and reported as obligations are valid obligations as defined by law in accordance with Section 1311 of the Supplemental Appropriations Act of 1955.

(7) Each official who receives an allotment of funds is responsible for:

- restricting obligations to the amounts available in such allotments;
- identifying an obligation with the applicable appropriation or fund and allotment at the time it is incurred;
- certifying funds are available before the applicable obligation documents are released and recorded;
- authorizing payments when goods are received or constructive receipt occurs (e.g., issuance of a receiving report or notice that services had been received); and
- reviewing unliquidated obligations and deobligating them when appropriate.

(8) Obligations incurred or disbursements made in excess of the amount permitted by an allotment constitutes a violation of the Anti-Deficiency Act as amended.

(9) The allotment accounts shall be the official allotment accounting records and the amounts there shall be under General Ledger control. Allottees shall also be responsible for controlling the rate of obligations in accordance with the approved financial plan, specifically to prevent the exhaustion of funds prior to expiration of an allotment.

(10) For purposes of effective financial planning, including fund control, data on commitments shall be accumulated in accounting records in advance of their becoming valid obligations. When the records are used to prepare official reports on incurred obligations, the reports shall include only valid obligations as defined by law.

c. Limitations Within Appropriations - Dollar limitations imposed by law within the scope of appropriations shall be provided by:

(1) Identifying statutory limitations in the allotment and General Ledger accounts.

(2) Verifying the availability of funds within the statutory limitations when obligating documents are certified for availability of funds within allotments and operating allowances.

d. Deferrals and Rescissions - The BBG will conform to prescribed guidelines and procedures within its accounting system in accordance with the Congressional Budget and Impoundment Control Act of 1974. Budgetary authority may be temporarily withheld from obligation through the apportionment process for anticipated rescissions, fiscal policy considerations, or for other reasons. However, all funds deferred through the apportionment process, as well as apportioned funds provided for a specific purpose or project that are being obligated at a pace slower than intended by the Congress, must be reported to the Congress in a special message from the President.

105 Assets - Assets are recorded in the accounting records when acquired. They may not be written off, written down, disposed of, or allowed to leave the possession of the BBG without proper authorization.

105.1 Cash Resources - General Ledger accounts are maintained by appropriation or fund account and shall include foreign currency in order to disclose complete and current information on cash resources. Cash must also be distinguished by entity, non-entity and restricted cash balances.

a. Collections

(1) All collections shall be recorded on the day received and shall be deposited, to the maximum extent possible, on the same business day. Collections received after the cut-off time for a same day deposit shall be recorded on the day received even when the deposit cannot be made on the same day.

(2) Cash or negotiable instruments received from contractors or others as bid deposits, performance collateral, or in trust for other reasons shall be promptly deposited. Checks, bonds, or other negotiable instruments are recorded when received and deposited in either a Treasury authorized account or in accordance with the arrangements made with the appropriate U.S. Disbursing Officer if collected overseas. At posts other than service centers, negotiable instruments will be held in a secure facility under the control of the Management officer. Proper subsidiary records shall be maintained to identify the deposits, and in locations where General Ledgers are maintained, reconciliation with the General Ledger shall be made at least monthly.

b. Disbursements

(1) Responsibility for certification of vouchers for payment as well as scheduling of vouchers for payment shall be identified clearly, and no payment shall be made unless the applicable voucher has been certified for payment. Disbursements are recorded as of the date of certification of the applicable payment schedule Form SF-1166, *Voucher and Schedule of Payments*. Controls shall be implemented to prevent duplicate payments.

(2) Late payment penalties and lost discounts shall be a cost of operations, which is consistent with the Prompt Payment Act as amended (P.L. 97-177 and P.L. 100-496), OMB Circular A-125, and Treasury regulations.

c. Imprest Funds

(1) The officer having supervisory responsibility over an overseas cashier is responsible for supervision of cashier activities within prescribed policies and procedures. This supervision includes periodic unannounced verifications of cashier funds. Verification shall be made at least quarterly, and at irregular intervals, to avoid long undisclosed shortages. Balances will also be verified any time imprest fund accountability is transferred. Director, Office of Financial Operations (OFO) has these same responsibilities for domestic cashiers.

(2) In accordance with Treasury Financial Manual requirements, imprest funds that support domestic activities shall be charged to apportioned funds and identified as entity cash.

105.2 Accounts Receivable - Accounts receivable arise from claims to cash or other assets. The BBG has several different types of accounts receivable that must be tracked. Specific types of receivables include:

a. Reimbursements from other U.S. Government agencies. The agency shall establish receivables for reimbursements from other U.S. Government agencies for services rendered under interagency agreements.

b. Employee Receivables. Receivables, as opposed to advances, are established for employees for various debts including overpayment of salary, overpayment for moving and storage of household effects, medical costs and outstanding travel advances beyond the time period for timely repayment.

c. Vendors, Contractors and Others. Receivables arising from overpayments, adjustments to billings, and for checks with insufficient funds are established when they occur.

d. Foreign Governments Receivables. Receivables arising from international agreements are established when an agreement determines an amount must be paid to the U.S. Government.

e. Value Added Tax (VAT) From Foreign Governments. All amounts arising from value added tax payments to foreign governments should be booked as receivables even though they are not considered budgetary resources until received. Once received the VAT refunds are to be recorded as expenditure refunds credited against the original obligation from which they were expended.

f. Recording Procedures – Receivables are recorded in the General Ledger and details reported in the Open Billing Report.

g. Allowance for Uncollectible Accounts Receivable - Losses on receivables should be recognized in the accounting period when it is more likely than not that the receivables will not be totally collected. For the BBG, “more likely than not” means that there is more than a 50 percent chance that a receivable will not be collected. Essentially, the amount in the allowance for uncollectible accounts receivables should be estimated on the annual reporting date or when sufficient evidence suggests that the latest estimate does not realistically present the gross amount of receivables at their net realizable value.

#### h. Responsible Organization for Determining Write-Off Requirements for Uncollectible Accounts Receivable

(1) At least annually and more frequently if necessary, losses due to uncollectible amounts must be measured in a systematic manner based on an analysis of individual accounts. OFO must analyze anticipated losses from uncollectible domestic receivables and will assist overseas offices in their review of overseas receivables. Estimates of uncollectible amounts should be based on (1) debtor's ability to pay, (2) debtor's payment record and willingness to pay, and (3) potential to recover amounts from secondary sources, including liens, garnishments, cross-collections and other applicable tools.

(2) OFO will consolidate estimates from overseas and domestic organizations to determine the total amount of uncollectible accounts receivable to be recorded in the Agency's General Ledger. Since the allowance for losses generally cannot be based solely on the results of individual account analysis, additional factors, such as the nature of accounts receivables, may be considered. If circumstances warrant, OFO may assess the potential loss by grouping individual losses into the following groups:

- debtor categories (business firms, state and local governments and individuals);
- geographic regions (foreign countries and domestic regions).

105.3 Accounting for Interest Receivable - Interest receivable should be recognized for the amount of interest income earned but not received for an accounting period. Interest receivable should be recognized as it is earned on investments in interest-bearing securities. Interest should also be recognized on outstanding accounts receivable and other U.S. government claims against persons and entities in accordance with provisions in 31 U.S.C. 3717, Interest and Penalty Claims.

a. Recording Interest Receivable and/or Received - No interest should be recognized for accounts receivable or investments that are considered uncollectible unless the interest is actually collected. However, until the interest requirement is officially waived by the BBG or the related debt is actually written off, interest accrued on uncollectible amounts should be disclosed. Also, actual payments received from the debtor are required to be applied first to penalty and administrative cost charged, second to interest receivable, and third to outstanding debt principal.

b. Recording Interest Receivable From Federal Entities - Interest receivable from Federal entities should be accounted for and reported separately from interest receivable from the public.

#### 105.4 Advances and Prepayments

a. Advances are cash outlays made by a Federal entity to its employees, contractors, grantees, or others to cover a part or all of the recipients' anticipated expenses or as advance payments for the cost of goods and services the entity acquires (e.g., travel advances, cash or other assets distributed under a contract, grant, or cooperative agreement). Prepayments are payments made by a Federal entity to cover certain periodic expenses before those expenses are incurred. Typical prepaid expenses are rents paid to a lessor at the beginning of a rental period. However, progress payments made to a contractor based on the percentage of completion of the contract are not advances or prepayments.

b. Prepayments of expenses applicable to future periods such as prepaid rent, shall be recognized in the accounts as assets which, like other payments made in advance of the receipt of services or benefits, constitute neither costs nor accrued expenditures. They develop into and shall be recognized in future accounting periods as costs and accrued expenditures as the value of the allocated portion is earned by the payee through performance. In the event that advance



payments, including such prepayments, are neither earned by the payee nor returned or otherwise recovered, they shall be recognized as costs (losses) and accrued expenditures in the accounting period in which uncollectibility is determined.

c. Advances and Prepayments that Need to be Recorded - The BBG extends a number of advances and prepayments to employees and others for a variety of different reasons. Each type must be recorded in a separate subsidiary ledger, reconciled and posted to the General Ledger at the close of each accounting period to the extent the existing financial management system will allow. Also, separate accounts for each type of advance or prepayment shall be maintained to distinguish between public, other government agency, and intra-agency transactions. The most common type of advances and prepayments include the following:

(1) Travel Advances issued overseas -funded travel advances issued by overseas offices and funded by overseas allotments for temporary duty travel (TDY). These advances are tracked by an individual's name and must be repaid within 30 days of completion of travel.

(2) Washington-funded travel advances for worldwide international assignment travel and for authorized TDY under stateside allotments or operating allowances. Each advance is tracked by an employee's name in a specific allotment or allowance account.

(3) Salary advances for permanent change of station costs are tracked and repaid by salary deductions. Repayment must be tracked by an employee's name and completely repaid in 18 pay periods or less. The amount of each advance is recorded and reported by individual employee and managed through the payroll system.

(4) Advances for contracts are made in advance of performance under the terms of a contract. Such a payment is a contract advance if the performance has not occurred before the end of the accounting period. For example, guarantee deposits are classified as contract advances. Other examples are deposits for meters and communications equipment where the recovery of the payment for goods or services is to be effected at some future date. Advances of this nature are tracked by the vendor in a subsidiary ledger and either repaid by the vendor or offset against the cost of goods delivered or services performed.

(5) Other advances are made for certain expenses funded by overseas allotments and paid by overseas offices, for example, cash deposits to the Government Printing Office (GPO) for procurement of GPO publications. These advances are always short-term in nature and usually fully expensed by the close of an accounting period. However, residual balances need to be tracked in a subsidiary ledger, reconciled and posted to the General Ledger in accordance with the accounting period.

(6) Prepaid rents are advance payments on rental of equipment. Each advance is recorded in a subsidiary ledger by the name of the company or individual receiving the advance. If the advance payment is for a period greater than a month, the full amount is recorded in the subsidiary ledger and a pro rata share (based on the amount of the prepayment divided by the number of months in the period of agreement) will be deducted from the amount of the prepayment for each month. At the end of each reporting period, the remaining balance of the prepayments is reconciled and reported in the General Ledger as rental advances.

d. Accounting for Advances and Prepayments - The following will apply to all advances and prepayments recorded in the Agency's financial management system and shall be followed to the maximum extent possible:

(1) Advances and prepayments supported by subsidiary ledgers are to be posted to the General Ledger accounts by fund symbol. Records shall be maintained so that all transactions affecting advances/prepayments are included during the accounting period. Records of individual accounts shall be reconciled monthly with the balance shown in the General Ledger control accounts.

(2) Travel advances are recorded at the time the disbursement is made. When performance of the travel is documented (voucher submitted, etc.) and/or the advance is repaid, the expenditure is recorded and the advance amount is reduced, if appropriate.

(3) Amounts established for travel advances and other advances to employees, contractors, grantees, and others shall be classified separately in the General Ledger with corresponding subsidiary accounts to identify each debtor.

(4) All advances and prepayments will be recorded in U.S. dollars.

(5) The BBG shall pursue an aggressive collection policy and follow the standards promulgated by credit and debt collection legislation (e.g. Debt Collection Act, Federal Claims Collection Act, Credit Reform, etc.).

(6) Advances to employees are outlays for anticipated expenses or payments for goods and services even if the advance has not been charged to a funded allotment. Specific examples of advance transactions include advances for travel and quarters allowances. When advances are not repaid in accordance with BBG policies and procedures, they should be converted to an accounts receivable. In addition, advances and prepayments paid out by the BBG are assets to the BBG. Similarly, advances and prepayments received by the BBG are liabilities that may require repayment, delivery of goods or performance of services. Therefore, the advances and prepayments that the BBG paid out (assets) should not be netted against the advances and prepayments the BBG received (liabilities) when tracking and reporting advances and prepayments.

#### 105.5 Accounting for Inventory and Property

a. Statutory Requirements - Public Law 84-863 (31 U.S.C. 3512) provides that each Executive Agency shall account for its property transactions and holdings in terms of monetary value as an integral part of its accounting system.

b. Periodic Physical Inventories are Required - Physical inventories of FASAB-defined inventory items (e.g. items held for sale, operating materials, etc.) and non-expendable property shall be taken at regular intervals; i.e., at least once a year or at an equivalent cycle. Similarly, physical inventories of real property and leasehold improvements will be taken at least once a year.

c. Reconciliation of Inventory to Accounting Records - Quantities determined by physical inventories will be reconciled to the accounting records. Adjustments will be made on the accounting records.

d. Definition of Inventory and Operating Materials – Inventory is defined as tangible personal property that is (1) held for sale, (2) in the process of production for sale, or (3) to be consumed in the production of goods for sale or in the provision of services for a fee. Similarly, operating materials and supplies consist of tangible personal property to be consumed in normal operations. Specific items excluded from operating materials are: (1) goods that have been acquired for use in the construction of real property or in assembling equipment to be used by the entity; (2) stockpiled materials; (3) goods held under price stabilization programs; (4) foreclosed property; (5) seized and forfeited property and (6) inventory.

e. Computing the Inventory Value to be Recorded in the General Ledger - The inventory value to be recorded in the Agency's General Ledger at the end of an accounting cycle (at least annually) is either an aggregate amount recorded on an inventory record or the results of a physical count on the accounting period closing date. Items that could qualify include substantive products in support of commercial activities, and/or other products and services for which the BBG will ultimately assess a user fee or charge upon delivery.

f. Operating Materials Balances to be Recorded in the General Ledger - Operating materials and supplies shall be recognized and reported as assets when produced or purchased. The consumption method of accounting for the recognition of expenses shall be applied for operating materials and supplies. A dollar value for operating materials and supplies that does not exceed \$25,000 does not need to be recorded in the General Ledger.

g. Accounting for Other Asset Property - Other property not classified as fixed assets (e.g., books for permanent collections), whether acquired through purchase, voluntary conveyance, or other means, shall not be valued unless the asset or collection is capitalized. When an asset is valued and capitalized, its value will be recorded in a separate descriptive class of General Ledger and applicable subsidiary accounts. Gift fund items (e.g., furniture, rare documents, etc.) are not capitalized in the financial management system or reflected in the financial statements. While property accountability records will be maintained and the items will be valued for insurance purposes, the information will not be maintained in any official financial accounting system or the General Ledger. Borrowed property will be recorded in the General Ledger accounts for items loaned under a written acknowledgment of responsibility and offset by a liability account.

h. Property Management Records, Data and Systems - The Agency's financial management system utilizes information in the property management system managed by the Office of Engineering.

i. Real and Nonexpendable Personal Property Categories - The financial management system in conjunction with the property management system must accurately reflect real property values in the following categories:

- (1) Land;
- (2) Buildings; and
- (3) Communications Equipment;
- (4) Vehicles;
- (5) Medical Equipment;
- (6) Security Equipment;
- (7) Automated Data Processing Equipment;
- (8) Automated Data Processing Software;
- (9) Other Depreciable Personal Property; and
- (10) Non-depreciable Capitalized Property.

j. Capitalization Criteria

(1) Real Property. All real property that exceeds \$25,000 in cost, including items constructed on leased land to which the BBG retains title, shall be capitalized at the date of acquisition.

(2) Personal Property. Personal property should be classified as fixed assets and capitalized at the date of acquisition if:

- it is complete within itself;
- it does not lose its identity or become a component part of other property when put into use;
- its value equals \$25,000 on the date of acquisition; and
- it is of a durable nature with an expected service life exceeding two years.

k. Capitalized personal property that becomes permanently attached to real property will be removed from personal property records and added to the capitalized value of the real property. In the event capitalized personal property is subsequently removed from real property and either inventoried or sold, it will be reclassified as personal property in the appropriate asset account

(e.g., air conditioning chillers replaced on a building and subsequently sold as a separate item of property).

l. Valuation – Property, Plant and Equipment will be valued in accordance with applicable standards published by the FASAB. Management control over the cost of assets acquired by construction must assure that the cost of the work is kept within the authorized amounts and that accurate costs are recorded and transferred to the proper fixed property accounts when the work is finished. Accounts for the cost of facilities constructed by or for the BBG will include all material elements of costs, including those for:

- (1) Engineering, architectural, and other outside services for designs, plans, specifications, and surveys.
- (2) Acquisition of land (including easement and right-of-way costs), buildings, and other facilities.
- (3) Labor (including BBG employees), materials and supplies, and other direct charges.
- (4) An appropriate share of the equipment and facilities used in construction work.
- (5) Applicable indirect costs.
- (6) Fixed and severable collateral equipment and its installation to complete the facility for its intended use.
- (7) Inspection, supervision, and administration of construction contracts and construction work.
- (8) Legal fees and damage claims.
- (9) Fair value of contributed or donated land, facilities, utilities, labor, materials, supplies, services, and equipment.

m. Depreciation for Property, Plant and Equipment – The acquisition cost for Property, Plant and Equipment will be charged to depreciation expense in accordance with FASAB standards and standard General Ledger entries complying with the United States General Ledger.

(1) Depreciation rates will be established only on the basis of a reasonable estimate of the useful life of respective depreciable fixed assets and will consider estimated salvage value. Full recognition will be given to obsolescence in establishing useful lives for depreciation purposes. When appropriate, recognition will be given to cognizant Government agencies' determinations concerning the useful life or anticipated obsolescence of property.

(2) Depreciation rates will be reviewed at least every three years to determine the reasonableness of the rates.

n. Leasehold Improvements

(1) Major Improvements (Capitalized) - Major improvements include, but are not limited to, the cost of acquiring and installing new ceilings, permanent walls, lighting, carpeting, air conditioning, and safety and protective devices with a useful life longer than one year, and additions and improvements to buildings and other facilities. Major improvements shall be classified according to two lease categories—short term and long term. Improvements to leased properties shall be capitalized and depreciated over the estimated life of the lease, or the life of the improvement, whichever is less.

(2) Minor Improvements (Expensed) - Minor improvements are the costs for constructing or upgrading existing permanent walls, ceilings, lighting, and carpeting which are less than the capitalization criteria stated.

## 106 Liabilities

106.1 Accounting For Liabilities - Under accrual basis accounting, amounts owed to an individual, company, organization, or U.S. Government agency for the unpaid value of goods and services received and accepted are liabilities. Liabilities need to be accrued for goods received or services rendered, whether billed or unbilled, when they are identified.

106.2 Categories of Liabilities - Separate accounts shall be maintained for major categories of liabilities, especially intergovernmental liabilities.

106.3 Subsidiary Accounts - Subsidiary accounts shall be maintained as needed to identify the person or agency owed, and, when feasible or required, the form of payment to be made.

106.4 Liability Valuation - All liabilities shall be recorded and supported by reports of services rendered or goods received. Payroll liabilities shall include all actual time in pay status to the end of the reporting period. In instances where the amount of the liability is not definitely established, the best estimate shall be recorded and then adjusted when definite information becomes available.

106.5 Accounts Payable - Accounts payable represents a specific class of liabilities defined by Federal Financial Accounting Standard Number 1. This standard covers accounts payable for amounts owed by a Federal entity for goods and services received in contract performance and rents due to other entities. Liabilities related to on-going continuous expenses such as employees' salary and benefits are not considered accounts payable under this standard. These items are classed as other current liabilities. Also, amounts owed for goods or services received from Federal entities represent intra-governmental transactions, and should be reported separately from accounts owed to the public.

a. Contractual Services - The amount of a payable under a contract depends upon when the Government becomes liable for payment of the services being produced or performed by the contractor. When a contractor manufactures or constructs according to agreed upon specifications, the accrued expenditure and liability shall be recorded on the basis of documented transactions. The categories of contracts for consideration in determining accruals are:

(1) Contracts in which the Government has a legal monetary liability as the work is performed by the contractor during the period of the contract. This is often best determined by estimating the percentage of the total contract that has been completed.

(2) Contracts in which no legal liability for payment exists unless all services covered by the contract are received by the Government. Under this type of contract, no payable occurs until all services are received.

(3) Contracts in excess of \$50,000 requiring performance according to Government specification. The payable will be based upon data obtained from the monthly contract financial report submitted by the contractor for each contract, provided the period of the contract exceeds 6 months. For contracts for periods of 6 months or less the amount is determined from the specific provisions in the contract governing completion dates and any holdbacks pending inspection.

(4) Contracts of \$50,000 or less, or for periods of 6 months or less, requiring performance according to Government specifications. Payables are determined through analysis of documentary evidence indicating receipt of goods and services and/or the degree of completion of each contract.

(5) Contracts for off-the-shelf items mass-produced and/or sold in the commercial market. Payable figures are figures based on receiving reports.

b. Rents and Leaseholds - When a rental or leasehold period is on a monthly basis and the period is from the first of one month to first of the following month, and the amount due has not been paid, the amount recorded as a payable is one month's rent.

c. Communications and Utilities - Where a service is billed on a first-to-the-end-of-the-month basis, and such service has been received (telephone, telegraph, light, water, heat, etc.) but not paid, the estimated undelivered order (obligation) established for the month(s) is the payable amount.

d. Petty Cash Purchases - The amount of the payable at the end of the reporting period is the balance of the undelivered orders (unliquidated obligations) which were established for petty cash purchases.

e. Semi-annual Orders (Requisitions) - When billings (inter-office transfers) are received prior to receipt of goods, the billing is not recorded as a payable. If neither goods nor billing has been received before the end of the reporting period, none of the undelivered orders (unliquidated obligations) for semi-annual orders is a payable.

f. Official Residence Expenses - The amount recorded as a payable at the end of the reporting period is the balance of the undelivered orders (unliquidated obligations).

g. Representation Expenses - The amount recorded as a payable at the end of the reporting period is the balance of the undelivered orders (unliquidated obligations).

h. Travel and Transportation (Under Travel Authorizations) - A payable as of the end of the reporting period is determined by analyzing undelivered orders (unliquidated obligations) in the document file as follows:

(1) If the travel authorization indicates that travel was to start but would not be completed before the end of the reporting period, the unpaid transportation costs plus the estimated per diem from the starting date of travel to the end of the reporting period is included as a payable.

(2) If the travel authorization indicates travel was to be performed and completed before the end of the reporting period, the entire unliquidated obligation for that travel authorization is recorded as a payable.

(3) If the travel authorization indicates TDY travel will begin and end overseas but no travel was to be performed before the end of the reporting period, the payable is recorded for that travel authorization when an expense is incurred (e.g., purchase of airline tickets).

(4) The above accounting treatment does not apply to international assignment travel; a special requirement is used in the BBG to determine payables under this account.

i. Transportation of Things (not under Travel Authorizations) - A payable exists for the amount of any bill of lading or an airway bill for shipment of pouches or freight charges on goods or material which is unpaid at the end of the reporting period.

j. Posting Accounts Payable to the General Ledger and Reconciling Subsidiary Ledgers - Whether automated or manual, subsidiary ledgers on current accounts payable will be maintained at the point where the payable was generated and/or the point where the payable is most likely to be certified for payment. Payables will be recorded in U.S. dollars.

k. Record Date - Each account payable shall be established (dated) when the payable is recognized as an amount owed. The subsidiary ledgers, whether manual or automated, shall be designed to group payables by age with the most current increment covering payables less than 30 days old. Other age groupings will be in increments of 30 days (31-60, 61-90, 91-120) and records will be maintained on the age of each payable. To comply with Prompt Pay legislation and OMB Circular A-125, all payables should be processed within 30 days or in accordance with the terms of the agreement establishing the payable. Further, the payables subsidiary ledger should provide sufficient information to isolate and accelerate past due payments.

106.6 Salary, Wages And Benefits - Liability accounts for accrued payroll, including employee benefits earned and not paid at the end of the accounting period, shall be separately identified from other accounts payable. The amount to be recorded as a payable at the end of the accounting period will be the balance of the amount committed. Similarly, a payable at the end of the reporting period for the following benefits will be determined in the same manner as salary and wages:

- a. post allowances;
- b. Foreign Service transfer allowances;
- c. home service transfer allowances;
- d. separate maintenance allowances;
- e. supplementary post allowances;
- f. living quarters allowances;
- g. temporary lodging allowances;
- h. miscellaneous allowances; and
- i. employer's contributions.

106.7 Annual Leave - The amount of annual leave earned and not taken shall be compiled quarterly for recording in the General Ledger and for use in preparing financial reports. At the end of the fiscal year the leave liability accounts in the General Ledger will be reconciled to employee leave records maintained in the payroll system and adjusted for any differences, leave lost, etc.

106.8 Accrued Pension Liability - The accrued pension liability and related costs shall be calculated annually according to approved actuarial assumptions and recognized in the accounts and financial reports. Severance pay is not an accrued pension liability even though it is a payable for benefits to former personnel. Except for FSN severance payments from the Foreign Service National Separation Liability Trust Fund (FSNSLTF), severance pay will be posted as a liability. The liability amount will be the balance of any undelivered orders (unliquidated obligations) at the end of the reporting period. Severance payments from the FSNSLTF are considered payables and should not be classed as an accrued pension liability.

106.9 Contingent Liabilities - Contingent liabilities shall be shown in the General Ledger when there is a high probability the government will be held liable and the amount owed can be reasonably estimated. Other contingent liabilities shall be explained by a footnote on the financial statements. Contingent liabilities include but are not limited to claims for recovery of price adjustments, personal property claims and claims of losses. Subsidiary records shall be maintained to support the contingent liabilities and shall be liquidated when a liability is established or the liability does not materialize.

106.10 Tort Claim - A tort claim is a liability against the U.S. Government that should only be identified as a payable when it has been legally adjudicated but not paid at the end of the reporting period. There will be no payable established while the claim is in litigation or still in the administrative resolution process. Only after a determination is made that an item is a payable, and whether it is a payable to (1) a Government agency or (2) other than a Government agency, should such item be recorded in the ledger.

106.11 Advances and Deferred Credits - Amounts received as advances prior to delivery of goods or services by the BBG shall be considered as deferred credits if they extend over multiple accounting periods. Deferred credits to revenue represent collections or other value received in consideration for services yet to be performed but which in the normal course of operations will be performed and the related revenue earned in a future accounting period. Deferred credits shall be recognized in the liability category of accounts and amortized as revenues during the period in which earned.

106.12 Installment Purchasing - Any property acquired under lease/purchase contracts, or similar arrangements, which in substance represent installment purchasing, shall be recorded as a liability and an asset at the lower of fair market value or present value of minimum lease payments. For lease/purchase contracts where no decision to buy has yet been made, the purchase price shall be recorded as a liability when the option to purchase is exercised.

106.13 Other Current Liabilities - The term "other current liabilities" is used to classify current liabilities that are not recognized in specific categories. Specific examples include accounts payable; interest payable; debt owed to the public, Treasury or other entities; and liabilities for loan guarantee losses. Other current liabilities may include accrued employees' wages, bonuses and salaries; accrued entitlement benefits payable; and/or annuities for the current fiscal year administered by trust, pension, or insurance program. In addition, when federal agencies receive advances and prepayments from other entities for goods to be delivered or services to be performed in the current year, the advances and prepayments are other current liabilities. Examples would include liabilities for deposit and trust funds entrusted to the BBG, and the amounts of unidentified collections held in suspense.

## 107 Financial Position

As defined by OMB Circular A-136, the net financial position of the BBG (i.e., unexpired appropriations, invested capital, cumulative results of operations) consists of the residual equity of the BBG after accounting for all known liabilities and equity of others. The BBG shall maintain sufficient financial data to determine a net financial position.

107.1 Unexpended Appropriations - Unexpended appropriations includes the portion of the Agency's appropriations represented by undelivered orders (unliquidated obligations) and any unobligated balances. Unobligated balances may include both available and unavailable amounts.

107.2 Invested Capital - The net investment of the BBG is based on the following components specified by OMB:

- a. the acquisition cost of capitalized fixed assets financed by appropriations;



- b. pre-credit reform loans financed by appropriations;
- c. the additional investment in a revolving fund to commence operations or begin a new activity;
- d. less the reduction in investment due to depreciation, amortization, bad debts related to pre-credit reform loans, sales or exchanges, donations, other disposals; and
- e. the return of initial investment to an investor; or the transfer to another entity of revolving fund.

107.3 Cumulative Results of Operations - The net difference between (1) expenses and losses and (2) financing sources, including appropriated capital used, revenues and gains, since inception of the BBG or fund.

107.4 Other Components - Other components of financial position include the fair market value of:

- a. donated assets accepted from governments (state, local, foreign, individuals or others) that have been capitalized in accordance with BBG capitalization criteria, plus
- b. costs incurred to place donated items in use, including assets acquired by discovery, adverse possession, and means other than purchase or transfer, less
- c. reductions for assets sold, transferred out, donated, used or consumed in operations (include the net assets and liabilities) transferred to or from other federal entities without reimbursement.

107.5 Future Funding Requirements - The BBG must disclose future funding requirements that represent liabilities, which are not covered by available budgetary resources.

107.6 Prior Period Adjustments - The opening balance associated with the Agency's net financial position should equal the closing balance of the previous accounting period. However, the opening balance of net position is to be adjusted for material accounting changes or error corrections.

## 108 Revenues

108.1 Types Of Revenues - The BBG realizes revenues from various sources, such as:

- a. Proceeds from sale of property and equipment.
- b. Deposit and transfer of trust accounts.
- c. Late payment penalties on amounts owed to the U.S. Government.

108.2 Accounting for Revenues - All revenues shall be recorded and reported in accordance with Federal accounting standards, which for the BBG will be in the month earned. The revenue, which shall be recorded and reported monthly includes:

- a. those established through billings;
- b. those earned through performance pursuant to advances received; and
- c. unbilled revenues established through accruals.

## 109 Expenses/Costs

109.1 Organizational Structure - One of the principal purposes of the accounting system shall be accounting for costs according to management responsibility in an organization. Under this concept, specific costs incurred by the BBG may be considered to be the primary responsibility and accountability of a designated official. Accordingly, cost data shall be identified and reported by organizational structure for major organizations and sub-organizations.

109.2 Function Structure - Cost information shall be accumulated and reported by function. Where necessary to meet specific management requirements, cost information may be collected by projects, programs, activities and sub-activities within functional elements.

a. Budget Activity - Cost information shall be accumulated and reported by budget activity.

b. Common Classification - Planned and actual costs shall be accumulated and reported in accordance with the common classification adopted for planning, programming, budgeting, accounting and reporting to function and major organization managers. The common classification adopted shall be according to management responsibility, and shall provide information for budget projections as well as deviations of actual costs deviate from planned or budgeted cost estimates. In addition to classifying costs by function structure, organization structure, and budget activity, costs shall be classified by major type of cost incurred (such as labor, materials, lump-sum contractual services, etc.). Costs shall also be classified by the major object classes prescribed by OMB.

109.3 Basic Principles and Elements of Costs - Costs shall be recorded on an accrual basis in the accounting period to which they apply. Examples of costs that must be accrued include:

- a. payroll and related benefits;
- b. materials and supplies;
- c. unfunded costs such as leave costs;
- d. travel, transportation and storage; and
- e. rents, communications, and utilities.

109.4 Personal Services - The accounting system shall record personal services costs at the time work is performed. Salaries and benefits earned but unpaid while in "duty status" shall be an element of cost that must be included in determining the actual cost of a program.

109.5 Accounting for Leave - As employees earn the right to be compensated for leave or other absences, a current cost shall be recognized for the amount of leave earned, regardless of when taken or paid. Leave costs constitute an element of personal compensation earned by employees while in pay status, regardless of when the leave earned is actually credited to the employee. The recognition of leave costs as they accrue has the effect of stating in accounts and reports personnel compensation costs on an effective (duty status) time cost basis. The difference between leave costs accrued and leave paid or pay-rolled reflects the difference between personnel compensation costs that are recognized for general and cost accounting purposes, and obligations incurred and accrued expenditures related to personnel compensation needed for fund control purposes. The leave liability and related costs shall be accrued monthly and reported quarterly at the major organization, function and budget activity levels. At the end of the fiscal year, the leave liability accounts in the General Ledger will be reconciled to employee leave records and adjusted for any differences, leave lost, etc.

109.6 Grants - Federal grants are cash assistance payments for specified purposes. In general, the BBG will maintain subsidiary records at the recipient level and report the cost of its grant activities on the basis of actual or accrued earning of grant funds on the part of the grantee. In addition, the accounting records will track grant costs by organization and functional element.

- a. Grants Made on a Reimbursable Basis - Accrued expenditures shall be recorded for unreimbursed work that constitutes a BBG liability to grantees. However, the accrued amounts must be based on quarterly reports received from grantees and/or grantee estimates in lieu of reports, when necessary for periodic reporting purposes.
- b. Grants with No Reporting Requirements - Payments to grantees under grants where no performance or reporting by grantees is required or where the payments are scheduled to correspond approximately with performance shall be accounted for as an accrued expenditure and as a cost incurred.
- c. Frequency and Level of Recording Costs - Grant costs shall be recorded against major organization and functional element levels. In general, these costs will be accrued monthly, (not less than quarterly) by the BBG.

#### 109.7 Overhead Costs

- a. Allocations - Indirect and overhead costing techniques shall be used to allocate the cost of the Agency's administrative support functions to the benefiting functions within the BBG, in order to determine the full (or loaded) cost.
- b. Consistent Methods - Allocations of overhead in accumulating costs for similar purposes shall follow consistent practices and procedures unless different circumstances justify a deviation. For instance, if the salary of a *management officer* is considered as overhead in accumulating costs for one function, the salary of similar *management officers* shall likewise be considered in accumulating costs of other functions for the same general purpose.
- c. Simplicity - The system for distributing overhead shall be such that cost data can be extracted from the expense accounts to disclose overhead costs. In making allocations of indirect costs, the basis that shall be used must be simple, reliable and in keeping with the purposes to be served.

#### 110 Accounting for Pay, Leave and Allowances

110.1 General - The systems for processing pay, leave and allowances shall be designed to ensure:

- a. Prompt payment in the proper amount to employees entitled to be paid;
- b. Payments are in compliance with applicable law and related regulations;
- c. Proper disposition of all authorized deductions from pay;
- d. Adequate and reliable payroll records and reports are maintained;
- e. Adequate control over all phases and segments of the system; and
- f. Coordination of pay, leave and allowance operations with personnel functions and other related activities.

110.2 Principles and Standards - The following principles and standards shall apply to the accounting of pay, leave and allowances.

- a. Uniformity of Procedures - The procedures for processing pay, leave and allowances shall be uniform within the BBG. The granting and paying of allowances to individuals at foreign posts of duty will be in accordance with regulations issued by the BBG.

b. Controls - Suitable control records and other control features over detailed payroll operations shall be maintained in order to provide evidence of the accuracy of such operations and to serve as a deterrent to payroll irregularities. The controls will include the following:

(1) Systematic control procedures will be applied to all pertinent documents affecting the payroll process to assure that the documents are properly taken into account in determining payroll amounts payable. No employee shall perform all phases of a transaction without the intervention of another person or persons. Employees engaged in the preparation and maintenance of documents authorizing or evidencing payments shall not service their own individual pay accounts.

(2) Control procedures will be incorporated in the payroll process to ensure that the processing of payroll data is accurately performed.

110.3 Collection of Indebtedness - Prompt action shall be taken for the collection of employee debts due to erroneous payments. The regulations established covering collection of erroneous payments to employees will comply with the requirements of the Office of Personnel Management.

## **TITLE 7**

### **PART 200 CASH MANAGEMENT**

#### **SECTIONS**

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**201 Scope** – Cash management operations of the BBG for the collection, deposit, disbursement, reporting and safeguarding of funds shall be carried out in accordance with the requirements established herein. These instructions define BBG-wide requirements governing U.S. Government depositaries established and utilized at posts abroad including the proper reporting of transactions involving Imprest Funds maintained with designated depositaries, either in U.S. dollars or in foreign currencies, and other related matters concerning Imprest Funds.

## **202 Authorities**

202.1 31 U.S.C., Chapter 33, Depositing, Keeping and Paying Money

202.2 31 U.S.C. Chapter 35, Accounting and Collection

202.3 Code of Federal Regulations Title 22, Chapter V

202.4 Treasury Financial Manual, Volume 1, Part 4, Disbursing, and Part 6, Chapter 8000, Cash Management

202.5 Federal Claims Collection Act (31 U.S.C. 3711)

202.6 Debt Collection Improvement Act of 1996 (P. L. 104-134)

202.7 Prompt Payment Act of 1982 as amended (P. L. 97-177)

202.8 “Cash Management Made Easy” guidebook, available at [www.fms.treas.gov](http://www.fms.treas.gov).

202.9 Treasury Financial Manual, Volume 1, Part 4, Chapter 9000, Foreign Exchange

202.10 Treasury Financial Manual, Volume 1, Part 4 - Chapter 3000, Third-Party Draft Procedures for Imprest Fund Disbursing Activities

202.11 Manual of Procedures and Instructions for Cashiers (referred to as the Treasury Cashier's Manual) reissued April 2001 operating under 31 U.S.C. 3321

202.12 GAO Policy and Procedures Manual for Guidance of Federal Agencies

202.13 Code of Federal Regulations (CFR), 48 CFR 13.305, on the uses of Imprest Funds for procurement

202.14 Department of State directive 4 FAH-3H-393.3-4, for overseas cashier responsibilities

202.15 31 U.S.C. 3332(a) - (e). electronic fund transfer (EFT) legislation

202.16 FMS, Department of Treasury, Imprest Fund Policy Directive dated November 9, 1999, and as codified in 31 CFR 208.4. (See Section 206.5 Waiver Authority to Maintain Imprest Fund.)

## **203 Definitions**

203.1 Accountable officer is any Government official who, on behalf of the United States, receives and maintains public funds, certifies vouchers, or maintains and draws checks upon accounts of the United States. This applies to any employee appointed as a cashier, sub-cashier, certifying officer, or collections officer. Employees of other agencies cannot be designated as an accountable officer of the BBG without special prior approval of the BBG and the other agency concerned.

203.2 Accountable officer's forms and reports are documents which are signed by an accountable officer in an official capacity which account for all funds entrusted to their care.

203.3 Cash-flow process and reporting include each process related to the collection or disbursement of BBG funds held outside the Treasury documented in a report summarizing the opportunities for cash management improvements.

203.4 Cash Held at Personal Risk – Cash that the cashier keeps on hand for the purpose of making miscellaneous cash payments that he/she is personally responsible for and may have to replace if it is lost, stolen, or misappropriated.

203.5 Cashier – An employee who has been designated as a cashier by the Director, Office of Financial Operations (OFO), and is thereby authorized to perform limited cash disbursing functions. Cashiers are divided into two categories:

Class A Cashier – One who receives an advance from a disbursing officer for an Imprest Fund, is accountable in his/her own name to the disbursing officer and has not been authorized to advance an Imprest Fund to another cashier, except his/her alternate.

Class B Cashier – One who receives an advance from a disbursing officer for an Imprest Fund and is authorized to advance an Imprest Fund to his/her own alternate and to a sub-cashier. The Class B cashier is accountable in his/her own name to the disbursing officer for the entire amount of the advance received.

Sub-cashier – An employee of the BBG who has been designated to receive an Imprest fund from a Class B cashier, is under the supervision of the head of the same local office as the cashier from which he/she receives his/her advance, is accountable to such cashier for the funds received and is stationed within a reasonable distance to the advancing cashier. The provisions with respect to payment limitations and safekeeping which apply to cashiers also apply to sub-cashiers.

203.6 Cash management is the practices and techniques designed to accelerate and control collections, ensure prompt deposit of receipts, improve control over disbursement methods, and eliminate idle cash balances.

203.7 Cash management review is the ongoing review of the BBG's cash flow, which includes monitoring the efficiency, effectiveness, profitability, and corresponding cash management processes or mechanisms to identify areas of improvement.

203.8 Deposit cutoff time is a time designated by a financial institution beyond which transactions presented or actions requested will be deferred to the next business banking day.

203.9 Designated depository is the financial institution designated by Treasury to maintain U.S. Government accounts.

203.10 Funds or moneys are all currency and negotiable instruments (including blank stock and travelers checks) which are:

- a. Held (Imprest Funds);
- b. Paid out (disbursed);
- c. Owed to (payables); or
- d. Collected (receipts) by the BBG.

203.11 Imprest Fund is a fixed cash fund in the form of currency and coin charged against BBG's appropriation which has been advanced by an official government disbursing officer to a duly authorized cashier for cash payment purposes, as specified in his/her designation or authorization.

203.12 Reconciliation is the process of balancing available funds and records (cash, negotiable instruments, etc.) to report the accountability of a fund or account. Typically, reconciliation is performed by



the accountable officer or employee on a daily, weekly, or monthly basis, depending on the volume of transactions, to test the accuracy of debit and credit transactions along with other records which affect the balance of an account.

203.13 Verification is the process of testing the accuracy of a statement, fund, or report (e.g., reconciled reports) including the physical count of money and visual inspection of documents in sufficient detail to attest to their truth. Verification is always performed by a person other than the person who issued the statement, maintained the fund, or prepared the report.

## **204 UNITED STATES GOVERNMENT DEPOSITARIES**

204.1 Management Controls - This section is designed to comply with the Federal Managers' Financial Integrity Act of 1982 (31 U.S.C. 3512(b)) to establish a system of internal controls. Internal control systems are to reasonably ensure that the following objectives are achieved:

- a. Obligations and costs comply with applicable law; all assets are safeguarded against waste, loss, unauthorized use, or misappropriation; and
- b. Revenues and expenditures applicable to agency operations are recorded and accounted for properly so that accounts and reliable financial and statistical reports may be prepared and accountability of the assets may be maintained.
- c. Internal controls are essential to achieve the proper conduct of Government business with full accountability for the available resources. Internal controls also facilitate the achievement of checks and balances against undesired actions.

204.2 Cash Management - The BBG, through the Director, OFO, will develop and maintain a distinct set of written internal procedures covering the subject of cash management initiatives for timely collection and prompt deposit of receipts, appropriate disbursement methods, and elimination of idle cash balances.

- a. Each initiative will be based upon a cash management review to determine whether the BBG is billing, collecting, and depositing in compliance with regulations, and making disbursements according to the Prompt Pay Act of 1982. Each review will document the cash-flow and determine if any opportunity exists to implement or upgrade a process.
- b. Cash management reviews will be conducted according to guidelines in Treasury Financial Manual (TFM), Vol I, Part 6, Section 8075.30. Treasury reserves the right to periodically review the BBG's cash management program to assure that adequate progress is being made to improve cash management.
- c. Treasury reviews the cash-flow report and may issue a warning letter identifying initiatives that are not being implemented on schedule and an amount that may be charged for non-compliance. A Notice of Deficiency may be issued if the initiative is not brought into compliance, with the BBG being charged a penalty. The appeal process available to the BBG is provided in TFM, Vol I, Part 6, Section 8080.40.

204.3 Prompt Payment - The Prompt Payment Act, as amended (Pub. L. 97-177) requires Federal agencies to pay their bills within specified timeframes, to pay interest penalties when payments are late, and to take discounts only when payments are made within the discount period.

- a. Certifying officers and United States Disbursement Officers (USDOs) will make payments as close as possible to, but no later than, the due date, or, if appropriate, the discount date. Payments will be based on receipt of proper invoices (bill or other written request for payment) and satisfactory performance of contract terms. Certifying officers and USDOs will pay interest penalties and charge interest penalty payments, within funds available, to the account of the administration or operation of the program for which the penalty was incurred.

b. Payments to all vendors are subject to the Prompt Payment Act, including foreign vendors in foreign countries. However, if local conditions make it difficult or would prohibit meeting the 30-day prompt pay requirements, offices should revise the contracts or agreements to provide a realistic due date for payment. The contract terms, not the Prompt Payment Act provisions, govern the specific circumstances. Offices should consult with their servicing USDO to determine the appropriate time frame to include in their contractual agreements for payment processing.

#### 204.4 Forms and Related Procedures

a. The Department of the Treasury shall have responsibility for establishing all general and specific types of disbursement, collection, and reporting forms, except that the BBG, in coordination with the Department of State, shall have responsibility for establishing forms falling clearly within its functional area abroad. The BBG also has responsibility for all forms related to transportation and the reimbursement of travel expenses.

b. Procedures for the use of a particular form shall be prescribed by the respective agency responsible for the form.

204.5 Documentation of Financial Transactions - All financial transactions, whether they involve cash, check, or electronic transfer, for the payment (disbursement) and/or receipt (collection) of amounts owed by or due to the BBG shall be documented on prescribed forms. Forms used abroad are to be approved by the Director, OFO.

a. Each collection shall be identified sufficiently to enable it to be deposited by the collection officer as required by law and for audit of the transaction. (See Section 205.)

b. Each disbursement shall be supported by basic payment documents, including applicable purchase orders, contracts, receiving reports, bills, invoices, statements of accounts, etc., showing sufficient information to account adequately for the disbursements and to enable an audit of the transactions and make settlement with the certifying or disbursing officers as required by law.

#### 204.6 Separation of Duties

a. BBG employees shall be assigned duties that are not in conflict with other duties the individual performs. When assigning the following duties, a supervisor should scrutinize the functions the employee already performs and assign accordingly, avoiding any conflict of interest and the appearance of impropriety:

- (1) Purchasing goods and services;
- (2) Recording the receipts of goods and services;
- (3) Examining invoices;
- (4) Preparing vouchers;
- (5) Certifying vouchers;
- (6) Authorizing the hiring of employees;
- (7) Keeping time records;
- (8) Preparing payrolls;
- (9) Billing receivables; and
- (10) Managing computer system operations.

b. If such separation of duties is not practicable, preventive checks and controls must be scrupulously carried out and supplemented with internal reviews.

#### 204.7 Right to Advance Decision

a. An accountable officer has the right to apply for and obtain a decision by the Comptroller General on any question of law involved in payment of any voucher presented for payment (31 U.S.C. 3529). A

request for such a decision must be accompanied by a copy of the voucher and each supporting document involved with a duplicate copy of the request being sent to OFO. Requests are to be sent to:

U.S. Government Accountability Office  
441 G Street, N.W.  
Washington, D.C. 20548

b. In lieu of requesting a decision by the Comptroller General for items of \$1,000 or less, an accountable officer may rely upon written advice from an agency official designated by the Chairman of the BBG. The Chairman has designated the Chief Financial Officer (CFO). If payment is advised, a copy of the document containing such advice should be attached to the voucher and will be considered conclusive settlement of the accounts involved.

## **205 Collections**

205.1 Refunds - All refunds and repayments received by BBG domestic bureau offices are to be sent to the OFO immediately upon receipt. At that time, supporting documentation must be provided by the bureau, indicating the reason for the refund or repayment and the fiscal data pertaining to the obligation to which the original payment was made, in order to return the monies to the appropriate obligation or allotment. The monies are deposited immediately into BBG's account with a designated financial institution, and the refund is recorded in the financial system according to the information provided by the bureau.

205.2 Proceeds of Sale - Proceeds from the sale of worn or outdated equipment is to be deposited into BBG funds upon receipt. The monies are to be recorded in fund X0206, allotment E008, Proceeds of Sale – ENG, or allotment V021, Proceeds of Sale – VOA, and are available for reapportionment through OMB. If the bureau which owned and sold the equipment desires to apply the proceeds of the sale toward the purchase of equipment to replace that which was sold, a written request must be submitted to the Director, Budget Office justifying the purchase. If approved, the Budget Office will then reallocate, apportion, and allot the funds to that bureau.

205.3 Travel Advance Repayments - Advance payments are made to BBG employees for the purpose of traveling on a Temporary Duty assignment (TDY) or for a Permanent Change of Station (PCS) move. Upon return from travel or, in the case of an employee relocating, the employee reaching their final destination, proper travel vouchers and receipts must be submitted to the OFO or post (for overseas), and a reconciliation of the traveler's expenses is performed. If the advance paid exceeds travel-related expenses, the traveler must reimburse the BBG for the difference immediately. Conversely, if the traveler's expenses exceed their advance, they will be reimbursed for the difference at that time.

### **205.4 Salary Advance Repayments**

a. Permanent Change of Station to Domestic Locations - When a newly appointed employee of the BBG requests a salary advance to assist with the transition into their new position/location, and it is approved, the maximum advance allowed may not exceed the amount of the basic pay to be earned by the employee for two full pay periods, minus mandatory deductions. Repayment of the advanced salary is outlined in a signed agreement between the new employee and the BBG. Recovery of the advanced pay will be accomplished through salary offsets and will be completed within 13 pay periods beginning on the date of appointment of the employee. If the employee transfers to another agency or employment with BBG is terminated for any reason, any remaining balance on the advance is due and must be paid immediately.

b. Permanent Change of Station to Overseas Locations - When an employee is starting employment with the BBG at an overseas location, a salary advance of up to six pay periods of basic pay, minus mandatory deductions, may be approved to assist with their transition to their new position/location. Repayment of the advanced salary is outlined in a signed agreement between the new employee and the BBG. Recovery of the advanced pay will be accomplished through salary offsets and must be completed

within 18 pay periods beginning on the date of appointment of the employee. If the employee transfers to another agency or employment with BBG is terminated for any reason, any remaining balance on the advance is due and must be paid immediately.

205.5 Rebates - The BBG receives quarterly rebate checks from credit card companies for the purchase and travel card programs, based on the credit card activity during the quarter. Both the travel and purchase card programs have a distinct allotment in the accounting system, to which the respective rebate is recorded. The rebate is received within the first month following the quarter, is deposited upon receipt, and is posted to the appropriate allotment in the financial system. Funds deposited into these allotments are used to support the respective credit card program.

205.6 Interest Checks from Grantees - In accordance with agreements the BBG has with their grantees, all interest earned on funds provided to the grantee by the BBG, which have been deposited into interest bearing commercial accounts, is to be returned to the BBG. The grantee receives the interest from the financial institution and returns it to the BBG on a quarterly basis. BBG, in turn, deposits the check and records the receipt against fund 3220, a Miscellaneous Receipt Fund, to return the funds to the Treasury.

205.7 Collections on Reimbursable Agreements - The BBG enters into reimbursable agreements with, and is reimbursed for services provided to, other government agencies. The BBG collects funds due from these other agencies through the Treasury's Intragovernmental Payment and Collection (IPAC) system. After processing a collection in the IPAC system, the transaction is recorded in the BBG's accounting system, applying the collection against the open billing document set up for that particular reimbursable agreement.

#### 205.8 Overseas Collections

a. Checks for payment of refunds or debt collected at overseas locations, whether from a vendor or an employee can be handled in a number of ways.

(1) The check can be sent to the Administrative Program Manager for VOA or Engineering in Washington, D.C. The Administrative Program Manager will then forward the check and the applicable fiscal data to the OFO, where it will be deposited and recorded against the allotment/obligation provided by the Administrative Program Manager.

(2) The check can be sent to the Department of State Charleston or Bangkok Financial Service Center, where it is processed for deposit and entered into the overseas financial system.

(3) The check can be scanned to the Federal Reserve Bank for deposit. The information regarding the deposit (transmittal number, transmitted amount, post code and cashier code) is provided to the Department of State Financial Service Center and is recorded in the overseas financial system.

b. Cash collections are accepted at overseas posts and are placed into the Imprest Fund, thereby increasing the cashier's accountability. A form within the WinACS system used for Imprest Funds at overseas sites is completed by the cashier. The cash is transferred to the cashier's cash advance in order to reduce replenishment requests (4 FAH 396.5). WinACS permits the cashier to transfer up to the amount of cash on hand.

### 206 CASHIER OPERATIONS

#### 206.1 Responsibility for Cashier Policies and Procedures

a. The Director, OFO, is responsible for promulgating and publishing policies and procedures for cashier operations.

b. Policies and regulations established by law, the Department of the Treasury, the Government Accountability Office, and by this and other referenced Broadcasting Administrative Manual (BAM)

sections may not be changed or waived by the cashier, the cashier's supervisor, or any employee at an overseas post or office in the United States. BBG policies and procedures are based on specific legislative authorities, regulations, and good management practices. Changes and exceptions to the policies and procedures for cashier operations can only be considered when they do not violate statutory authorities, Federal regulations, or other governing authorities.

c. Post or bureau officials seeking a change or exception to any provision in Part 200, Cash Management, should contact the Director, OFO.

#### 206.2 Custody or Possession of Public Money

a. Except as provided by another law, an official or agent of the United States Government having custody or possession of public money shall keep the money safe without:

- (1) Lending the money;
- (2) Using the money;
- (3) Depositing the money in a personal account; and/or
- (4) Exchanging the money for other amounts, without specific authorization.

b. A person having custody or possession of public money, including any official having public money not for current expenditure, shall submit deposits of money without delay to the Treasury or a depository designated by the Secretary of the Treasury under law.

c. An official or agent of the Government having custody or possession of public money shall keep an accurate entry of each amount of public money received, transferred, and paid.

d. An official or agent not complying with this section may be removed from office and/or may be required to forfeit, to the Government, any part of the money held by the official or agent (to which they may be entitled) (31 U.S.C. 3302).

206.3 Supervisory Responsibility -At overseas locations, the correspondent or Station Manager, and, at domestic locations, the International Broadcasting Bureau (IBB) Director or his/her designee, has general supervisory responsibility for the financial management functions of the Imprest Fund maintained at their location. These responsibilities are to:

a. Ensure adequate equipment and secure facilities are provided for performance of disbursing and cashier operations;

b. Ensure personnel selected to perform cash management functions of disbursing, cashing, or collecting of funds are made aware of their accountability, responsibility and liability and are adequately trained to perform the function;

c. At overseas locations, ensure personnel are following specific instruction given to them by their respective USDO. Overseas Imprest Funds are guided by the Charleston and Bangkok Financial Service Centers;

d. Ensure regular hours are established during the official workday, and that such hours are conducive to the work environment for that particular location and allow sufficient time for the proper maintenance of official accounting records, verification functions, and preparation of fiscal reports as required;

e. Ensure reconciliation reports are filed with the USDO in a timely manner and a copy is being forwarded to OFO.

f. Investigate all suspected or alleged shortages or overages of cash or misuse of official funds and report such cases which cannot be satisfactorily resolved within 24 hours after discovery, to the BBG, OFO and, in the case of overseas Imprest Funds, their respective USDO.

g. Supervisory personnel failing to carry out the basic responsibility to assure protection of U.S. funds from waste, fraud, or misuse may be held personally liable for the repayment of the loss and/or may be subject to disciplinary action by the BBG.

206.4 Cashier Monitors – Overseas Imprest Funds - All overseas cashiers report to an individual cashier monitor (i.e., an employee working for the USDO) either at the Charleston Financial Service Center or at the Bangkok Financial Service Center. The Charleston and Bangkok Financial Service Centers are in contact with these monitors, who receive copies of all records and forms that the cashier sends to the Financial Service Centers.

206.5 Waiver Authority to Maintain Imprest Funds - In accordance with the Treasury FMS Directive cited in Section 202.16 the BBG continues to maintain Imprest Funds. Although FMS has directed that Imprest Funds be eliminated, the BBG is entitled to a waiver based on the following factors:

- a. Payments by EFT are waived in accordance the provisions of 31 CFR 208, Management of Federal Agency Disbursements, at Section 208.4; and
- b. The amount of each payment is less than \$25; or
- c. The political, financial, or communications infrastructure of a foreign country does not support payment by a noncash mechanism.

The BBG maintains written certification that our Imprest Funds meet one of the criteria above, which is filed in the OFO and is available for inspection and audit.

#### 206.6 Establishing a Cashier Operation

##### a. Action by Requesting Office

(1) A bureau chief or official of equal or higher rank requests, in writing, that the OFO establishes an Imprest Fund and recommends the employee to be designated as cashier and alternate cashier. One or more alternate cashiers should be named for each cashier, if possible.

(2) The request contains a brief justification that indicates the types of transactions and describes why the Imprest Fund is desirable. Normally, a Class A type operation is requested. If a Class B type is requested, the need for sub-cashiers should be explained. Each request shows the name, office, title of position, and office mailing address of the employees recommended to be the cashier, alternate cashier, and sub-cashier (if appropriate), the safekeeping facilities to be provided, and the estimated total amount of monthly expenditures to be made.

##### b. Action by the Office of Financial Operations

(1) The Director, OFO, determines if establishing a cashier operation is justified and in the best interest of the Government. The Director also determines, in consultation with the Office of Security, as appropriate, if facilities for safeguarding cash are adequate. BBG will not establish a cashier operation unless adequate safeguarding facilities are available. In consultation with the requesting office, the Director, OFO, will also determine the amount to be authorized and advanced, based on criteria suggested by the Treasury Department.

(2) The Director, OFO, prepares and signs SF-211, Request for Change or Establishment of Imprest Fund, for the designation of the principle and alternate cashiers.

(3) If OFO approves a request for a sub-cashier, it advises the sub-cashier by memorandum, with a copy to the Class B cashier.

(4) If OFO does not approve a request for cashier operation, it notifies the requesting official, in writing, stating the reason for the disapproval.

(5) A written request for advance of funds, with an attached approved copy of the SF-211, is forwarded for scheduling to the Treasury Regional Finance Center, or the USDO at the Charleston or Bangkok Financial Service Centers, on a SF-1166, Voucher and Schedule of Payments.

(6) Upon receipt of advance of funds check(s), OFO forwards check(s) to the designated cashier.

#### 206.7 Safekeeping, Training and Responsibility for Funds

##### a. Providing Approved Safekeeping Facilities

(1) The official who requests an Imprest Fund is personally responsible for assuring that approved safekeeping equipment is provided to the cashier for maintaining maximum security of the cash funds and receipts at all times. Cashiers for all classes (principal, alternate, or sub-cashier) must be provided separate safekeeping facilities.

(2) The safekeeping equipment must consist of a safe, or a combination and bar lock file cabinet within the cashier's office and a key lock cash drawer, in which the cash and receipts can be secured when not in the hands of the cashier. Cash may not be stored in file cabinets with key locks, the cashier's or any other employee's desk drawer, depositories in cashier's name only, or safe deposit boxes in cashier's name only.

##### b. Adequate Training for Cashiers

(1) Copies of the Cash Management Section of the BAM will be sent, along with the approved copy of the SF-211, to each newly designated cashier.

(2) The supervisor requesting the designation should ensure on-the-job training is given to the new cashier by the other cashier (principal/alternate) in that office.

(3) In the case of an overseas Imprest Fund, the User's Manual for WinACS, Automated Cashiers System will be provided to the cashier.

##### c. Supervisory Official's Responsibilities

(1) The supervisory official should assure that proper internal controls are established and maintained throughout each workday to protect the integrity of the cash and receipts. The following must be observed:

(2) No person other than the cashier assigned to the safekeeping equipment by the Office of Security is authorized physical access to the contents at any time.

(3) Whenever the cashier is absent from the immediate area, even for the briefest time, the cash drawer, receipts, etc., must be kept in his/her locked designated safe or combination and bar lock file cabinet.

(4) Arrangements must be made to adequately protect the cash funds and receipts during business hours, and at the same time, permit access to other file cabinets and records for the uninterrupted conduct of official business.

(5) The supervisory official should, from time to time, assure himself/herself that the cashier personally maintains maximum standards of security of the cash funds and receipts in his/her custody.

(6) Whenever there is a change of cashier, or when the combination has been compromised, the official must notify the Office of Security immediately for further guidance. In addition, upon discovery of a loss,

shortage, or theft of Imprest Funds, the supervisory official must immediately report all facts to the Director, OFO.

(7) The supervisor should make certain that adequate training has been given to his/her cashiers.

(8) The supervisory official is responsible for ensuring cash verifications and audits are performed as required.

(9) The supervisor is required to certify that he/she has read and understood the BAM, Title 7, Part 200, Section 206, Cashier Operations. A copy of this certification is to be submitted to OFO:

#### CERTIFICATION FOR SUPERVISOR

I certify that I have read the Broadcasting Administrative Manual, Title 7, Part 200, Section 206, Cashier Operations, and understand my duties and responsibilities as supervisor of the cashier(s) and also understand the duties and responsibilities of the cashier(s).

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Position Title

#### d. Cashier's Responsibilities

(1) A cashier is personally liable (legally responsible) for the custody and safeguarding of funds, receipts, and records of cash payments. He/she must take the following precautions:

- Verify the funds at frequent intervals and immediately report any shortages or overages to his/her supervisor for reporting to the designated officer.
- Advise supervisory official when an Imprest Fund is in excess of needs, so that the fund may be maintained at the lowest practical level.
- Keep all cash (currency and coins), advance of funds check(s), receipts, replenishment vouchers (FSC-27), statement of advances to alternate cashier, and sub-vouchers on hand in the designated safekeeping facility, accessible only to himself/herself.
- Make payments and advance funds only to authorized approving officials or those employees who have been given authority to receive funds by an authorized approving official.
- Request a number of small checks when requesting replenishment of his/her fund, in order to keep cash on hand to a minimum.
- Avoid commingling of Imprest Funds with other official or personal funds.



- During brief temporary absences from the immediate area, all cash, advance of funds check(s), receipts, etc. must be placed in the cashier's own safekeeping facility and locked. A locked desk drawer is inadequate for this purpose.
- Adhere to the basic procedures governing cashier operations in the applicable parts of the BAM.

(2) The cashier's responsibility for advanced funds continues from the time he/she receives the funds until proper and acceptable accounting is made, either to the officer who advanced the funds or another officer directed to receive the accounting for the advance.

(3) In the event of loss, shortage, or theft of Imprest Funds, including funds held by sub-cashiers, all facts concerning the loss, shortage, or theft should be reported immediately to the supervisor for further action.

(4) The cashier is personally responsible for any shortages, and, if directed, must replace any losses for which they have been found liable. Any overages are deposited to Miscellaneous Receipt Account 3220.

(5) Each cashier is required to certify that he/she has read and understood the BAM, Title 7, Part 200, Section 206, Cashier Operations. A copy of the certification is to be submitted to the OFO.

#### CERTIFICATION FOR CASHIER

I certify that I have read the Broadcasting Administrative Manual, Title 7, Part 200, Section 206, Cashier Operations, and understand my duties and responsibilities as a cashier of the BBG Imprest Fund.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

Cashier

#### e. Access to Cashier's Funds and Records

(1) During the Absence of a Cashier – If the responsible supervisor determines that access to the cashier's funds is required, he/she will notify the Office of Security. The only other person/office authorized to gain access to the cashier's records and funds is the Office of Security, while in the presence of the responsible supervisory official.

(2) During Cash Verifications and Audits – A cashier makes available all necessary funds and documents to permit cash verifications and audits of his/her account, as required under Section 206.10, Verification and Audit of Imprest Funds, below.

#### 206.8 Use of Imprest Fund

##### a. Delegation of Authority for Payment

(1) Cashiers will make payment for goods and services only if the requisition or other equivalent document is signed by a properly authorized approving official, attesting to the propriety of the procurement. Such authority may not be delegated to an employee acting as a cashier, alternate cashier, or sub-cashier.

(2) A Signature Card for authorized approving officials must be on file with cashier. It will be the responsibility of each Administrative Officer to assure that updated signature cards are on file with the Imprest Fund cashier. Documents signed by an unauthorized official will not be honored by the cashier.

## b. Monetary and Other Limitations

(1) Monetary Limitations – Domestic cashiers are authorized to make payments not to exceed \$25 for any single transaction; overseas cashiers are authorized to make payments not to exceed \$500 for any single transaction. Receipts may not be split to evade these limitations. Emergency, one-time exceptions for a single transaction in excess of \$25, domestically, may be approved by the Director, OFO. If the Director, OFO is absent, the individual acting in his/her position will be the approving official. A waiver may also be obtained from the Director, OFO, for cash payments exceeding \$500 overseas.

### (2) Other Limitations include

- Imprest Funds may not be used for payment of salaries or wages; payment of transaction charges for persons or things other than local travel or drayage; advances; change-making purposes; or cashing checks or other negotiable instruments.
- Use of Imprest Funds for payment of money orders is limited to transactions where an appropriate receipt can be obtained and returned to the cashier within five workdays from the date of the money order advance.
- Except in justified emergencies, payments may not be made from Imprest Funds for articles or services in quantities or amounts which are covered by mandatory contracts or mandatory sources of supply.
- Articles or services, which under any provision of law are subject to restrictions, may not be purchased under conditions which do not fully comply with statutory requirements.

c. Types of Purchases Authorized for Cash Payments – Cashiers are authorized to make cash payments or to entrust on a receipt basis sufficient cash to an authorized employee for the following types of purchases:

(1) Small Purchases – Purchase are limited to those where direct cash or money order payment will be advantageous to the BBG because of the time element involved, reduction in paperwork, increased efficiency, or other valid reason. The following procedures must be adhered to:

- Purchases must be made in accordance with the principles, standards, and related requirements contained in procurement regulations issued by the Administrator of the General Services Administration and regulations issued by the BBG.
- The cost of purchases within the prescribed monetary limitations must be kept within reasonable bounds by ordinary shopping procedure of price comparison (competition), and the buyer must take advantage of any obtainable discounts.
- Purchases are normally supported by a Request for Supplies, Equipment or Services, or other equivalent form signed by an authorized approving official.

### (2) Repair of Equipment.

(3) Local Transportation – Reimbursement to employees for the authorized use of public transportation facilities such as buses, taxicabs, and privately owned automobiles on official business within the metropolitan area of their official station.

(4) Miscellaneous Items – Purchase of postage stamps, payment for the parcel post, C.O.D. postal charges, and local drayage charges. Local drayage is defined as the movement of supplies or commodities wholly within a recognized metropolitan area in which both the points of pickup and delivery are located.

(5) Entertainment – The Appropriation Act establishes a limitation on the maximum amount to be used for representation/entertainment in the U.S. This allocation is allotted to various elements. Requests for reimbursement from Imprest Funds must be authorized by the administrative official of the requesting element and approved by the Office of the General Counsel. The request for reimbursement must include a voucher that itemizes claims supported by receipts. Where the claim includes meals, the cost of the meal up to \$7.50 per employee attending the function must be deducted.

d. Means of Payment

(1) Reimbursement for Purchases – The procedures for cash reimbursement to an employee after the purchase has been made are:

- Employee presents an SF 1164, "Claim for Reimbursement for Expenditures on Official Business," and the vendor's acceptable receipt (original bill, sales slip, cash register ticket, or invoice, which names the articles purchased and the amount paid) to the cashier. Copies are not considered acceptable receipt forms. Purchases paid for by money order must also be supported with the money order stub.
- Cashier reviews the SF 1164 and receipts for completeness, as stated above, assuring that the SF 1164 has been signed by an authorized approving official.
- Cashier requests identification (ID) of employee picking up cash.
- Cashier immediately stamps "PAID" on the vendor's receipt document and staples it to the SF 1164.
- Cashier stamps original copy of SF 1164, stating the following:

	Received in Cash
Sum of \$	
Date	
Signature	

- Both the dollar amount and date of cash payment are recorded on the SF 1164 along with the cashier's initials. The employee receiving the cash payment signs his/her name certifying receipt of cash.
- Cashier matches signature with employee ID, returns ID to employee with cash.

(2) Reimbursement for Local Transportation - For reimbursement for local public transportation, hire of taxicab, or local use of privately-owned automobile, employee presents an approved and complete SF 1164 to the cashier. Before a payment is made, the cashier should assure himself or herself to the extent possible that the amount charged for each taxicab is reasonable and that tips to taxicab drivers are within the prescribed limitations (maximum 15 percent). He or she should also verify that all required information, including justification, where required, is shown, and that a properly designated employee has approved the voucher. Where the amount of a taxicab fare appears excessive, the approving officer should be contacted for verification.

(3) Money Orders – On presentation of a properly executed requisition, cashiers may use Imprest Funds to reimburse an employee for the purchase of money orders for payment of small transactions where the vendor or supplier is (1) reluctant to bill for the merchandise, or (2) the cost of an employee going to purchase the item would exceed the cost of a money order. Payment should only be made where (1) an appropriate receipt can be obtained, and (2) the money order carbon is returned to the cashier within five workdays from the date of the money order advance.

e. Sales Tax – When the legal incidence of a tax is on a vendor and is included as part of the purchase price of an article or services, the U.S. Government is required to pay the total amount. Gasoline taxes imposed on vendors or dealers by certain states is one example of such a tax. When the legal incidence of the tax is on the vendee, the U.S. Government normally is not liable for the payment. District of Columbia and most state sales taxes fall within this category. An employee making a purchase should advise the vendor that it is for the U.S. Government and request that tax not be charged. When a vendor sells at a price that is exclusive of the tax, SF 1094, U.S. Tax Exemption Certificate, will be furnished to the vendor where he or she requires evidence of the tax-exempt sale for use in claiming exemption from payment of the tax to the taxing authority; however, SF-1094 will not be issued to avoid payment of tax if the amount of tax on any one bill is \$10 or less. The cashier, however, may reimburse employees for all tax actually paid on official purchases.

## 206.9 Replenishment of Fund and Accountability Records and Reports

a. Replenishment of Funds – In order to maintain an Imprest Fund at the specified amount, replenishments must be made on a periodic basis, but not less than four times a year.

(1) Domestic Imprest Funds - The cashier should submit his/her replenishment voucher (SF-1129) to the OFO.

- Regular Replenishment – To obtain replenishment of an Imprest Fund, a cashier submits an original and one copy of SF-1129, "Reimbursement Voucher," together with his/her sub-vouchers and receipts to OFO. All sub-vouchers and receipts, including those from sub-cashiers, are serially numbered, beginning with "1" each fiscal year. Arrange sub-vouchers and receipts in numerical order and prepare an adding machine tape totaling them. Staple the sub-vouchers, receipts and the tape to the original SF-1129. Sign the original SF-1129 and forward it the Payment Center within the OFO for processing. The cashier must retain a copy of each SF-1129 for reference and use in preparing accountability reports.

If the authorized certifying officer questions any expenditure document at the time the cashier submits his/her replenishment voucher, the amount will be disallowed on the voucher and the supporting documents returned to the cashier. The cashier will arrange for the necessary correction and include the corrected document as a support for replenishment on his/her next voucher, or recover the questioned amount.

- Replenishment as of September 30th – At the close of each fiscal year, each cashier must submit, by October 10th to OFO, a reimbursement voucher for all expenditures made through September 30, not previously claimed. Individual payments covered by a reimbursement voucher are chargeable to the fiscal year in which the voucher is submitted to the cashier for payment.

(2) Overseas Imprest Funds – A reconciliation voucher and replenishment request are generated from WinACS and are sent to the post VOA Budget & Finance Office, along with the SF-1166, Voucher and Schedule of Payments, file, where they are verified and approved for processing. The SF-1166 file is encrypted for the ACO and sent directly to one of the two Financial Service Centers (Charleston or Bangkok) for processing by Department of State through the SHIFTS or FTP sites. The request for replenishment checks is processed by the Financial Service Center. A copy of the Cashier Reconciliation Statement (ACS-365), the Summarized Subvoucher Transmittal Report (FSC-21) and the Cash Count Worksheet (FSC-72) are submitted to the Cashier Monitor and to the OFO in Washington, DC.

b. Accountability Reports and Records

(1) Reports Prepared by Domestic Cashiers

- On the last workday of each quarter, or whenever there is a transfer of accountability between cashiers, the cashier (or his/her alternate, in the cashier's absence) sends a signed SF-1129 accounting for his/her Imprest Funds directly to OFO. Indicate on the SF-1129 the number of

reimbursement vouchers submitted during the month and the total dollar value. Clearly mark the SF-1129 as an "Accountability Report."

- If the Imprest Fund is small and the cashier submits only one reimbursement voucher each month to OFO, the cashier may send a signed copy of that voucher in lieu of the SF-1129 required in paragraph (a) above. In this case, the reimbursement voucher should be prepared on the last workday of the month, and a signed copy sent to OFO, clearly marked "Accountability Report."
- If the fund does not need replenishment during the month because of limited activity, the cashier must, nevertheless, send an original SF-1129 to the OFO. He/she must also send a signed copy as provided in (b) above. The cashier should clearly show, on the voucher, that reimbursement for any amount expended is not needed.

(2) Reports Prepared by Overseas Cashiers - The two forms every cashier using WinACS must complete are the ACS 365 and the ACS 99. These forms are Cashier Reconciliation Statement forms and reflect the carryover balances, the current accountability, and all activity that has taken place since the previous reconciliation, including the amount of sub-vouchers, cash spent, cash collected, and items in transit but not recorded. The cashier submits these forms to the cashier monitor, who then submits them to the Charleston or Bangkok Financial Service Center, where they are kept on file for five years.

(3) Records Maintained by OFO – OFO maintains General Ledger control accounts reflecting the amounts advanced by the Treasury Department to cashiers and reports to Treasury the status in the various external financial reports. It also provides budgetary accounting controls to prevent over-obligation or over-expenditure of allotments.

#### 206.10 Verification and Audit of Imprest Funds

##### a. Cash Verification

(1) The cashier's fund is subject to unannounced verification at any time. Unannounced cash verifications must be made of each Imprest Fund no less than once every three months. Unannounced cash verifications are made to ensure that the Imprest Fund is fully accounted for. The verification is made in the presence of the cashier by two employees of the OFO or the USDO at Department of State for overseas Imprest Funds. Cash is considered as consisting of:

- Currency/coins and uncashed Government checks on hand;
- Replenishment vouchers in transit (SF-1129)
- Receipts of advances to alternate and sub-cashiers;
- Completed sub-vouchers on hand.

(2) A record of cash verification and the dates of the verifications together with a statement of the results of each verification must be maintained in the OFO.

(3) Verifications are made to ensure that the Imprest Fund is fully accounted for. If a cash difference, deficiency, or other irregularity is disclosed, it must be reported promptly in accordance with Section 206.16.a.

(4) Follow the steps outlined below when performing a cash verification:

- Close down the Imprest Fund operation.

- Have cashier make available all necessary funds and documents. The following is needed: a copy of Treasury's designation of cashier (SF-211), cash box, advance of funds/replenishment check(s), replenishment voucher(s) in transit (SF-1129), receipt for cash advance(s) to alternate cashier, and completed sub-vouchers on hand.
- Using the Cash Verification Report Form, perform the currency and cash count and complete the verification details as shown on the report.
- Include under "REMARKS" any pertinent recommendations and findings. If the cash verification discloses any unauthorized use of, irregularities in connection with, or improper accounting of the operating cash fund, such information must be reported immediately to the Director, OFO.
- The report is signed by the employees who have performed the cash verification and the cashier responsible for the Imprest Fund.
- Retain the original for the file, give one copy to the cashier, and submit one copy of the completed report to the OFO.

(5) Audits are made for the purpose of verifying that all funds are properly accounted for, the amount of the fund is not in excess of the cash requirements, procedures are being followed to adequately protect the funds from loss or misuse, and the cashier is not making unauthorized use of the funds. Any unauthorized use of, irregularities in connection with, or improper accounting of the Imprest Fund must be documented and reported immediately to the Director, OFO.

(6) Follow the steps outlined below when performing an unannounced audit:

- Close down Imprest Fund operation;
- Perform a cash verification (see Section 206.10.a. above). Using the completed cash verification report, fill in the data as required on the audit report form.
- Count the number of cash verifications performed during the current calendar year and fill in the data as required.
- Perform a cash turnover review. Have cashier make available all replenishment vouchers during the current calendar year and follow the steps outlined below:
  - Total dollar value of replenishment vouchers during the calendar year divided by six (6). (Treasury recommends that the cashier turn over his or her advance at least once every two months.) If the advance is substantially higher than the average derived above, further review is needed. Other factors to be considered include:
    - What is the largest amount paid in a two-month period?
    - What is the processing time for preparation of the reimbursement voucher?
    - What is the length of time required for the disbursing office to process the voucher and return the replenishment check to the cashier?
  - If, after final review, it is determined that the fund is in excess of needs and should be reduced, refer to Section 206.12 for guidance. This review can also be done to determine if additional funds are needed.
- Spot-check to ensure the Imprest Fund operation has the approved safekeeping facility by following the steps outlined below:

- Is the fund kept separate from other funds?
- List type of safekeeping equipment.
- Does safekeeping equipment have proper security locks?
- Does each cashier have own facility?
- Is fund kept in cash box?
- Does cash box have key lock?
- Any disclosure of improper safekeeping controls and corrective action taken to ensure compliance with regulations should be noted under REMARKS.
  - Spot-check vouchers to ensure correct procedures are being followed.
  - Include under REMARKS any pertinent recommendations and findings.
  - The report is signed by the employees who have performed the audit and the cashier responsible for the Imprest Fund.
  - Retain the original for the file, give one copy to the cashier, and submit one copy of the complete audit report to the OFO.

206.11 Audits - The Office of the Inspector General (OIG) may perform audits of all Imprest Funds. Any unauthorized use of, irregularities in connection with, or improper accounting for an Imprest Fund, disclosed by the audit, must be reported promptly to the Director, OFO.

#### 206.12 Changes in Imprest Funds

a. Request for Change in Amount – Program Element (e.g. VOA, ENG) Heads may request, by memorandum, to the Director, OFO, changes in amounts advanced to cashiers. The memorandum should explain in detail the conditions justifying the change in the advance, the amount of the change, and the name, office, title of position and office mailing address of the cashier. The Director, OFO, determines the merits of the request, takes appropriate action, and advises the cashier.

(1) Request for Increase – Upon determination by the Director, OFO that there is a need for an increase in a fund, a letter along with a new Form SF-211 is prepared by the Director, OFO for internal approval and scheduling to the Treasury Regional Finance Center on SF-1166, "Voucher and Schedule of Payments." Section IV of Form SF 211, "Increase or New Advance" will be completed to request an increase in an advance for a cashier.

(2) Request for Decrease – When there is a need for a decrease in a fund, a new Form SF-211 is prepared by the Director, OFO. Section V of Form SF-211 will be completed indicating the amount the fund is to be reduced. Any one or a combination of the following should be attached:

- Remittance in cash or money order (cash, if mailed, should be transmitted by registered mail);
- Uncashed advance or reimbursement checks for cancellation and application to the original advance; and
- Statement showing the application of reimbursement vouchers in whole or in part to liquidate the original advance. If the entire amount of the voucher is to be applied, include a statement on the

voucher reading: "Draw no check – apply to advance." If only part of the voucher is to be applied, include a statement reading: "Apply to advance \$XXX; draw check for \$XXX."

(3) OFO transmits SF-211, accompanied by supporting evidence, to the Regional Disbursing Office (Department of State Global Finance Centers at Bangkok, and Charleston) for proper credit to the cashier's advance account.

(4) OFO may, based on experience or changing conditions, request that the cashier's supervisory officer initiate a request to decrease (or discontinue) an advance account, or justify its maintenance at the current level. It is in the interest of the U.S. Government to keep a minimum of cash outside the accounts of the U.S. Treasury.

206.13 Request for Discontinuance – A request for the discontinuance of an advance is processed the same way as a decrease (see Section 206.12.a.(2) above).

#### 206.14 Transferring Fund to Alternates or Sub-Cashiers

a. Not Exceeding 15 Days – To provide uninterrupted disbursing services during short absences of the cashier during the day or when the volume of work requires the services of the alternate, the cashier may make an advance to the alternate sufficient for operational purposes. The alternate signs a receipt for the advance and gives it to the cashier. At the end of each business day, the alternate turns over to the cashier the paid invoices and vouchers and the cashier replenishes the advance or voids the receipt if unexpended cash is also returned. If the absence of the cashier is for a full day or more, but not exceeding 15 workdays, the advance to the alternate should be for an amount sufficient to cover the period of absence. When the cashier returns, the paid invoices and vouchers and unexpended cash are turned over to the cashier, and the receipt for the advance is voided.

b. In Excess of 15 Days – If the foreseen absence of the cashier is in excess of 15 workdays, direct transfer of all funds on hand, including uncashed checks, if any, is made to the alternate. The checks on-hand are endorsed to the alternate. The cashier prepares an SF-1129, "Reimbursement Voucher," in quadruplicate in his/her name and completes the "Status of Fund" section of the form. He/she then adds to his/her certification of the voucher the words, "and has been transferred to (name of alternate cashier) as of this date." The alternate cashier acknowledges receipt of funds by inserting and signing on all four copies of the SF-1129 the statement: "The transfer of funds indicated has been received by me, (signature), Incoming Cashier." The cashier signs all four copies and submits the original and one copy to OFO. He/she keeps a copy and provides the fourth copy to the alternate cashier.

Replenishment checks are drawn payable to the alternate until accountability is returned to the regular cashier by the same process as above.

c. In Unforeseen Extended Absence of Cashier – Where transfer of funds cannot be effected as described in b above, or the alternate requires additional cash in the absence of the cashier, a committee of three is designated by the cashier's supervisor in collaboration with the Director, OFO. One member of the committee is the alternate cashier. This committee reviews the cashier's records and funds and prepares SF-1129 in the name of the cashier, as outlined in b above. The SF-1129 is signed by each member of the committee in the space provided for "Cashier's" signature. If the cashier is not available to endorse any checks drawn to him/her, the committee returns them to the OFO, or the USDO at the Department of State, with the SF-1129 for deposit and reissuance to the alternate.

d. Transfer of Funds to Designated Sub-Cashiers – Class B cashiers may transfer a portion of their funds in fixed amounts, to designated sub-cashiers on the basis of a receipt from the sub-cashier. The sub-cashier turns over his/her receipts to, and secures replenishment from, the Class B cashier as often as needed, but at least once a month. Advances should be shown in the "Status of Funds" section of the reimbursable voucher.



206.15 Replacing a Cashier – When a cashier is transferred or is unable to continue as a cashier, a new cashier is designated. Upon advice that a new cashier has been designated, the former cashier submits a final SF-1129. This form is prepared in the manner indicated in Section 206.14.b, showing the transfer to, and receipt by, the new cashier. If a new cashier is not immediately designated, this same procedure is used to transfer the account with full responsibility and accountability to the alternate. When a new cashier is later designated, the fund is transferred to him/her in the manner provided in Section 206.14.b above. If there is no alternate and a new cashier has not been designated, the account is closed by the submission of a final SF-1129 to OFO, accompanied by all unexpended funds.

#### 206.16 Physical Loss of or Deficiencies in Government Funds or Vouchers

a. Reporting Loss – When any physical loss or deficiency of Government funds (including checks or vouchers) is discovered, the person making the discovery (e.g., cashier, auditor, persons verifying the fund) reports the facts to the head of the cashier's organization element immediately. The head of the element reports the loss or deficiency to the Director, OFO immediately.

b. Irregularity on Part of Cashier – If an irregularity in his/her account occurs on the part of the cashier, the Director, OFO may request the cashier be relieved of duty and a new cashier be immediately requested or that the account be discontinued. The cashier is personally responsible for any shortages, and, if directed, must restore any losses for which the cashier has been found liable.

c. Granting Relief to Cashier – Under certain conditions, a cashier may be relieved of responsibility for a loss or deficiency, but only when the loss or deficiency occurred without fault or negligence on the part of the cashier and while the cashier was acting in his/her official capacity. Relief may be granted by the Director, OFO, if the shortage is less than \$750, or by the Government Accountability Office if the shortage is \$750 or more. Requests for relief are prepared by the cashier's supervisor and approved by the IBB Deputy Director and Director, OFO. If the requests are directed to the Government Accountability Office, they are signed by the Director, OFO and sent to the General Counsel, U.S. Government Accountability Office. All requests for relief include a determination of facts, recommendation for relief, and citation to the appropriation or fund to be charged to cover the shortage if relief is approved.

### **207 CASH MANAGEMENT – RECONCILING WITH TREASURY**

207.1 Preparation of SF 224 - OFO prepares an SF 224, "Statement of Transactions," after the close of each month and submits it to Financial Management Service (FMS), Department of Treasury, via the GOALS II on-line reporting system. The SF 224 reports all domestic disbursements, collections, and cancellations recorded in the accounting system during the prior month. It is due within three workdays after the close of the month. The Department of State (DOS) will prepare the SF 1219, "Statement of Accountability," and SF 1220, "Statement of Transactions," to report overseas activity.

#### 207.2 Reconciling Statement of Differences

a. FMS publishes the following reports on its website which are used to reconcile actual disbursements, collections, and cancellations with what was reported on the SF 224 or SF 1219/1220: Agency Confirmation Report (ACR); Agency Deposit Report; IPAC Support Listing; Statement of Difference Deposits; and Statement of Difference Disbursements.

b. OFO/DOS must reconcile what was reported on the SF 224 or SF 1219/1220 with what was disbursed from and deposited into BBG funds at Treasury. The ACR and IPAC Support Listing details are compared to the download of transactions from the accounting system that was used to report monthly disbursement activity on the SF 224 or SF 1219/1220. Documents appearing on the ACR and IPAC Support Listing that were not reported on the SF 224 or SF 1219/1220, and documents appearing on the download used for the SF 224 or SF 1219/1220 that were not reported by Treasury on the ACR and IPAC Support Listing, are the documents that should make up the total amount of the Statement of Difference Disbursements obtained from Treasury for that month.

c. The total of all receipt/collection documents reported on the SF 224 is compared to the total deposits for the month listed on Treasury's Statement of Difference Deposits. If the total of all receipt/collection documents does not equal the Statement of Difference Deposits for the month, an analysis is made to determine which receipt/collection documents make up the difference.

d. A report is prepared listing the outstanding documents that make up both Statement of Differences for the month. Also included in the report are outstanding documents that have not yet been entered into the accounting system or were entered erroneously that were discovered in previous months, but have not yet been reconciled. These differences should also appear on Treasury's current Statement of Differences for those prior accounting periods. This spreadsheet is distributed to OFO staff responsible for entering documents into the accounting system, to inform them of the documents that have to be reconciled and recorded, in order to reduce each month's difference to zero.

#### 207.3 Reconciliation of the Fund Balance with Treasury (FBWT):

a. Each month, a reconciliation is conducted of BBG's FBWT, as reflected on Treasury's Government-Wide Accounting (GWA) Account Statement, and BBG's general ledger. This process is accomplished in the Consolidated Reconciliation System (CRS) by loading the following reports received from Treasury or generated from BBG's accounting system:

(1) GWA Account Statement Monthly Activity – A Department of Treasury report that reflects the total amount of disbursements and total amount of collections made for or against each of BBG's funds, as reported on BBG's SF 224.

(2) SF 224 Detail – Information generated from BBG's accounting system, used to prepare the SF 224, "Statement of Transactions." It includes budgetary information pertaining to vouchers paid, check cancellations, IPAC transactions, and cash collections. This data should tie to the GWA Account Statement monthly activity.

(3) Trial Balance – Generated from BBG's accounting system; shows BBG's total monthly activity in each SGL account and each fund impacting the FBWT.

(4) Momentum Detail – Generated from BBG's accounting system. This report shows transaction detail of all general ledger activity having an impact on the FBWT. The data in this report ties to the Trial Balance's monthly activity.

(5) 1221, Z477, and Z478 – Detailed reports received from Department of State which list BBG's overseas transactions for the month (i.e. disbursements and collections, by fund and allotment, in foreign currency and U.S. dollars) that are processed by Bangkok and Charleston Financial Service Centers.

b. The two steps in reconciling the FBWT are:

(1) Reconciling the SF 224/1221 to Treasury's GWA Account Statement. The SF 224 Detail and the Momentum Detail are downloaded into Consolidated Reconciliation System (CRS) and are compared. Theoretically, these downloads should be the same. If there are discrepancies, this first step in the reconciliation process will indicate this. Reports are run in CRS to compare the 224 Detail and the amounts on the GWA Account Statement, and the differences are identified. The differences are researched, and, based on the findings adjustments are entered into CRS, as necessary. After adjustments, the SF 224/1221 should agree with the GWA Account Statement.

(2) Reconciling the SF 224/1221 to BBG's General Ledger. The next step is to reconcile what BBG has recorded in the accounting system to what was reported to Treasury. This is performed at the fund level. Each fund is examined individually by fiscal year to determine where discrepancies exist. As they are identified, further research is done by reviewing the SF 224, 1221, 477, and 478 reports. Based on findings, adjustments are entered into CRS, as necessary, and the effect the adjustments will have on the accounting system is analyzed. Proposed entries to correct any discrepancies in the general ledger are

submitted to the Director, OFO for approval. If approved, the adjustments are entered into the accounting system. As a result of the reconciliation, errors or omissions on the SF 224 will also be identified. Proposed adjustments to the SF 224 are also submitted to the Director, OFO for approval, and, if approved, will be made on the next SF 224 submission to Treasury.

## **TITLE 7**

### **PART 300 DEBT MANAGEMENT**

#### **SECTIONS**

301	Scope
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Appendix I	Treasury Report on Receivables and Debt Collection Activities

## 301 SCOPE

301.1 Applicability of Federal Claims Collection Standards (FCCS) and 5 USC 5514: Except as set forth in this part or otherwise provided by law, the BBG will conduct administrative actions to collect claims (including offset, compromise, suspension, termination, disclosure and referral), in accordance with the FCCS of the General Accounting Office and DOJ, 4 CFR 101-105.

301.2 This part is not applicable to:

- a. Claims against any foreign country or any political subdivision thereof, or any public international organization; and
- b. Claims where the BBG Chief Financial Officer or a designee determines that the achievement of the purposes of any provision of law administered by the BBG require a different course of action.

## 302 AUTHORITIES

Under provisions of the Federal Claims Collection Act of 1966, 31 USC 3701-3719, as amended by the Debt Collection Improvement Act (DCIA) of 1996, (P.L. 104-134, Chapter 10), the BBG is to "maximize collections of delinquent debts owed to the Government by ensuring quick action to enforce recovery of debts and property arising out of the activities of or referred to" the BBG.

The provisions of 22 CFR 512, Collections of Debt Under the Debt Collections Act of 1982, are based on the joint regulations of the Government Accountability Office and the Department of Justice (DOJ) that pertain to the FCCS, 4 CFR 101-105 and 31 CFR 900-904.

In addition, the following statutes and regulations authorize the BBG to collect any debts due to BBG and the U.S. Government: Debt Collection Act; Deficit Reduction Act of 2005; 31 CFR 285 (Department of Treasury); and OMB Circular No.A-129, Managing Federal Credit Programs.

## 303 DEFINITIONS

303.1 Administrative Fees – Costs associated with collecting a debt from the date of the delinquency.

303.2 Actual Reimbursements – The actual amount of the agreement based on the signed order, which will be apportioned and allotted by the Budget Office.

303.3 Administrative Offset – Withholding of money payable by the U.S. from a person or entity, in order to satisfy a debt the person or entity owes.

303.4 Agreement Authentication – The designated agency officials of both trading partners must sign the agreement. These signatures must be present before the agreement can be deemed valid.

303.5 Agreement Number – A consecutive numbering identification process that is provided by the Office of Financial Operations (OFO).

303.6 Anticipated Reimbursements – The estimated or anticipated amount of the agreement(s).

303.7 Authority – The appropriate federal regulatory guidance and any pertinent arrangements between the two federal agencies entering into the agreement. These governing policies will help to substantiate the need for the reimbursable agreement.

303.8 Billings – The amount of the earnings charged to the customer that will be collected based on performance.

303.9 Billing and Financial Reporting Requirements – The addresses, names of action officers/project officers and fiscal points of contact. The information relating to where billings are to be sent must be provided, as well as information relating to the billing office(s). Individual names, phone numbers, facsimile numbers, e-mails and other pertinent information must be provided to facilitate coordination in the event problems or questions arise.

303.10 Collections – Actual receipts from the customer for services earned and billed.

303.11 Debt or claim – An amount of money or property, which has been determined by an appropriate Federal official to be owed to the BBG, by any person, organization or entity, except another Federal Agency. A debtor's liability arising from a particular contract or transaction shall be considered a single claim for purposes of the monetary ceilings of the FCCS.

303.12 Delinquent – A debt that has not been paid by the date specified in the BBG's written notification or applicable contractual agreement, unless other satisfactory arrangements have been made by that date, or that has not been in accordance with a payment agreement made with the BBG.

303.13 Disposable pay – The amount remaining in an employee's federal pay after required deductions for Federal, state and local income taxes; Social Security taxes, including Medicare taxes; Federal retirement programs; premiums for life and health insurance and such other deductions that are required to be withheld, pursuant to 5 CFR 581.105, including garnishments.

303.14 Due Date – The date payment of a debt is due.

303.15 Earnings – The actual earnings on the order based on delivered goods or services performed, but not yet collected.

303.16 Fiscal Terms – The full accounting classification (Department, Fiscal Year, Treasury Fund Symbol, Allotment, Organization, Project Code, and Budget Object Class, as well as obligation numbers) must be reflected for each trading partner. The Agency Location Code, a unique number assigned by Treasury, must be included on the agreement.

303.17 Interest – The amount charged and accrued from the date on which notice of the debt is first mailed or hand delivered to the debtor, using the most current address available to the BBG. The rate of interest assessed shall be the Treasury Tax and Loan account rate, as prescribed and published by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins, in accordance with 31 USC 3717. Interest collected cannot be retained by an agency unless authorized by specific legislation.

303.18 IPAC – The Treasury based system, Intragovernmental Payment and Collection System, which is the mechanism whereby the inter-agency transactions (collections/disbursements) are made.

303.19 Penalties – Charges on debts that are delinquent by 90 days after the due date. Penalties collected cannot be retained by an agency unless authorized by specific legislation.

303.20 Referral for Litigation – Referral to the DOJ for appropriate legal action.

303.21 Reimbursable Agreement – A binding order or agreement with a Federal agency for BBG/IBB to perform or receive services.

303.22 Salary Offset – An administrative offset to collect a debt, in accordance with 5 USC 5514 (Installment Deduction for Indebtedness to the U.S.) through deductions at one or more officially established pay intervals, from an employee's current pay account, without his or her consent.

303.23 Treasury Offset Program (TOP) – Established by the DCIA to allow a debt owed to any Federal agency to be collected from any U.S. Government payment being made to a debtor. The TOP, which compares the names and taxpayer identification numbers (TINs) of debtors with the names and TINs of recipients of Federal payments, is an alternative collection mechanism for debts under 180 days delinquent. The DCIA requires referral of all debts that are 180 or more days delinquent to the TOP. The TOP includes use of: Tax Refund Offset; Vendor Offset; Federal Retirement Offset; Salary Offset; Social Security benefits and some Federal salary payments; Offsets to benefit payments such as Black Lung and Railroad Retirement Benefits, which may be added in the future; and Other Federal payments as allowed by law (as such payments are allowed into the program).

#### 304 PURPOSE

The policies and procedures that follow are provided to assist the Broadcasting Board of Governors (BBG) in collecting debts or claims that are due to the United States. Mandatory compliance is required unless justification in writing is provided. This section also discusses policies and procedures to be followed for interagency agreements.

#### 305 INTEREST, PENALTY, AND ADMINISTRATIVE CHARGES

##### 305.1 Assessment Methods

Except as otherwise provided by statute, by contract, or where authorities have been excluded in accordance with FCCS, the BBG will assess:

- a. Interest on unpaid claims, in accordance with existing Treasury rules and regulations;
- b. Penalty charges of up to 6 percent a year on any portion of a claim that is delinquent for more than 90 days;
- c. Administrative charges to cover the costs of processing and calculating delinquent claims; and
- d. Accrued interest charges for late payment shall be computed from the date of the initial mailing or of the hand delivery of the initial notice of the claim and interest requirements.

##### 305.2 Partial or Installment Payments

When a debt is paid in partial or installment payments, amounts received shall be applied first to outstanding penalty and administrative cost charges, second to accrued interest, and then to the outstanding principal. BBG shall consider waiver of interest, penalty charges and/or administrative charges in accordance with the FCCS, 4 CFR 102.13(g).

#### 306 EXCEPTIONS

### 306.1 Claims arising from the audit of transportation accounts

Claims arising from the audit of transportation accounts pursuant to 31 U.S.C. 3726 shall be determined, collected, compromised, terminated, or settled in accordance with the regulations published under 31 USC 3726 (see 41 CFR 101-41).

### 306.2 Claims arising out of acquisition contracts

Claims arising out of acquisition contracts subject to the Federal Acquisition Regulation (FAR) shall be determined, collected, compromised, terminated, or settled in accordance with those regulations (see 48 CFR, Chapter 1, Part 32).

### 306.3 Claims based in whole or in part on conduct in violation of antitrust laws

Claims based in whole or in part on conduct in violation of antitrust laws, or when there is an indication of fraud, presentation of a false claim, or misrepresentation on the part of the debtor or any other party having an interest in the claim, shall be referred to the DOJ for compromise, suspension, or termination of collection action.

## 307 USE OF PROCEDURES

Procedures authorized by this regulation (including, but not limited to, referral to a debt collection agency, administrative offset, or salary offset) may be used singly or in combination with other measures. Nothing contained in this regulation is intended to require BBG to duplicate administrative proceedings required by contract or other laws or regulations; or to preclude utilization of informal administrative actions or remedies, which may be available; to deter BBG from demanding the return of specific property or from demanding the return of the property or the payment of its value. The failure of BBG to comply with any provision in this regulation shall not serve as defense to the debt.

## 308 COLLECTION ACTIONS

Mandatory compliance is required in providing notice actions to be taken at significant dates in the collection process. A total of three progressively stronger written demands at approximately 30-day intervals will be made, unless a response or other information indicates that additional written demands would either be unnecessary or futile. When necessary to protect the Government's interest, written demand may be preceded by other appropriate actions under the FCCS, including immediate referral for litigation and/or offset. Procedures for the referral of unresolved claims to GAO and the DOJ are contained in 4 CFR, Part 1.

### 308.1 Initial Notice to Debtors

a. Initial collection effort shall be taken by the Office of Financial Operations (OFO) for any debt identified as a receivable. All debtors must be notified of the indebtedness. The OFO will send the first notice and subsequent notices.

b. The first notice to the debtor should include the provisions of 22 CFR 512, as well as stating:

(1) That payment in full (one lump sum) is expected, within 30 days of the notice;

(2) The BBG's intention, if necessary, to collect by offset, or ask the assistance of other Federal agencies to effect collection from the debtor on behalf of the BBG or an agency serviced by the BBG;



(3) The debtor's right to inspect the records of the debt and/or how to seek review of the debt;

(4) The debtor's right to offer to make a written agreement to repay the debt in installments, subject to acceptance by the Director of Financial Operations; and

(5) The debtor's rights, if any, to seek a waiver of the indebtedness.

c. The OFO is responsible for maintaining documentation of the receivables and posting them in the financial system. An individual file is to be prepared with the following information:

(1) Documentation supporting the amount owed;

(2) Information on the debtor (e.g., Social Security number, address, telephone numbers);

(3) Copy of the initial notification and subsequent notices sent to debtor;

(4) Any correspondence or communication with the debtor;

(5) Records of payments received showing amount and date of receipt;

(6) Disposition of the debt (e.g., paid off, suspension, termination, offset).

308.2 Follow-Up Action (Second Notice) - If payment has not been recovered within 30 days of the initial notice, a second notice will be sent. The debtor may also be contacted by telephone, e-mail or personal visit. When making contact by personal visit or telephone, a follow-up letter, which includes the interest due, will be sent to the debtor. This notice will demand payment and all contacts with the debtor will be documented.

308.3 Referral for Further Action (Third Notice) - If the debtor does not respond to either letters or telephone calls, within 60 days of the initial notice, the OFO sends a third notice restating the information previously provided, including the cumulative interest, administrative charges and penalty charges. The OFO will also notify the debtor that all further collection action may be taken by a collection agency. At this time, BBG will also notify the debtor that the claim is being referred to the Treasury Department so that the Treasury Offset Program (TOP) may be utilized, as applicable. If the debtor has not responded within 30 days after the third notice, the debt will be referred to TOP. For BBG employees, OFO may use the methods of collection by salary offset as set forth in the BAM, Title 7 500, Payroll, to collect a debt.

#### 308.4 Consumer Reporting Agencies

a. Referral to a consumer reporting agency (credit bureau) is to encourage repayment by setting forth the same expectations of the debtor as are routinely used in business, within the Privacy Act requirements as set forth in 31 U.S.C. 3711 (e) and FCCS 901.4. Notification of a failure to meet prior commitments adversely impacts a debtor's efforts to obtain additional credit.

b. Upon written request from OFO, the Internal Revenue Service (IRS) may disclose the mailing address of a taxpayer for purposes of locating a debtor to collect or compromise a Federal claim.

#### 308.5 Collection by Administrative Offset

Offset will be used whenever feasible and is not otherwise prohibited. Offset is not required to be used in every instance, and consideration should be given to the debtor's financial condition and impact of offset on BBG programs or projects. Procedures for offset in this section do not apply to the offset of Federal salaries under 5 USC 5514. BBG will promptly make requests for offset to other agencies known to be holding funds payable to a debtor and, when appropriate, place the name of the debtor on the "List of Contractors Indebted to the United States." BBG will provide instructions for the transfer of funds. BBG will promptly process requests for offset from other agencies and transfer funds to the requesting agency upon receipt of the written certification that the person owes the debt and that, if a Federal employee, the employee has been given the procedural rights required by 5 U.S.C. 5514 and 5 CFR 550, subpart K.

#### 308.6 Collection by Salary Offset – Current Employees

Please refer to the BAM, Title 7 500, Payroll, Time and Attendance and Leave Accounting.

308.7 Collection in Installments - Whenever feasible, and except as required otherwise by law, debts owed to the U.S., plus interest, penalties, and administrative costs as required by this regulation, should be collected in one lump sum. This is true whether the debt is being collected under administrative offset or by another method, including voluntary payment. However, if the debtor is financially unable to pay the indebtedness in one lump sum, payment may be accepted in regular installments. If the BBG agrees to accept payment in installments, it will obtain a legally enforceable written agreement from the debtor which specifies all of the terms of the arrangement and contains a provision accelerating the debt in the event the debtor defaults. The size and frequency of the payments should bear a reasonable relation to the size of the debt and ability of the debtor to pay. If possible, the installment payments should be sufficient in size and frequency to liquidate the Government's claim within three years.

308.8 Mandatory Reporting to Treasury Offset Program - Under the DCIA of 1996, any debt more than 180 days delinquent must be referred to the Treasury for offset against payments made to debtors through the Treasury. Debts that are under 180 days delinquent may also be referred to Treasury for collection.

308.9 Referral of Unresolved Claims - Procedures for the referral of unresolved claims to the Department of Justice are contained in 4 CFR 105. Claims on collection action that has been taken and cannot be compromised, suspended, or terminated shall be promptly referred to the Department of Justice for litigation. When the merits of the Government's claim are in doubt, the BBG should refer the matter to the General Accounting Office for resolution and instructions prior to proceeding with collection action and/or referral to the Department of Justice for litigation. Once a claim has been referred to GAO or to the Department of Justice, the BBG shall refrain from having any contact with the debtor and shall direct the debtor to GAO or the Department of Justice when questions concerning the claim are raised by the debtor.

#### 308.10 Collection Services

BBG has authority to contract for collection services to recover delinquent debts in accordance with 31 U.S.C. 3718 and FCCS 901.5. BBG may disclose delinquent debts, other than delinquent debts of current Federal employees, to consumer reporting agencies in accordance with 31 USC 3711(e) and the FCCS. BBG will not use a collection agency to collect a debt owed by a currently employed or retired Federal employee, if collection by salary or annuity offset is available.

### 309 COMPROMISE, SUSPENSION, OR TERMINATION OF CLAIMS

309.1 Compromise, Suspension, or Termination - A review by OFO is made on all debts, including debt owed by former employees, in excess of \$50 but less than \$100,000 that are being recommended for compromise, suspension or termination. The Director of OFO, shall appoint a "Claims Settlement Committee" with a representative from each of the following offices: Office of General Counsel; Office of Human Resources; and the OFO staff. This committee will review and determine appropriate action on claims in excess of \$50 but less than \$100,000, originating overseas or domestically.

The Director, OFO, and the Claims Settlement Committee have authority to compromise, suspend, or terminate a debt as provided by these regulations and 31 CFR 903.1(a). For cases within its jurisdiction on claims between \$50 and \$100,000, this committee shall have exclusive authority to compromise, suspend or terminate a collection action in accordance with the standards set forth in this section, as well as, to waive employee overpayments not exceeding \$500.

309.2 Compromise (Collecting a Reduced Amount) - A compromise may be sought by the debtor or by OFO (See 4 CFR 103.2 and 22 CFR 512), within the limits of Section 309.1 if it is determined that the full amount of the debt cannot be collected. On an individual basis, the authorizing official periodically reviews the agreements of authorized schedules of repayments to assure compliance and collection. Each request for compromise will be made by memorandum, which contains: the debtor's name; amount of the claim; brief statement of collection efforts; and reason why compromise has been approved.

309.3 Terminating Collection Action - The Director, OFO, has the authority to approve the termination of claims of \$500 or less, in accordance with the standards set out in this section, when normal collection action under Section 309.1 and 309 .2 has proved futile. The Financial Analysis and Reporting Branch must prepare a memorandum to the Director, OFO, containing: the debtor's name; amount of the claim; brief statement of collection efforts; and reason why termination has been approved

309.4 Suspending Collection Action - The BBG may suspend collection action temporarily if the debtor cannot be located after a diligent effort to locate the debtor has failed and there is reason to believe that collection at a future time may be more productive (See 22 CFR 512). The Financial Analysis and Reporting Branch must prepare a memorandum to the Director, OFO, containing: the debtor's name; amount of the claim; brief statement of collection efforts; and reason why suspension has been approved

309.5 Exceptions to suspension, termination, and compromise of a debt - The criteria and actions to suspend, terminate or compromise a debt do not apply and full collection must be pursued for any claim based in whole or in part on conduct in violation of the antitrust laws, or to any claim as to which there is an indication of fraud, the presentation of a false claim, or misrepresentation on the part of the debtor or any other party having an interest in the claim. Only the Department of Justice has authority to compromise, suspend, or terminate collection action on such claims. Furthermore, tax claims, as to which differing exemptions, administrative considerations, enforcement considerations, and statutes apply, are also an exception. Pursuant to 31 U.S.C. 3527, only the Comptroller General, or designee, may compromise a claim that arises out of an exception made by GAO in the account of an accountable officer, a federal employee.

### 310 CLOSE OUT

Close out occurs when the BBG terminates all collection activities. The IRS treats such written-off debt as income and OFO, therefore, reports this amount on Form 1099-C, Cancellation of Debt. OFO notifies the debtor by Form 1099-C (Cancellation of Debt) of the debt written-off being reported to IRS. The notification must be completed by January 31 for the previous year which the debt was terminated. OFO shall promptly report the write off to IRS by February 28, except

that reporting to IRS is not required if informed that the debt has been discharged pursuant to Chapter 11, Federal Bankruptcy Law. If reporting electronically to IRS, the due date is March 31.

### 311 ACCOUNTING OF VARIOUS CHARGES AND REFUNDS

#### 311.1 Notification and Assessment of Charges Interest and Penalties

a. Debtors with obligations covered by contracts, agreements, or other formal arrangements must be notified of charges for late payments. Such notice must specify that interest and penalty will accrue and is payable from a stipulated due date. For example, at the end of the 30-day period, the parties billed for a fiscal irregularity will be subject to interest payments and penalties, pursuant to 31 U.S.C. 3717.

b. Debtors with obligations not covered by contracts, agreements, or other formal arrangements should be informed of the requirement concerning charges for late payments on the initial notification of amounts due. Interest accrues from the date the initial notification of debt is first mailed or hand delivered to the debtor, but must be waived if the debt is paid within 30 days from that date.

311.2 Administrative Charges - Debtors must be notified that the administrative cost of processing and handling a delinquent claim (those over 30 days past due) are calculated upon the actual costs incurred and will be added to the debt. Such costs may include: the obtaining of a credit report; telephone or cable costs; or a fee paid to a collection agency.

311.3 Charges Collected - Amounts collected for interest, administrative, and penalty charges are credited as follows:

a. Interest to fund 95/3220, "General Fund Proprietary Receipts, Not Otherwise Classified," and

b. Penalty and Administrative Charges to 95/1099, "Fines, Penalties, and Forfeitures Not Otherwise Classified."

#### 311.4 Refunds and Credits in Accounts

Where a refund is made in whole or in part to a debtor for repayment of previously collected overpayments, refunds must be charged to the appropriation and allotment from which the overpayment was made and collected. In the audit and settlement of the accounts of any accountable official, full credit is given for any amounts that are collected by the U.S. The Comptroller General may compromise any claims on an accountable official.

### 312 REPORTING OF TREASURY REPORT ON RECEIVABLES AND DEBT COLLECTION ACTIVITIES

Treasury requires each agency to report the status of their debt portfolio quarterly. The report is called Treasury Report on Receivables and Debt Collection Activities (TROR). The TROR serves as a management report that illustrates the receivables owed to Federal agencies and the status of the overall Federal Government's debt portfolio. The report is submitted via internet by OFO staff. A sample of TROR is in Appendix I.

### 313 FEDERAL INTERAGENCY AGREEMENTS

313.1 Interagency Agreement Processing - To facilitate and improve reporting and collecting for Interagency Agreements, also known as reimbursable agreements, the following procedure is defined and will be used for all Interagency Agreements.

a. When a program office begins negotiations with another Federal agency to perform services for the other Federal agency and receive reimbursement, a written document must be drafted. The agreement must contain the following information:

- (1) Purpose
- (2) Scope of Work/Description of Services to be performed
- (3) Effective Dates/Period of Performance
- (4) Governing Authority
- (5) Financial Provisions/Estimated Cost of Services
- (6) The fiscal strip for both agencies, including each agencies Agency Location Code (ALC)
- (7) Program Office's Point of Contact
- (8) Financial Office's Point of Contact
- (9) Changes or Termination requirements
- (10) Resolution of Disputes
- (11) Delegation of Authority
- (12) Privacy/Security Safeguards
- (13) Specific Terms of the agreement

A sample agreement follows in Section 313.2

b. Obtain agreement from other Federal Agency on the draft.

c. Submit the agreement to the Office of Budget for clearance, review and acknowledgement. The Office of Budget must obtain Reimbursable Authority from OMB before funds are available.

d. The Office of Budget will forward the agreement to the Office of Financial Operations for acknowledgement. The Office of Budget will forward the agreement to the CFO for signature.

e. The CFO will return the agreement to the Program Office for final signature and to obtain final signatures from the other Federal agency.

f. The Program Office will send a final signed copy of the agreement to the Office of Budget and the Office of Financial Operations. Once OMB approves the reimbursable authority, the Office of Budget will request that the Office of Financial Operations establish a new allotment in the financial system, which will be used only for that particular interagency agreement. The Office of Financial Operations will post reimbursable receivables and revenues from reimbursables in the financial system.

g. The Program Office will obligate funds for transactions related to the performance of the services as required by the agreement.

h. On a quarterly basis, the Program Office will submit to the Office of Financial Operations a request to collect from the reimbursable agreement, unless frequency for collecting is otherwise

specified in the agreement. This request must contain spending line reports which list all expenses related to the agreement incurred during the quarter; this information will be sent to the serviced agency. Financial Operations will review the request and spending line report, review entries in Momentum for the project, and reconcile any differences with the program office. OFO will then create an invoice and process an IPAC collection for the invoiced amount. The request and spending line report must be received for processing no later than the 15<sup>th</sup> of the month following the end of each quarter, except at fiscal year end.

i. At fiscal year-end, the Office of Budget, the Office of Financial Operations and the Program Office will reconcile the account balances and prepare an estimate for year-end collection no later than the 10<sup>th</sup> of September. Actual collection may not occur until the next fiscal year.

### 313.2 Sample Interagency Agreement

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INTERAGENCY AGREEMENT  
FOR  
SERVICES  
  
BETWEEN THE  
BROADCASTING BOARD OF GOVERNORS  
AND THE  
FEDERAL AGENCY

I. Purpose

A. This section establishes the terms and conditions of an Interagency Agreement (IA) between the Broadcasting Board of Governors (BBG) and the Federal Agency relative to the Federal Agency providing the BBG with complete services.

II. Scope

A. This section identifies the BBG program Office and the Federal agency offices To which this IA is applicable.

B. In this section list the "services" provided by the BBG to the Federal agency.

III. Effective Date and Period of IA

This IA shall be effective upon the signature of both parties and shall remain in effect for the period of one year, unless otherwise specified.

IV. Periodic Review

This IA is subject to review at any time upon the written request of either party, but shall be reviewed at a minimum quarterly to:

A. Determine the need for continuation, modification, or termination; and

B. Review the quality and timeliness of the systems implementation, support services, and receipt of all necessary data, which affect the initiation and continuity of financial management services.

C. Review to ensure compliance with the performance measures outlined in the attachment.

V. Resource Commitment/Definition

A. The BBG and the Federal agency agree that the BBG charges to the Federal Agency for the services covered in the Paragraph II D will not exceed \$XX.XX for recurring costs. For succeeding years cost will be adjusted by mutual agreement to provide for inflation, systems enhancements, and changed levels of services provided.

B. The BBG represents that sufficient resources are available to provide the services.

VI. Changes or Termination

A. Changes to this IA agreed to by both parties resulting from reviews called by either party or at scheduled intervals will be documented as described in Paragraph IIV B, above. Additional resources required of either party as a result of a change shall be obtained within a mutually agreed upon time. The approval authority for the BBG for the changes shall be the Chief Financial Officer, BBG and approval authority for the Federal Agency, shall be the Chief Financial Officer, Federal agency.

B. This IA may be terminated as follows: by the mutual, written consent of the Chief Financial Officer, BBG, and the Chief Financial Officer, Federal agency. The effective date of termination shall be mutually agreed upon by both parties.

VII. Notices

Any notice, request, demand, or other communication to any of the parties hereto shall be deemed given when received and shall be given in writing, and delivered against receipt, or sent by certified mail, postage prepaid, to such party at its address set forth below or at such other address as such party shall hereafter furnish in writing.

1. Chief Financial Officer,  
Broadcasting Board of Governors  
Room 3360  
330 Independence Ave., S.W.  
Washington, D.C. 20237
2. Chief Financial Officer,  
Federal Agency  
Washington, DC 20000

VIII. Staff Coordination

The following individuals are responsible for the management and coordination of the terms of this IA within their respective organizations. Copies of this IA, pertinent correspondence, and changes or other transactions pertaining to this IA shall be furnished to these individuals:

1. Program Director,  
Broadcasting Board of Governors

330 Independence Ave., S.W.  
Washington, D.C. 20237

2. Program Director,  
Federal Agency  
Washington, DC 20000

IX. Delegation of Authority

Authority is delegated to the BBG, if such delegation is needed.

X. Privacy Safeguard  
If applicable.

XI. Financial Provisions

A. Collections will be made via the IPAC system on a quarterly basis, unless frequency for collection is specified otherwise in the agreement. The fiscal strip used by both parties will be as follows:

BFY  
FUND  
Allotment  
Organization  
Function Code  
Project Code  
Object Class Code  
Obligation Number  
Agency Location Code (ALC)

B. Progress reports will be prepared by the BBG and submitted to the Federal agency.

XII. Terms

The Federal agency will satisfy mutually agreed upon performance requirements as outlined in the attachment.

XIII. Resolutions of Disputes

Any major disputes between the Federal agency and the BBG arising out of this IA which cannot be resolved through negotiations at lower organizational levels within the Federal agency and the BBG will be referred to the officials identified in Paragraph VII for resolution. In the event that no resolution can thus be reached, the officials identified in Paragraph VII will elevate the issue to higher levels within their respective organizations.

XIV. Authority

The authority for the Federal agency and the BBG to enter into the agreement is Public Law XXX-YYY, a specific act or other Congressional act.

Dated in Washington, D.C., this \_\_\_\_ day of \_\_\_\_, 200X.



\_\_\_\_\_  
Chief Financial Officer,  
Broadcasting Board of Governors

\_\_\_\_\_  
Chief Financial Officer,  
Federal Agency

\_\_\_\_\_  
Program Office  
Broadcasting Board of Governors

\_\_\_\_\_  
Program Office  
Federal Agency

Clearance:                    \_\_\_\_\_ CFO  
   \_\_\_\_\_ CFO/A  
   \_\_\_\_\_ CFO/B

# APPENDIX I

## Treasury Report on Receivables and Debt Collection Activities (95) Other Agencies (68) Broadcasting Board of Gov. -- First Quarter 2007

Part I - Status of Receivables		
	Number	Dollars
Section A Receivables and Collections		
1 Beginning FY Balance	0	1,333,820
2 New Receivables (+)	0	490,603
3 Accruals (+)		0
4 Collections on Receivables (-)		-91,933
(A) At Agency (-)		-91,306
(B) At Third Party (-)		0
(C) Asset Sales (-)		0
(D) Collections by Treasury through Offset and Cross-Servicing (-)		-627
(E) Collections by Sale After Foreclosure (-)		0
(F) Collections by Department of Justice (-)		0
(G) Other – must footnote (-)		0
5 Adjustments (+ or -)	0	0
(A) Reclassified/Adjusted Amounts (+ or -)		0
(B) Adjustments Due to Sale of Assets (+ or -)		0
(C) Consolidations (+ or -)		0
(D) Foreclosure Adjustments (+ or -)		0
(E) Written-Off Debts Reinstated for Collection (+)		0
6 Amounts Written Off (-)	0	0
(A) Currently Not Collectible (-)	0	0
(B) Written Off and Closed Out (-)	0	0
7 Ending Balance	0	1,732,490
Section B Additional Receivables Data (Information Only)		
1 Subsets of Ending Balance		
(A) Foreign/Sovereign Government (+)	0	0
(B) State and Local Government (+)	0	0
(C) Rescheduled Debt - Delinquent (+)	0	0
(D) Rescheduled Debt - Non-Delinquent (+)	0	0
(E) Interest & Late Charges (+)		330
Section C Delinquent Debt (Excluding CNC Debts)		
1 Delinquencies by Age		

(A) 1-90 Days (+)		490,602
(B) 91-180 Days (+)		23,361
(C) 181-365 Days (+)		19,012
(D) 1-2 Years (+)		36,629
(E) 2-6 Years (+)		0
(F) 6-10 Years (+)		0
(G) Over 10 Years (+)		0
(H) Total Delinquencies by Age		569,604
2 Delinquencies by Category		
(A) Commercial (+)	0	0
(B) Consumer (+)	0	569,604
(C) Foreign/Sovereign Government (+)	0	0
(D) State and Local Government (+)	0	0
(E) Total Delinquencies by Category	0	569,604

## Part II - Debt Management Tool and Technique Performance Data

	Number	Dollars
Section A		
Delinquent Debt 180 Days or Less		

1 Delinquencies 1-180 Days		
(A) In Bankruptcy (+)	0	0
(B) In Forbearance or In Formal Appeals Process (+)	0	0
(C) In Foreclosure (+)	0	0
(D) At Private Collection Agencies (+)	0	0
(E) In Litigation (At DOJ or Agency Counsel) (+)	0	0
(F) In the Process of Internal Offset (+)	0	0
(G) In Wage Garnishment (+)	0	0
(H) At Treasury for Cross Servicing (+)	0	0
(I) At Treasury for Offset (+)	0	0
(J) At Agency (+)	0	513,963
(K) Other - must footnote (+)	0	0
(L) Total Delinquencies 1-180 Days		513,963

## Section B

### Delinquent Debt (Over 180 Days Delinquent) Eligible for Referral to Treasury for Offset and Cross-Servicing

1 Debt Eligible for Referral to Treasury for Collection		
(A) Delinquent Debt Over 180 Days (+)		55,641
(B) Currently Not Collectible Debt (+)		0
(C) Total Delinquent Debt Over 180 Days and CNC Debts		55,641

Debts Ineligible for Treasury Offset Program (TOP) and Cross-Servicing (lines D through G)

(D) In Bankruptcy (-)	0	0
(E) In Forbearance or Formal Appeals Process (including Litigation) (-)	0	0
(F) In Foreclosure (-)	0	0
(G) Other - <u>must footnote</u> (+ or -)	0	0
(H) Balance of Debt Eligible for Referral to Treasury for Collection	0	55,641

<b>2 Debt Eligible for Referral to Treasury Offset Program</b>		
(A) Debt Eligible for Referral to Treasury for Collection (from 1H)	0	55,641
(B) Foreign/Sovereign Debt (-)	0	0
(C) Debt in Litigation for Enforced Collection (-)	0	0
(D) Other - <u>must footnote</u> (+ or -)	0	0
(E) Debt Required to be Referred to Treasury Offset Program by Agency	0	55,641
(F) Debt Referred to Treasury Offset Program (-)	0	-44,122
(G) Debt Referred to Treasury Offset Program through Cross-Servicing (-)	0	0
(H) Balance Remaining to be Referred	0	11,519

<b>3 Debt Eligible for Referral to Treasury or a Designated Debt Collection Center for Cross-Servicing</b>		
(A) Debt Eligible for Referral to Treasury for Collection (from 1H)	0	55,641
(B) Foreign/Sovereign Debt (-)	0	0
(C) Debt in Litigation for Enforced Collection (-)	0	0
(D) At Private Collection Agencies (-)	0	0
(E) In the Process of Internal Offset (-)	0	0
(F) Debt Exempted by Treasury from Cross-Servicing (-)	0	0
(G) Debt Returned from Cross-Servicing (-)	0	0
(H) Other - <u>must footnote</u> (+ or -)	0	0
(I) Debt Required to be Referred to Treasury or a Designated Debt Collection Center for Cross-Servicing	0	55,641
(J) Debt Referred to Treasury or a Designated Debt Collection Center for Cross-Servicing (-)	0	0
(K) Balance Remaining to be Referred	0	55,641

## Section C

### Collections on Delinquent Debt

<b>1 Collections of Delinquent Debt</b>		
(A) By Private Collection Agencies (+)	0	0
(B) By Litigation (+)	0	0
(C) By Internal Offset (+)	0	0
(D) By Third Party (+)	0	0
(E) By Asset Sales (+)	0	0
(F) By Wage Garnishment (+)	0	0

(G) By Treasury / Designated Debt Collection Center Cross Servicing (+)	0	0
(H) By Treasury Offset (+)	0	627
(I) By Agency (+)	0	91,306
(J) Other - must footnote (+)	0	0
(K) Total Collections on Delinquent Debt		91,933

Section D		
CNC Debt Status		
1 Currently Not Collectible Debts (Written Off and Not Closed Out)		
(A) At Private Collection Agencies (+)	0	0
(B) At Treasury or a Designated Debt Collection Center for Cross Servicing (+)	0	0
(C) At Treasury for Offset (+)	0	0
(D) Other - must footnote (+)	0	0
(E) Total - Currently Not Collectible Debts (1A-D not mutually exclusive)	0	0
2 CNC Debts Closed Out During the Current FY (+)	0	0

Section E		
Disposition of Closed-Out Debts		
1 Debts Closed Out During the Previous Calendar Year (CNC and Non-CNC Debts) (+)	0	0
(A) Reported to IRS on Form 1099-C (+)	0	0
(B) Not Reported to IRS on Form 1099-C - (must footnote) (1-1A)	0	0

## **TITLE 7**

### **PART 400 – VOUCHERS AND CLAIMS**

#### **SECTIONS**

401	Scope
402	Authorities
403	Definitions
404	Forms
405	Internal Controls
406	Tax Reporting Requirements
407	Voucher Processing and Payment Terms
408	Interest Penalties and Vendor Discounts
409	Exceptions in the Vouchering of Special Items
410	Accountability
411	Contract Financing
412	Purchase Card Program
413	Cashier Operations (Imprest Fund)
414	Claims

401 SCOPE – This instruction describes the requirements and processes for receiving invoices and disbursing funds to vendors for products and services and to employees for reimbursable expenses other than travel.

#### **402 AUTHORITIES**

402.1 The Accounting and Auditing Act of 1950 requires the U.S. Comptroller General to prescribe the principles, standards, and related requirements for accounting to be observed by each U.S. agency. It requires the head of each U.S. agency to be responsible for establishing and maintaining systems of accounting and internal controls.

402.2 The Prompt Payment Act of 1982 (Public Law 97-177), as amended (Public Law 100-496) requires U.S. agencies to pay their bills on time, to pay interest penalties when payments are late, and to take discounts only when payments are made within the discount period.

402.3 The Federal Managers Financial Integrity Act of 1982 (Public Law 97-255) requires agencies to ensure internal accounting and administrative controls are in place and obligations and costs are in compliance with law.

402.4 The Anti-Deficiency Act cross-walked to Title 31 – Money and Finance, Section 1341, 1349-51, 1511, 1514, 1517-19, dictates that obligations or disbursements will not exceed amounts appropriated, amounts apportioned, or amounts allotted for administrative control.

402.5 Chief Financial Officers' Act of 1990, Public Law 101-576, dated November 15, 1990.

#### **402.6 Administrative Regulations –**

a. GAO Policies and Procedures Manual for Guidance of Federal Agencies, Title 7 – Fiscal Guidance

b. Treasury Financial Manual

(1) Volume I, Part 2: Central Accounting and Reporting

- (2) Volume I, Part 4: Disbursing
- (3) Volume I, Part 5: Deposit Regulations
- (4) Volume I, Part 6: Other Fiscal Matters

c. OMB Circular A-123 (as revised and updated) which defines the implementation regulations for the Federal Managers' Financial Integrity Act of 1982.

402.7 Principles of Federal Appropriations Law, GAO Office of General Counsel, 1982, including relevant chapters, such as:

a. Volume I

(1) Chapter 4 – Availability of Appropriations as to Purpose

(2) Chapter 2 – Availability of Appropriations as to Time

b. Volume II

(1) Chapter 6 – Availability of Appropriations as to Amount

(2) Chapter 7 – Obligation of Appropriations

(3) Chapter 9 – Liability and Relief of Accountable Officers

c. Volume III

(1) Chapter 12 – Claims Against and By the United States

(2) Chapter 13 – Debt Collection

(3) Chapter 14 – Payment of Judgment

## 403 DEFINITIONS

403.1 Accelerated Payment – payment made prior to the due date as determined by the Prompt Payment Act of 1982.

403.2 Acceptance – means an acknowledgement by an authorized Government official that the goods received and services rendered conform with contract requirements.

403.3 Accountable Officer – any U.S. Government officer or employee who is responsible for or has custody of U.S. Government funds. The officer is personally liable to the U.S. Government for any losses the U.S. Government may incur due to the officer's actions or failure to act, unless and until relief is granted or the loss is recovered. Accountable officers include such officials as authorized disbursing officers, certifying officers, collecting officers, cashiers, and other employees who have custody of U.S. Government funds.

403.4 Allottee – are the various offices responsible for the planning, development, and implementation of administrative programs, policies and procedures. Allottees perform budget, fiscal and procurement oversight and coordination.

403.5 Approval – is the attesting by an authorized individual that the provider of goods or services for which the voucher is being prepared, is entitled to payment based upon the receipt of acceptable goods or services. Receipt and payment approval may be a combined attesting.

403.6 Approving Official – Individual who reviews cardholder statement, is responsible for authorizing cardholder purchases (for official use only), and ensures that statement is reconciled

and submitted to the Payment Office in a timely manner. Purchase Card Training is required to serve as an Approving Official. Approving Officials must be issued a memo of appointment from the Office of Contracts to serve as an Approving Official

403.7 Cardholder - individual Government employee to whom a Government purchase card is issued. The card bears the employee's name and can be used only by that employee for official purchases, in compliance with the agency's regulations and procedures and GSA Government Commercial Credit Card Services contract. Purchase Card Training is required to serve as a cardholder. Cardholders must be issued a Delegation of Appointment to serve as a cardholder.

403.8 Cardholder Statement – a statement listing all transactions during the billing period that is sent to each cardholder.

403.9 Central Contractor Registry (CCR) – The CCR is a centralized database maintained by the U.S. Federal government. Organizations wishing to do business with the federal government under a FAR-based contract must be registered in CCR before being awarded a contract.

403.10 Certification – is the final authorization for payment by an authorized certifying officer. Certification is required for all vouchers, except those covered by voucher schedules. In the case of voucher schedules, the certifying officer's signature applies to all the individual vouchers listed on the schedule.

403.11 Certifying Officer – an accountable employee for a U.S. agency (identified on a SF 210) who has been charged with the responsibility of certifying vouchers for payment. A certifying officer is responsible for verifying the accuracy and propriety of all documents upon which payment is to be based and certifying that the payment is legal, correct, and proper.

a. The certifying officer is personally liable for all certifications for payment. Certifying officers are accountable for, and required to make good to the U.S. Government, the amount of any illegal or improper payment resulting from their certification. The conclusions and actions of a certifying officer are governed by pertinent laws and regulations and the exercise of prudent judgment; and

b. A voucher payable to a certifying officer, other than a payroll voucher, is to be signed by another officer authorized to certify (31 U.S.C. 3528; Title 7, Fiscal Guidance).

403.12 Claim – a demand for monies due or alleged to be due.

403.13 Contract – is any enforceable agreement, including rental and lease agreements, purchase orders, delivery orders (including obligations under Federal Supply Schedule contracts), requirements-type (open-ended) supply and service contracts, and blanket purchase agreements between an agency and a contractor for the acquisition of property or services.

403.14 Date of receipt of invoice - is the later of :

a. For invoices mailed, the date a proper invoice is received by the designated agency office, if the agency annotates the invoice with the date of receipt at the time of receipt;

b. For invoices electronically transmitted, the date a readable transmission of a proper invoice is received by the designated agency office;

c. The date on the invoice if the agency fails to annotate the date of receipt (must be a proper invoice); or

d. Date of delivery if the contract specifies the delivery ticket may serve as an invoice.



403.15 Delegation of Authority – a written delegation issued by responsible agency personnel that establishes authorized cardholder(s), specifying spending and usage limitations unique to that cardholder.

403.16 Delivery Ticket – is documentation attached to the shipping receipt or invoice which indicates time, date, delivery routing and acknowledgement (in the form of a signature or initials) that the package has been received and accepted by an authorized person at the shipping destination.

403.17 Day – are the calendar day(s), including weekends and holidays, unless otherwise indicated.

403.18 Deductions – amounts subtracted from the gross voucher amount to determine the payment amount. Deductions can be for:

- a. Cash discounts offered by vendors;
- b. Credit memos (debts) that need to be offset; or
- c. Adjustments specified in the contract.

403.19 Designated Billing Office (DBO) – is the office or employee designated in the contract to receive invoices. Procurement documents should direct vendors to send all invoices to the ordering element, not to the Office of Financial Operations.

403.20 Designated Billing Office Report – a consolidated report sent to each agency billing office at the end of the monthly billing cycle. The Designated Billing Office Report will be the official invoice.

403.21 Disallowance – amount subtracted from voucher amounts to reflect administrative decisions not to pay the entire amount claimed. Disallowances may result from nonperformance, improper performance, improper billings, insufficient proof of performance, deductions of a debt, etc.

403.22 Discount date – is the date by which, if payment is made, a specified invoice payment reduction, or discount can be taken. Discount period begins on the date of the invoice and ends on the date of the discount terms. If no date is placed on the invoice by vendor, the discount period will begin on the date the invoice is received by the proper receiving office.

403.23 Data Universal Numbering System Number (DUNS) – the Contractor Identification Number used to identify Federal contractors. This number is issued by Dun and Bradstreet Information Systems and must be registered in the Central Contractor Registration (CCR) database.

403.24 Electronic Commerce – the integration of electronic-based systems to support common business processes. For example, the purchase card contractor will provide invoices electronically to Federal agency designated billing offices and accept payments electronically from Federal Government Payment Offices, and will provide electronic access to account data and reports.

403.25 Employer Identification Number (EIN) - is the Taxpayer Identification Number obtained by sole proprietorships, businesses, and U.S. Agencies to identify themselves when reporting wage and /or salary payments made as employers to other contracted parties.

403.26 Government Purchase Card – internationally accepted credit card available to Federal agencies under a single GSA contract for the purpose of making simplified acquisitions with a minimum of paperwork. These credit card services are available under a contract awarded by GSA for Government wide use.

403.27 Invoice or voucher – document used to authorize a payment. This document can be a form prescribed by a U.S. Agency and approved by the U.S. Department of the Treasury (e.g., Form SF-1034, Public Voucher for Purchases and Services Other than Personal (domestic); Form OF-206 Purchase Order, Receiving Report and Voucher) or an invoice in a format determined by the vendor, if it has all the required information as described below:

- a. Name and address of vendor;
- b. Invoice date and invoice number;
- c. Contract/Purchase order number, or other authorization for delivery of goods or services;
- d. Description, quantity, unit of measure, unit price, and extended price of supplies delivered or services performed;
- e. Shipping and payment terms;
- f. Name, title and phone number of responsible official, where practicable, and
- g. Other substantiating documentation or information as required by the ordering document.

403.28 Partial Payment – is a payment made for partial delivery of accepted property or partial performance of accepted services.

403.29 Payments – disbursement of an obligation by issuing a check, cash, or funds transfer to a contractor under a contract or other authorization for property or services accepted by the agency. This includes payments for partial deliveries that have been accepted by the government and final cost or fee payment where amounts owed have been settled between the agency and the contractor. Payment occurs on the date the U.S. Treasury check or wire transfer is issued by the paying office, not the date it is recorded.

403.30 Payment date – is the date on which a check for payment is dated or the date of an electronic funds transfer (EFT) payment (settlement date). Payments made by EFT mechanism will be transmitted to the Federal Reserve Bank at least two business day prior to payment (settlement) date so as to be received by the contractor's financial institution on the established due date. These provisions must be written into the contract.

403.31 Payment Due date – is either:

- a. On the date(s) specified in the contract;
- b. In accordance with discount terms when discounts are offered and taken;
- c. In accordance with Accelerated Payment Methods (5CFR1315.5); or
- d. 30 days after the start of the payment period as specified in 5CFR 1315, if not specified in the contract, if discounts are not taken and if accelerated payment methods are not used.

403.32 Prepayment examination – examination of vouchers prior to certification. The objectives of a prepayment examination are to verify the accuracy of the payment, and the existence of supporting documentation.

403.33 Processing - receiving, sorting, preparing, approving, and prepayment examining of invoices. It begins with the receipt of invoices and concludes with the prepayment examination and presentation of invoices for certification.

403.34 Progress Payment – is a payment made as work progresses under the contract or before receipt of goods or services. This payment process is based upon costs incurred or the percentage or stage of completion as provided under the payment provision of a contract. This is also referred to as an advance, prepayment or contract financing.

403.35 Purchase Card Invoice – the report sent to the designated billing office from the contractor for payment of one or more agency cardholder statements. Agencies may elect to receive the invoice electronically.

403.36 Receipt of goods or services – signature acknowledgement that goods have been received or that services have been performed. This acknowledgment is the basis for approval.

403.37 Receipt of Invoice – for the purposes of determining a payment due date on which interest will begin to accrue, the main rule is that an invoice shall be deemed to be received, and payment due or interest starting thirty (30) days after the invoice is received and date stamped by the administrative office or COTR.

403.38 Receiving Report – is the written evidence of acceptance of property or services by a Government official (e.g., the fifth and sixth copies of Optional Form (OF)-347, Order for Supplies or Services, and Standard Form (SF)-26, Award/Contract).

403.39 Reimbursements – payments made by one U.S. Government agency to another to liquidate accounts payables arising from purchases of goods or services by the other U.S. Agency on behalf of the reimbursing U. S. Agency.

403.40 Simplified Acquisition – an acquisition of supplies, non-personal services, or construction in the amount of \$100,000 or less.

403.41 Split Claim -When claims for reimbursement are made for Representation Allowances, and the claim is split between different vendors or employees for the same occasion/event.

403.42 Suspensions – amounts subtracted from voucher amounts to reflect nonperformance or nonconformance to policy, lack of information, etc. The amount is withheld from the claimant and kept in suspense until the matter is resolved.

403.43 Taxpayer Identification Number (TIN) - is a unique number assigned by the IRS to taxpayers (individuals, businesses, and U.S. agencies) to be used in reporting tax and other returns. In the case of individuals and sole proprietorships, the TIN of the individual or proprietorship is the Social Security Number (SSN).

403.44 Vendor Express – a Government wide program to process vendor and miscellaneous payments electronically through the Automated Clearing House (ACH) network. The payments are deposited directly to the contractor's account on the payment date.

403.45 Voucher and Schedule of Payments (Form SF-1166) also referred to as a "voucher schedule," is a document used to authorize a payment. A voucher schedule might be a group of examined vouchers consolidated on the basis of the type of expense or the mode of payment.

#### 404 FORMS

404.1 BBG-44 – Purchase Order, Receiving Report and Voucher. This form is used to voucher all purchases and services where payment is to be made outside of the U.S. May also be used in place of special forms that are not readily available.

404.2 OF-1129 – Cashier Reimbursement Voucher and/or Accountability Report. This form is used by a cashier to account and be reimbursed for imprest funds.

404.3 FMS-210 – Signature Card for Certifying Officers. This is a card containing the official signature of an authorized Certifying Officer, as certified by the Agency Head or designee.

404.4 SF-1034 – Public Voucher for Purchases and Services Other Than Personal. This form is used to voucher disbursements for purchases and services other than reimbursements to employees.

404.5 SF-1047 – Public Voucher for Refunds. This form is used to process refunds due remitters.

404.6 SF-1049 – Public Voucher for Refunds, same as SF-1047. (Tabular form)

404.7 SF-1080 – Voucher for Transfers Between Appropriations and/or Funds. This form is used as a charge document and disbursement voucher by the agency receiving the funds.

404.8 SF-1081 – Voucher and Schedule of Withdrawals and Credits. This form is used by agencies within the Treasury disbursing area to conduct interagency expenditure transactions.

## **405 Internal Controls**

405.1 Separation of Duties- In accordance with good internal control practices, the following operations should be segregated from one another:

- a. Purchasing goods and services;
- b. Recording receipt of goods and services;
- c. Examining invoices;
- d. Preparing vouchers;
- e. Disbursing funds; and
- f. Settling Claims.
- g. Establishing/maintaining vendors

405.2 Supervision -Internal control objectives are achieved by instituting a system of supervision. Supervision of voucher processing and certification includes:

- a. Assigning responsibilities and duties to appropriate voucher examiners and clerical staff;
- b. Reviewing the work periodically; and
- c. Approving the work at critical points.

405.3 Audit Trail - An audit trail refers to the documentary or other evidence in place (either hard copy or magnetic storage device) that allows the retracing of a transaction to its source. For each voucher/claim the audit trail includes, but is not limited to:

- a. Requisition of goods;
- b. Request for proposals or solicitations;
- c. Issuance of purchase order or contract;
- d. Preparation of a receiving report or other evidence of performance or receipt;
- e. Preparation of vendor or U.S. agency invoice or voucher;
- f. Verification of names and signatures of individuals authorized to approve transactions; and
- g. Maintenance of logs to track claims in transit and voucher schedules.
- h. Accounting classification codes;
- i. Maintenance of relevant dates such as preparation date, processing date, accounting date;
- j. Maintenance of records (i.e., authorization of individuals to perform specific functions, signature cards, letter of authorization);
- k. Retention of supporting documentation and certificates;
- l. Retention of vouchers, supporting documentation, calculations, and computations, etc., for manual processes; and
- m. Maintenance, in an automated environment, of batch control logs, error listings, suspense and exception reports, etc.

## 406 TAX REPORTING REQUIREMENTS

406.1 A paying office is required to complete, by January 31 of each year, certain forms (e.g., IRS Form 1099-MISC, and IRS Form 1099-INT) for the tax year ending December 31 of the previous year. The 1099-MISC and 1099-INT files are electronically transmitted to the IRS by March 31 of the year for which the returns are being filed.

406.2 Forms to be filed include:

- a. IRS Form 1099-MISC, Statement of Recipients of Miscellaneous Income, to report non-employee compensation and other payments including rent, royalty, and fees to subcontractors and others not treated as its employees. The agency is to report on this IRS Form 1099-MISC any person, partnership, or professional group to whom it has paid in a given calendar year, \$600 or more in any form of compensation. This requirement applies to any recipient overseas, subject to U.S. tax laws, including foreign nationals with "green cards."
- b. IRS Form 1099-INT, Statement for Recipients of Interest Income, to report interest payments (due to late payments made under the Prompt Payment Act) made to individuals, partnerships, or trusts; and

406.3 Reporting Exceptions - The following recipients are not to be reported on IRS Form 1099:

- a. Recipients whose compensation is reported on IRS Form 941, Employers' Quarterly Federal Tax Return and/or IRS Form W-2; and
- b. Recipients not subject to U.S. tax laws.

## 407 VOUCHER PROCESSING AND PAYMENT TERMS

407.1 Central Receiving Point - Each administrative office or Contracting Officers Technical Representative (COTR) will, where possible, establish one central office (e.g., administrative or procurement office) responsible for receiving all invoices. Invoices may not be sent directly to the Office of Financial Operations.

407.2 The DBO receiving the invoice shall compare the invoice to the procurement agreement (contract, purchase order, or other authorized document) to verify compliance by the vendor with terms of the order. The invoice must comply with the definition of a proper invoice (see 403.26). If it is not correct, the invoice must be returned to the vendor for correction within seven days of receipt. Failure to return and notify the vendor in writing will result in automatic acceptance and receipt by the agency.

407.3 Invoice Submission Methods – Invoices may be hand-delivered, mailed using the U.S. Postal service, commercial package delivery service, facsimile machine, or electronic mail (e-mail).

- a. Invoices sent via facsimile must be marked "FAXed Original" upon receipt. The date of receipt is the date of receipt of the legible invoice.
- b. Invoices can also be sent via e-mail to the DBO. The date of receipt is date the e-mail was delivered to the e-mail address of the DBO's designated recipient. Contractors and vendors may submit their invoices to the AOs in the form of a PDF file. Other file types should not be accepted; only a PDF file is authorized for acceptance of electronic invoicing.

c. Contractors and vendors may submit their invoices to their AOs in the form of a PDF file. The vendor will generate their original invoice and sign the invoice. Vendors are responsible for their ability to produce the PDF file.

407.4 Designated officials shall promptly inspect property or services to ensure that prompt payment schedules are met. The Prompt Payment Act of 1982, as amended requires that BBG make payments no more than 7 days prior to to payment due date and as close as possible to, but no later than, the due date or, if appropriate, the discount date. Payment will be based on receipt of a proper invoice and satisfactory performance of all contract terms. When BBG fails to make timely payment or takes discounts after the discount date, interest penalties must be paid automatically. The exceptions to this requirements are if the vendor has not submitted EFT information, provided a valid Taxpayer Identification number or failed to maintain their registration in the Central Contractor Registry (for contractors required to register in the Central Contractor Registry).

a. In those limited circumstances when a specific payment date is provided for in the contract, payment will be made as close as possible to, but not later than that date.

b. For construction contract progress payments (by definition, partial payments), payment will be made as close as possible to, but not later than, the 14th day after receipt of the request for payment in the DBO.

c. Emphasis needs to be given that while early payments are permitted for construction contract progress payments, passenger and freight payments, and talent vendor payments, interest penalties still apply if the payment is made after the payment due date.

d. When a time discount is taken, payment will be made as close as possible to, but not later than, the discount date. The discount period starts on the invoice date and ends on the date of the specific discount terms. Discounts will be taken whenever economically justified, but only after acceptance has occurred.

e. Interest penalty payments are to be automatically paid when a payment is late, without the need for vendors or contractors to request them. The current rate is published by the U.S. Department of Treasury and may be found at [www.treas.gov](http://www.treas.gov)

407.5 Invoices must not be altered by the receiving office in any way. Altered invoices submitted to the Payment Office for payment will be returned to the DBO.

407.6 All invoices must be stamped with a mandatory receiving stamp to certify the receipt of goods and services. The SF-1164, SF-1034 and BBG-44 do not require the stamp. Invoices that do not have the required receiving stamp and all required information and signatures will be returned to the AO. A sample of the receiving stamp and instructions can be found below:

Obligation	Line & Amount
Received Date	Acceptance Date
I certify the goods and services indicated on the invoice Have been received by the BBG and are acceptable.	
<hr/> <div>Signature of Receiving Official/COTR      Date</div>	
<hr/> <div>Signature of Administrative Officer      Date</div>	
<hr/> <div>Administrative Officer Phone Number/fax</div>	

a. The receiving official may be the COTR, office director, requestor, or any other individual who has physically received and accepted the goods and services on behalf of the BBG.

b. Upon receipt of the invoice enter the invoice receipt date in the box marked "Received Date". This is the date you received the invoice. If by mail it will be the date received by interoffice delivery. If via email it will be the date of the email. If the designated billing office fails to annotate the invoice with the date of receipt, the date of the invoice will be considered to be the date of receipt of the invoice.

c. Enter the date the goods and services were accepted by the BBG in the box marked "Acceptance Date". This is the date the agency physically accepted the goods or services.

d. The invoice should then be returned to the AO for certification of funds availability, the identification of the obligation document number, the obligation line number(s), and dollar amount to be applied to each obligation line, along with the receiving official's signature and phone number.

407.7 AO submits the verified invoice to Payment Office within 3 calendar days of receipt, dates stamps the invoice into the Payments Office in the appropriate in-box. For contracts not in Momentum, the AO will attach copies of the purchase order and/or contract to the invoice to verify the vendors name, period of performance and rate of payment.

a. International invoices must be accompanied with international payment cover sheet. This will ensure that international payments are directed to the correct voucher examiner and not delayed.

b. "Same Day Payments" must be accompanied with the appropriate cover sheet, which includes an explanation of why same day payment service is required.

407.8 Payment Office – Procedures

a. Payment Office receives and audits invoice to ensure that it there is a valid obligation for the payment, it is a proper invoice, the required invoice stamp is completed and signed, and supporting documentation is attached to the invoice, i.e., copy of purchase order or contract.

b. Invoice Consolidation - Agencies are requested by the Treasury Department to increase the number of payment items per voucher-schedule, particularly in those cases where schedules cover only one, two, or three items. Additionally, the Payment Office shall ensure invoices are consolidated to the same vendor (and address), payment by a single check or funds transfer (I TFM 4-2025.50) when the following conditions exist:

- (1) Payment is made to a single office or location;
- (2) Payment is on behalf of a single U.S. Government bureau within a Federal Agency except when payment is made overseas, in which case the payment may be made on behalf of more than one U.S. Agency;
- (3) Consolidation is agreeable to the vendor or Federal agency;
- (4) Consolidation does not result in loss of discounts (this might occur if invoices carrying discount terms are held for payment beyond the discount date in order to combine with other invoices received or expected); and
- (5) Provisions of the Prompt Payment Act are not violated. Invoices should not be held beyond the payment due date (as defined under the Prompt Payment Act) solely for the purpose of consolidation with other invoices received or expected. The agency is liable for interest and penalties for any delays in payment to all vendors.

c. Payment Office enters the invoice and appropriate accounting data into the financial management system and verifies availability of funds.

d. Invoices with missing elements, i.e., required receiving stamp, invoice number, mathematical errors, supporting purchase orders or contracts, will be returned to the AO.

e. Certifying Officer verifies that data has been correctly keyed into the financial management system by comparing the invoices to the financial management system data and supporting documentation;

f. Certifying Officer determines if invoices processed into the financial management system data are eligible for certification; and

g. The financial system calculates the appropriate disbursement date based upon the dates provided on the receiving stamp on the invoice. International payments are processed through the International Treasury System (ITS).

h. All payments to non-federal entities are certified through the Department of Treasury's Secured Payment System (SPS). The payment information is entered into the SPS via a data entry operator, while Certifying Officers perform certification of the payments. In the event that it becomes necessary to change the scheduling of a voucher (schedule) previously submitted to FMS (different processing or payment date) or it becomes necessary to cancel a voucher previously submitted to FMS (prior to processing and release of payments), instructions for such actions will only be accepted from properly authorized individuals such as a Certifying Official or Designating Official.

i. Organizations doing business with the federal government under FAR based contracts are required to register in the CCR and maintain this registration. Registration in the CCR includes



maintaining current banking information so that payments can be processed via electronic funds transfer.

j. Intra-governmental Payment and Collection (IPAC) System - The IPAC System provides a standardized interagency fund transfer mechanism for Federal Program Agencies. Within BBG, this requires the timely review and processing of IPAC transactions. BBG must also use this same process to initiate charges to other Federal agencies.

(1) Steps to process charges to another Federal agency:

- The Financial Analysis and Reporting Branch, Accounts Receivable section is notified by a program office that a charge is to be made to another Federal agency. The program office provides a copy of the agreement, amounts expended under the agreement, and invoice for the goods or services provided.
- The Financial Analysis and Reporting Branch, Accounts Receivable section establishes a receivable for the amount of the reimbursement in the financial management system.
- A copy of the receivable record in the financial management system, a copy of the agreement with the other agency fiscal data, evidence of the amount expended (invoices, salary charges, and other cost documentation), and invoice are given to the IPAC accounting technician.
- The accounting technician accesses IPAC and processes an IPAC charge against the other agency for the amount owed.
- The accounting technician records a collection against the receivable in the financial management system.
- The accounting technician creates a folder for the IPAC with all the supporting documentation, a screen print of the IPAC charge, and a screen print of the collection. The folder is filed for future reference.

(2) Processing Charges to the BBG:

- Each business day, the Payment Office draws down the transactions affecting the agency's Agency Location Code (ALC) through the IPAC System.
- The Payment Office provides the IPAC data to the appropriate bureau within BBG. If the Payment Office cannot identify the responsible Bureau within BBG, using the information provided on the IPAC, the charging agency is contacted to provide additional information. The charge is reversed if the charging agency does not provide sufficient information to support it is a valid BBG cost.
- Each office has the responsibility of approving that goods/services were received and the payment is correct and proper; and providing the appropriate fiscal data.
- The office then provides the completed document(s) to the Payment Office.

407.9 Recovering Amounts Due - When an amount is due BBG from a vendor or contractor, collection is made by deduction (offset) from the current or next voucher submitted for payment. The Office of Financial Operations, Financial Analysis and Reporting will maintain a listing of vendor accounts receivable owed to BBG. Such deductions should be made whether the

collection is related to the voucher submitted for payment or not. The amounts collected will be credited against the accounts receivable for the vendor or contractor.

407.10 Vendor Deduction Inquiry Procedures - Vendors whose invoices have been reduced should work through their AOs to identify the reasons and amounts. The AO should contact the Payment Office if they need additional information.

407.11 Time-Barred Invoices - In accordance with 31 U.S.C. 3702 and 3726, a claim shall be allowed only if it is received by the DBO no later than three years after, for the payment of transportation related invoices or no later than six years after for the payment of all other invoices, excluding time of war, after the later of the following dates:

- a. Accrual of the claim;
- b. Payment for the receipt of goods or services is made;
- c. Refund for an overpayment for the goods or services is made; or
- d. Deduction is made from amounts due to the claimant to adjust excess charges paid previously.

407.12 When an Invoice is Not Needed - Invoices are not needed for:

- a. Transfers and purchases between U.S. agencies where an agreement between the agency and another relevant agency covers the range and costs of transactions; or
- b. Recurring payments for services when an agreement exists specifying the BBG will pay for the services received. These agreements call for the payment of a fixed amount at regular intervals over a specified period of time (e.g., rents, leases, or janitorial and custodial services).

407.13 Duplicate Invoices - Payment is made on original invoices only. If the original is lost, a copy marked "Duplicate Original" may be used when supported by an administrative approval (by the program AOs) on the document. Vouchers, voucher schedules, and supporting documentation must be marked clearly to prevent duplicate processing. The PASS 2 stamp should be used on all payment documents. Every invoice scheduled for payment will be marked using the PASS 2 stamp with the initials of the certifier and the date. Duplicate invoices are more likely to appear under one of the following conditions:

- a. Payments have been delayed and duplicate invoices are submitted by vendors as follow-up claims;
- b. Vendors submit invoices to more than one office for payment; or
- c. Invoices have been adjusted and are resubmitted after being paid.

407.14 Lost Invoice - The date of receipt of the invoice is the date on which the agency becomes liable for timely payments even if the invoice is subsequently lost. If an invoice is lost, the agency must obtain a copy or the details of the underlying transaction. If examination and certification are delayed, causing payment beyond the due date (based on the date of receipt of the original invoice), the agency is liable for interest and penalties.

a. For Invoices that are lost Before Payment

- (1) When an original voucher or invoice is lost before payment, the approving official obtains another voucher or invoice (unsigned) from the payee, if a copy is not on file. On all such

duplicates, the payee must state that the original has been lost and that payment has not been received.

- (2) If a memorandum copy of the lost invoice or voucher is available, the approving official prepares a new voucher or invoice from it. The new voucher or invoice must be distinctly and prominently marked "DUPLICATE." Attach the memorandum copy of the lost voucher to the duplicate.
- (3) The approving official inserts or attaches, securely, a full explanation of the circumstances surrounding the loss or destruction of the original voucher or invoice to the duplicate voucher.
- (4) Certification that administrative control has been established to preclude the making of a duplicate payment in the event that the original voucher or invoice is subsequently located is also required. Attach and file together all documents pertaining to both the original and the duplicate voucher. Administrative controls to prevent duplicate payments include:
  - Ensuring that sufficient and reasonable checks are built into the system (manual or automated) to prevent duplicate payments;
  - Ensuring that written procedures exist to prevent or reduce the possibility of duplicate payments;
  - Ensuring that examiners and certifying officers are aware of such procedures and of the circumstances that typically result in duplicate payments
  - Conducting periodic reviews of vendor paid files to ensure that duplicate payments have not been made;
  - Conducting unannounced checks to test the adequacy of procedures and their effective implementation; and
  - Conducting periodic reviews of reports produced by the system to ensure that duplicate payments have not been made.

b. For Invoices that are Lost After Payment

- (1) If an original voucher is lost after payment, the Payment Office should prepare another voucher based on the memorandum copy and mark such a voucher distinctly and prominently "SECOND ORIGINAL – PAID." The payee need not sign the voucher. The voucher must have supporting approval similar to the original voucher.
- (2) The Payment Office should provide a full explanation of the circumstances surrounding the loss of the original voucher and attach the memorandum copy. The second original is to be attested as a true copy of the first, over the signature of the certifying officer. The memorandum copy of the second original must be attached to the memorandum copy of the lost voucher and filed together with all documents pertaining to both the first and second original vouchers.

#### 408 INTEREST PENALTIES AND VENDOR DISCOUNTS

408.1 Interest Penalties - All elements and personnel involved in procurements and processing of invoices must take appropriate steps to reduce late payments and interest penalties.

- a. Notice of Interest Penalty – When BBG pays a late payment interest penalty, the payment must be accompanied by a notice of the amount of the interest penalty included in the payment,

the rate used by BBG to compute the penalty, and the number of days used by BBG to compute the penalty. The contract and invoice number should also be included in the notice to assist the contractor in reconciling the payment.

b. Exempt Invoices from Prompt Payment Act (PPA) - Complete Exemption for the following classes of payments are specified in the PPA:

- (1) petty cash vouchers;
- (2) communication bills;
- (3) insurance;
- (4) advance payment;
- (5) grants to non-profit organizations and individuals; or
- (6) utility payments.

c. Determining the Date Interest Starts – For the purposes of determining a payment due date and the date on which interest will begin to accrue if a payment is late, an invoice shall be deemed to be received (FAR 52.232-25 and 5 CFR 1315.4) On the later of :

- (1) For invoices that are mailed, the date a proper invoice is actually received by the designated agency office if the agency annotates the invoice with date of receipt at the time of receipt. For invoices electronically transmitted, only a PDF file is acceptable, the date a readable transmission is received by the designated agency office, or the next business day if received after normal working hours; or
- (2) The seventh day after the date on which the property is actually delivered or performance of the services is actually completed; unless
  - The agency has actually accepted the property or services before the seventh day in which case the acceptance date shall substitute for the seventh day after the delivery date; or.
  - A longer acceptance period is specified in the contract, in which case the date of actual acceptance or the date on which such longer acceptance period ends shall substitute for the seventh day after the delivery date;
  - On the date placed on the invoice by the contractor, when the agency fails to annotate the invoice with date of receipt of the invoice at the time of receipt (such invoice must be a proper invoice); or
  - On the date of delivery, when the contract specifies that the delivery ticket may serve as an invoice

d. Late Payment Interest Penalty Procedures will be calculated by BBG's use of the following procedures:

- (1) Interest will be calculated from the day after the payment due date through the payment date at the interest rate in effect on the day after the payment due date;
- (2) Adjustments will be made for errors in calculating interest;
- (3) (For up to one year, interest penalties remaining unpaid at the end of any 30 day period will be added to the principal and subsequent interest penalties will accrue on that amount until paid;
- (4) When an interest penalty is owed and not paid, interest will accrue on the unpaid amount until paid,

(5) Interest penalties under the Prompt Payment Act will not continue to accrue:

- After the filing of a claim for such penalties under the Contract Disputes Act of 1978; or
- For more than one year.

(6) Interest calculations are to be based on a 360-day year.

e. Penalties Not Due:

- (1) When payment is delayed because of a disagreement between BBG and a contractor over the amount of the payment or other issues concerning compliance with the terms of a contract (claims concerning disputes, and any interest that may be payable with respect to the period while the dispute is being settled will be resolved in accordance with the provisions in the Contract Disputes Act of 1978, 41 U.S.C. 601, except for interest payments required under 31 U.S.C. 3902 (h)(2); or
- (2) When payments are made solely for financing purposes or in advance, except for interest payments required under 31 U.S.C. 3902(h)(1) and (h)(2); or
- (3) For a period when amounts are withheld temporarily in accordance with the contract.
- (4) When interest penalties are less than one dollar.
- (5) When BBG cannot complete transmission of payment to a contractor by electronic funds transfer because of incorrect or incomplete bank account information provided by the contractor, BBG is exempted from payment of interest penalties for the period between the date of attempted transmission and the date on which the contractor supplies correct information to BBG.

f. Additional Penalties shall be entitled to a contractor when the contractor:

- (1) Receives a payment after the payment due date which does not include the interest penalty also due to a contractor;
- (2) Is not paid the interest penalty by BBG within 10 days after the date on which such payment is made; and
- (3) Makes a written request, not later than 40 days after the date on which such payment is made, that BBG pay such an additional penalty. The contractor request must specifically assert that late payment interest is due on a specific invoice and request payment of all overdue late payment interest penalty and such additional penalty as may be required. The written request must include the following:
  - Specific assertion that late payment interest is due for a specific invoice, and request payment of all overdue late payment interest penalty and such additional penalty as may be required; and
  - A copy of the invoice on which late payment interest was due but not paid and a statement that the principal has been received, and the date of receipt of the principle.
- (4) The maximum penalty shall be equal to one hundred percent of the original late payment interest penalty. The additional penalty shall not be greater than \$5,000.
- (5) The minimum penalty regardless of the amount of the late payment interest penalty, the additional penalty paid shall not be less than \$25. No additional penalty is owed, however, if the amount of the interest penalty is less than \$1.00.

- (6) Penalty basis -The penalty is based on individual invoices. Where payments are consolidated for disbursing purposes, the penalty determinations shall be made separately for each invoice therein.
- (7) The additional penalty does not apply to the payment of utility bills because late payment penalties for these bills are determined through the rate-setting process.

408.2 Invoices with Vendor Discounts - "When a discount is taken, payment will be made as close as possible to, but no later than, the discount date. If an agency takes the discount after the deadline, the agency shall pay an interest penalty on any amount remaining unpaid as prescribed in §1315.10(a)(6)." (5 CFR 1315.7) Payment must be based on receipt of proper invoices or progress payment requests and satisfactory performance of contract terms. For BBG's purposes, the discount date is the last day the discount is available, as stated on the invoice. If payment is made within the discount period, a specified invoice payment reduction, or discount, can be taken.

- a. Discounts will be taken whenever they are cost effective. A discount is cost effective when the rate offered is greater than the cost to the government for borrowing the money to pay the invoice. When the vendor has fulfilled the terms of the contract/order and a discount rate greater than the government cost of funds is offered, BBG will accept and process the invoice to earn the discount in all cases.
- b. The AO or COTR should ensure the following procedures are taken which incorporates the above criteria, to ensure vendor invoices offering discounts are taken to prevent the loss of budgetary resources.
- c. The COTR should obtain and mechanically stamp all invoices offering discounts with red ink as follows:

#### **FAST PAY – VENDOR DISCOUNTS**

- d. The AO or COTR should ensure the obligation number is cited in the required invoice-receiving stamp. The AO or COTR is encouraged to run a yellow highlighter pencil over the invoice terms of discount so the Office of Financial Operations can easily spot the discount.
- e. For those invoices forwarded to the Office of Financial Operations without a receiving report, the AO or COTR is still responsible for the receiving report, or for sending necessary documentation to the Office of Financial Operations to establish an account receivable for invoice discrepancies. To avoid the possibility of duplicate payments, the administrative office or COTR is not required to forward these receiving reports to the Office of Financial Operations but to maintain them in a file for review/audit. The AO or COTR should attach to these receiving reports either a copy of the invoice, or a second (duplicate) vendor copy of the invoice.
- f. If the vendor is mailing the invoice so late to the administrative office or COTR that the discount is lost, the administrative office or COTR is required to ask the vendor to mail future invoices on the date of the invoice. In such cases or for other reasons, the AO or COTR should forward the invoice to the Payment Office and annotate on the invoice the reason why the invoice was late in submission to the Payment Office.

#### **409 EXCEPTIONS IN THE VOUCHERING OF SPECIAL ITEMS**

409.1 This section of the MOA contains the agency's policy on vouchering special items. Special items are defined as those items that are either processed and/or certified differently than ordinary items. Some examples of special items include: advance payments to contractors,

allowances, capital expenditures, medical expenses for United States employees and other expenditures which are viewed as outside of the normal vouchering routine and in some cases are unique to BBG's foreign posts.

409.2 Advance Payments Other than Travel - Advance payments to contractors or vendors refer to a payment made in contemplation of future performance of a service, receipt of goods, incurring an expenditure, or for other assets, except payments for travel related service (e.g., airline tickets, rail transportation). BBG makes advance payments to contractors or vendors in anticipation of and for the purpose of facilitating performance.

a. Limitations on advance payments are described below:

- (1) Advance payments can only be made if authorized by a contract or purchase order.
- (2) In foreign areas, advance payments are subject to approval by the principal BBG representative at post.
- (3) A payment under a contract by BBG to provide a service or deliver an article for the United States Government may not be more than the value of the service already provided or the article already delivered (31 U.S.C. 3324).

b. Transaction Authorization - An advance of public money may be made only:

- (1) if it is authorized by appropriation;
- (2) Other law; or
- (3) The President. Specifically, the President may authorize an advance to a disbursing official if the President decides the advance is necessary to carry out the duties of the official promptly and faithfully and it is an obligation of the Government (31 U.S.C. 3324).

c. Eligible Advances - The following advances are eligible for payment as provided by specific law(s):

- (1) Charges for a publication printed or recorded in any way for the auditory or visual use of the agency (33 U.S.C. 3324);
- (2) Advances to employee for allowances (5 U.S.C. 5922);
- (3) Advances to employees for travel; (5 U.S.C. 5705)
- (4) Advance rental payments for less than 10 years (22 U.S.C. 2670)
- (5) Advance payments under contracts for property or services not to exceed the unpaid contract price (41 U.S.C. 255);
- (6) Training and tuition fees (5 U.S.C. 4109);
- (7) Advance payments of salary, allowances, and/or differentials, to or for the account of an employee whose evacuation, or a dependent's evacuation, is ordered under emergency evacuation procedures (5 U.S.C. 5522);
- (8) Advance payment, in whole or in part, of the estimated or actual cost as determined by the agency, to another agency of the U.S. Government for goods or services (5 U.S.C. 1535);
- (9) Insurance on official motor vehicles operated overseas;

(10) Insurance for health and life of FSN employees overseas; and

(11) Advance of pay to an employee upon assignment to a post in a foreign area (5 U.S.C. 5927).

d. Vouchering Requirements

- (1) Advance payments must be documented and recorded as receivables as soon as they are made.
- (2) When the advance payment made exceeds the amount of goods received or services performed, the Office of Financial Operations must treat the balance due as a receivable and collect the amount due.
- (3) Recorded receivables must be tracked and promptly adjusted to reflect the work or service delivered.

409.3 Representation Allowance - Allowable expenses for Representation Funds are described in Title 2 Section 200. The Standard Form 1034 (SF-1034) is the form to be used for vouchering or making payments or reimbursements for allowable representation charges. Whenever possible, include a number of claims incurred in the same month by a claimant on a single SF-1034.

a. The SF-1034 must contain among other things, an explanation concerning the following items as required by Standardized Regulations:

b. Vouchers for Entertainment:

- (1) Type and location of function;
- (2) Purpose:
  - Promotion of U.S. national interests
  - Protection of U.S. citizens' interests;
  - Promotion of economic activities; or
  - Commemorative and ceremonial requirements.
- (3) Names and titles of American and foreign guests of honor;
- (4) A description of the official business conducted when all guests are U.S. citizens.

c. Vouchers for Other than Entertainment:

- (1) Occasion;
- (2) Name and title of recipient or recipients;
- (3) Reason for expenditures;
- (4) Purpose (as defined above)

d. Split Claims – Make a cross-reference to the original payment on any subsequent SF-1034 for a part or balance due for the same occasion.

e. Receipt Requirements – Receipts should normally be attached to the SF-1034 to support each expenditure over \$25 on a single occasion. Expenditures for caterers or similar purveyors



should always be supported by receipts regardless of the amount. If it is not practical to obtain receipts for single payments over \$25, certification to this effect must be made on the SF-1034.

f. Submission, Approval, and Distribution of SF-1034.

- (1) Submission of the SF-1034 is done the same month the expenditure is incurred or as soon thereafter as possible;
- (2) Administrative approval is done by the head of the agency's overseas office, or his/her designee. They sign the voucher as the approving officer. Only American employees may be designated to approve representation vouchers.
- (3) Distribution and number of copies of the SF-1034 may vary in accordance with local practices; however, when a SF-1034 is paid, the original is included in the regular monthly accounts of the disbursing officer. When a SF-1034 cannot be paid because of lack of funds, the certifying officer at the post retains the original.

409.4 Purchase and Maintenance of Protective Clothing and Equipment - BBG has the authority for the purchase and maintenance of special clothing and equipment at Government expense for the protection of employees through the Act of August 2, 1946 (5 U.S.C. 7903). This provision applies to both domestic and overseas employees, including foreign national employees.

a. Determining the Propriety of Purchase – Overseas, the head of the establishment (or his or her designee) is responsible for determining that duties of an employee require special protective clothing or equipment suitable for purchase from BBG's funds. Domestic Division Chiefs or officers of equal or higher rank are assigned this responsibility. The determination should be stated in writing and attached to the voucher covering the purchase of the clothing or equipment.

b. Guidelines for Determining Propriety of Purchase

- (1) The general rule is that special clothing or equipment may not be purchased at Government expense if it is for the convenience, comfort, or personal benefit of employees, or may reasonably be required to be furnished by employees as part of the usual and necessary clothing or equipment for the duties for which they were employed.
- (2) The approving officer must be satisfied that two basic questions are answered in the negative:
  - Can the job be accomplished as expeditiously and satisfactorily from BBG's viewpoint without the special apparel or equipment?
  - Points to consider include, (1) Does BBG or employee receive the principal benefit? (2) Could the employee be required to perform the service without the particular item?
  - Is the clothing or equipment a type an employee should reasonably be required to furnish him or herself to enable them to perform the regular duties of the positions to which they were appointed? Points to consider include: (1) Is the clothing or equipment used in connection with regular duties, or only in emergencies or infrequent intervals? (2) Is the clothing or equipment assigned to a specific individual or available to different employees?
- (3) Allowable items do not readily lend themselves to specific detail since circumstances under which specific items of apparel or equipment are required vary. However, some examples of allowable items are listed below:
  - Rubber gloves and aprons for protection in handling poisonous chemical baths.

- Fire-resistant special purpose overalls (as opposed to overalls worn for usual mechanical duties).
  - Spiked boots for climbing poles, if such activity is part of an employee's normal duties.
  - Safety goggles (not sunglasses).
  - Costumes or unusual apparel not generally a part of an individual's wardrobe to be worn solely while performing a part in a program, production (television, motion picture, etc.)
  - Distinctive apparel to be worn by exhibit guides at international fairs and exhibitions in the performance of their duty when BBG participation in such fairs or exhibitions is under authority of P.L. 87-256 (Mutual Educational and Cultural Exchange Act of 1960).
  - Uniforms, uniform caps, or other identifying clothing.
- (4) Control – All clothing and equipment purchased from BBG funds for use by employees remains the property of BBG and must be properly recorded and controlled. They must be kept on BBG premises, available for any required user, except when being used off the premises in connection with official duties.
- (5) Maintenance – Costs for repairing and cleaning items of equipment and protective clothing purchased with BBG funds and kept on BBG premises for general use are properly payable from BBG funds. Uniforms, protective clothing or equipment in the custody of employees whose duties require them to wear such clothing may not be cleaned or laundered at Government expense.

#### 409.5 Capital Expenditure, U.S. Government Deposits

- a. Form SF-1034, should be used to voucher payments for the purchase of real property overseas. Form SF-1034, Public Voucher for Purchases and Services Other than Personal, is required domestically.
- b. Each voucher making payment for real property in foreign areas must be supported by an attested copy of a certificate by a local land expert as to the validity of the title. If a required certificate of a local land expert is not attached, the voucher must be supported by a memorandum, signed by the management officer, stating the circumstances and reasons for the absence of the certificate.
- c. Deposits for good or services should be vouchered as a charge against the appropriation chargeable with the related goods or services. The voucher must contain a statement that the deposit, together with the accrued interest, will be repaid to the U.S. Government when the nonexpendable item loaned, rented, or leased is returned. The payee must certify this statement. The Office of Financial Operations, Financial Analysis and Reporting must establish an account receivable.

409.6 FSN Employee Emergency Medical - Emergency Medical Expenses for BBG's FSN employees are covered under the joint FSN Employees plan administered by the Department of State. Costs incurred by the Department of State are charged back to the BBG allotment funding operations where the employee is working.

409.7 Official Residence Expenses - Official Residence Expenses (ORE) are intended to make possible the operation and maintenance of official residences in which principal representatives

can properly represent the United States abroad. Its purpose is to extend official hospitality to foreign dignitaries and important visitors. BBG personnel follow the ORE voucher processing established by the BBG. The Approving Official is to be a designated individual in the Office of Human Resources.

409.8 Advertising for Supplies and Services - Advertisements, notices, proposals for contracts, and all forms of advertising required by law may be paid for at a price not to exceed the commercial rates charged to private individuals with the usual discounts. The head of the agency may secure lower terms at special rates when the public interest requires it.

409.9 Local Transportation Claims - Local travel is defined as any travel within a 100 mile radius from the employees official duty station to another location for less than 12 hours, including work hours for official duty and required to perform the duties assigned to the employee.

- a. Local travel reimbursement is to be claimed on the SF-1164 Employee Claim for Reimbursement and approved by the supervisor. Administrative Officers should certify funds available and obligate these claims on the IA-151 Miscellaneous Obligation using object class 2163.
- b. Claims of less than \$25 are paid by the imprest fund cashier, claims greater than \$25 are paid by the Payment Center.
- c. Public transportation such as Metrorail and buses should be used for official travel within the Metropolitan area, and employees are urged to use these modes whenever time and circumstances permit.
- d. Cash Payment for Public Transportation - When it is not possible for an employee to obtain metro fare cards as provided above, reimbursement may be made for official travel on SF-1164, Claim for Reimbursement for Expenditures on Official Business. The SF-1164 is completed, approved, and submitted to a cashier for payment in the same manner as prescribed for taxicabs.
- e. Use of Taxicabs
  - (1) Receipts for all taxicab reimbursements are required for local travel, regardless of amount. The DC Taxi Commission requires taxi operators in the District of Columbia to provide passengers with printed metered receipts. These are the only type of receipts that will be accepted for local taxi services.
  - (2) Reimbursement - Reimbursement for use of taxicabs, when allowable, will be made when charges are properly vouchered and approved in accordance with the succeeding paragraphs. Reimbursement for tips to taxi drivers is limited to 15 cents where the fare is \$1 or less, or 15 percent of the fare where the fare exceeds \$1. If the amount of the tip, computed at 15 percent, is not a multiple of 5, it may be increased to the next multiple of 5. Claims for taxicab or similar local transportation expenses are fully itemized. Entries are made (e.g., date, points of origin and destination, cost of fare and tip) as each trip is completed. When fares exceed charges for one person, the number of other passengers is listed in the "From" column immediately below the applicable entry.
  - (3) Between Places Where Official Business is transacted -Taxicabs may be used only when advantageous to the Government and the expense of the taxicabs is justified by official needs that cannot be met through the use of public transportation. A taxicab should not be used for a trip of less than six blocks (each way) except for reasons of physical incapacity, seriously inclement weather, or when transporting official materials too cumbersome to carry. In each such case of use, the claimant must state the reason on the voucher. Also, reimbursement for use of a taxicab for a trip of less than six blocks (each way) may be allowed if the officer

administratively approving the voucher certifies on the voucher for each such use that time or official security factors were sufficiently critical to warrant the use of a taxicab.

(4) Use of Taxicabs Between Home and Office in Case of Necessity

- Basic Rule - The basic rule is that an employee is personally responsible for the cost of transportation between his or her home and place of duty.
- Employee Dependent on Public Transportation - Overtime Work - Reimbursement for taxi fare between office and home may be allowed in cases where the following conditions apply:
  - The employee working the overtime is dependent on public transportation and without alternative transportation; and
  - Travel time is during hours of infrequently scheduled public transportation or darkness. "Infrequently scheduled public transportation" does not mean that public transportation is not as readily available as at the height of rush hour. The determination involves such factors as risk of harm, and unusual and lengthy delays because of curtailment of service. "Darkness" connotes late evening hours when few people are using public transportation. Darkness is not a valid condition when solely based on early evening hours when much of the employed population is commuting from work.
  - Unusual Nature of Assignment- Overtime Work - Reimbursement for taxicabs between the place where official business is transacted and home for travel incident to officially ordered work outside an employee's regular working hours performed on a "call-back" basis or on a regular non-work day may be allowed in such rare situations where the use of taxicabs is demonstrably necessary to successfully perform the particular assignment. Such reimbursement is limited to taxicab use immediately proceeding and/or following the officially ordered overtime, and is allowable only when the employee and the officer ordering the overtime could not reasonably have taken action to preclude the necessity for use of taxicabs.

f. Use of Privately Owned Automobile

- Reimbursement - Reimbursement for use of privately owned automobile, when allowable, will be made when expenses are properly vouchered and approved in accordance with the succeeding paragraphs. Please contact your administrative officer for current mileage rate reimbursement. An Employee will, in addition, be reimbursed for the necessary cost of parking fees, ferry fares, and bridge, road, and tunnel tolls, unless administrative determination restricts their allowance. Employees are expected to exercise prudence and avoid such charges or keep them to a minimum.
- Between Places Where Official Business Is Transacted -Privately owned automobile may be used only when advantageous to the Government and the expense of such means of travel is justified by official needs that cannot be met through use of other means of transportation. Privately owned automobiles should not be used for trips of less than six blocks (each way) except for reasons of physical incapacity, seriously inclement weather, or when transporting materials too cumbersome to carry. In such case of use, the claimant must state the reason on the voucher. Also, reimbursement for use of a privately owned automobile for a trip of less than six blocks (each way) may be allowed if the officer administratively approving the voucher certifies on the voucher for each such use that time or official security factors were sufficiently critical to warrant the use of the automobile.

- Use of Privately-owned automobile Between Home and Office in Case of Necessity
  - Basic Rule - The basic rule is that an employee is personally responsible for the cost of transportation between his or her home and place of duty.
  - Use of Personally Owned Automobile Determined Advantageous to the Government During Regular Hours of Duty and/or Overtime Hours Immediately Preceding and/or Following Regular Hours - When it is determined advantageous to the Government for the employee to have his or her privately owned automobile available during the working day for use for travel between places where official business will be transacted, reimbursement will not be allowed between the employee's home and the places where official business is transacted. However, ferry fares, and bridge, road and tunnel tolls between such points will be allowed if they would not normally be incurred in driving to and from the employee's regular headquarters building, unless administrative determination restricts their allowance. Parking fees, when necessarily incurred, will be allowed at all places where official business is transacted, including parking fees incurred incident to duty at the employee's regular headquarters building.
  - When an employee pays for parking incident to duty at his or her regular headquarters building on a monthly basis, he or she may be reimbursed for those days during which the automobile is used for official travel on a pro-rata basis to be based on the number of days of actual rental period. Under no circumstances are parking fees allowable incident to duty at headquarters building if the automobile is not used as advantageous to the Government on official business to another place or places of duty during the day.
  - Unusual Nature of Assignment - Reimbursement for use of privately owned automobile between place or places where official business is transacted and home in connection with overtime work not immediately preceding or following regular working hours (including overtime work on a regular non-work day) may be allowed in such rare situations where the use of a privately owned automobile is demonstrably necessary to successfully perform the particular overtime assignment. Reimbursement for use of private automobile is not authorized, however, when used as transportation in lieu of public transportation in such overtime situations for the convenience of the employee. Reimbursement may include mileage to and from home and all fees necessarily incurred. Reimbursement is allowable only when the employee and the office ordering the overtime could not reasonably have taken action to preclude the necessity for use of the privately owned automobile.

g. Preparing Vouchers for Reimbursement

- (1) Form and Frequency of Filing Vouchers - Vouchers for reimbursement of expenditures for use of taxicabs and privately owned automobiles are prepared in original on SF-1164, Claim for Reimbursement for Expenditures on Official Business. Vouchers may be prepared as frequently as necessary, but preferably not more than once a week for those employees whose duties require recurring trips. However, vouchers must be submitted not later than sixty days after the expense has been incurred.
- (2) Data To Be Shown
  - All Vouchers - Enter the name of the Organization, name and organization symbol of the claimant, and office address of the claimant. For each trip, enter date, origin and

destination, and the amount claimed. Specify the purpose of each trip on the line (or lines) immediately following the entry for the trip; general statements such as "Official Business" or "To attend meeting" are not adequate. In the case of use of taxicabs, show the amounts of the fare and tip separately. In the case of use of privately owned automobile, enter the odometer readings at the beginning and end of each trip, total miles, and mileage claimed; also itemize and enter the amount of each parking fee and other allowable fees. If travel is less than six blocks (each way), state reason why taxicab or use of privately owned automobile was necessary. Enter totals of each column and grand total. The claimant dates and signs the SF-1164 in ink in the space provided.

- Additional Data To Be Shown on Vouchers for Taxicabs Between Place of Duty and Home - Overtime Work - If claim is made for taxicab fares under provisions above, itemize in connection with each claimed trip the conditions set forth in that paragraph and make the following affirmative statement that such conditions were met. "Travel performed by the claimant met the requirements of the MOA." Allow space before the next entry for a special approving officer to indicate his or her approval or disapproval and signature. Enter for each claimed trip the reason why use of a taxicab was necessary to successfully perform the assignment.
- General statements such as **"Time element" or "For security reasons" are not satisfactory; explanations must be specific.** Allow space before the next entry for the approving officer to indicate his or her approval and signature.
- Additional Data To Be Shown on Vouchers Involving Use of Privately Owned Automobile Between Place of Duty and Home - Where claim is made for parking incident to duty at regular headquarters building under provisions above, the mere fact that claims may be made for use of the automobile on that day for travel between places of duty is not sufficient to support the charge. Enter for each such parking fee claimed an affirmative statement that use of the privately owned automobile was advantageous to the Government. If the amount claimed is computed on a pro-rata basis, enter computation. Allow space before the next entry for the approving officer to indicate his or her approval and signature. When claim is made for mileage and allowable fees under provisions of above, enter for each claimed use of the automobile, why use of the automobile was necessary to perform the assignment. General statements such as "Time element" or "Need for mobility" are not satisfactory. Be specific. Allow space before the next entry for a special approving officer to indicate his or her approval and signature.

409.10 Canceled Reservations - Charges for canceled reservations are payable only if administratively approved as unavoidable official expenses. If a service fee for canceling a reservation for personal reasons or delay in notifying the carrier, the office should collect the fee from the traveler.

#### 410 ACCOUNTABILITY

410.1 Accountable Officers - Both the certifying and disbursing officer are considered "accountable officers" and, as such, when entrusted with or statutorily responsible for public funds become, in effect, a "trustee" for the taxpayers. These officials are personally liable for the loss or improper payment of the funds for which they are accountable.

##### 410.2 Certifying Officers' Personal Liability and Relief

a. Personal Liability - Certifying officers are accountable for and required to personally reimburse the government for an illegal or otherwise improper payment made by a disbursing officer because of their certification. Unlike disbursing officers or collectors of public moneys, certifying officers have no public funds in their possession. The responsibilities and accountability

of a certifying officer are provided in Title 7, Chapter 7, 31 U.S.C.3325 and 3328. When certifying a voucher, a certifying officer is held responsible for:

- (1) Information stated in the certified voucher and supporting records;
- (2) Computation of the certified voucher;
- (3) Legality of the proposed payment from the appropriation or fund involved; and
- (4) Unless relieved of liability by the Comptroller General or a delegate, repayment of the amount of any;
  - Illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate made by the officer, and
  - Payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved.

b. Relief – the Comptroller General may relieve a certifying official from liability when the Comptroller General decides that:

- (1) The certification was based on official records and the official did not know, and by reasonable diligence and inquiry could not have discovered the correct information; or
- (2) The obligation was in good faith; no law specifically prohibited the payment; and the U.S. Government received value for payment.

c. Overpayment – a certifying official may be relieved from liability from an overpayment in the following cases:

- (1) When such payment is made to a common carrier under 41 U.S.C. 3726 and the Comptroller General decides that overpayment occurred because the administrative audit before payment did not verify transportation rates, freight classifications, or land-grant deductions; or
- (2) When such payment is provided under a U.S. Government bill-of-lading or transportation request and the overpayment was the result of using improper transportation rates or classifications, or the failure to deduct the proper amount under a land-grant law or agreement.

#### 410.3 Request for Decisions by the U.S. Comptroller General –

a. A disbursing official, certifying officer, or the head of an agency may request a decision from the Comptroller General on a question involving:

- (1) A payment the disbursing official or head of the agency will make; or
- (2) A voucher presented to a certifying official for certification.

b. All requests for decisions must be submitted to the Office of General Counsel.

c. The Comptroller General will issue a decision requested under 31 U.S.C. 3529.

#### 410.4 Law and Fact Questions

a. If the certifying officer feels that a particular voucher involves a question of law, or there are missing or incomplete supporting documents, or there are facts which are known but not evidenced, the certifying officer should promptly transmit such vouchers to the Director, Office of

Financial Operations. The Director, Office of Financial Operations will submit the request to the CFO or the GC if the Director, Office of Financial Operations cannot answer the question.

b. All vouchers must be supported by the original pertinent documents. When originals are not available, copies should be submitted, provided the approving official certifies each copy as a true copy. An approving official's memorandum transmitting the voucher should include:

- (1) Reason the claim is believed to contain a question of law or fact;
- (2) Administrative recommendation as to proper disposition; and
- (3) Statement as to whether or not an obligation in the amount or estimated amount of the claim has been established and that liquidation will not be made until properly instructed to do so.

#### 411 CONTRACT FINANCING

411.1 Progress Payments - The payments should be made in accordance with the terms of the contract. The contract may require the payments to be made periodically based on the progress made during the period, or it may require the payment to be made when either certain milestones are reached or the specified deliverables are received.

411.2 Required Documentation - The contractor completes the applicable form in triplicate and submits the form and the back up (invoices, etc.) to the office specified in the contract. Construction contract progress payment requests must include the following:

- a. Substantiation of the amount(s) requested including, at a minimum, an itemization of the amounts requested related to the various elements of work required by the contract;
- b. Certification by the prime contractor, to the best of the contractor's knowledge and belief, that:
  - (1) The amounts requested are only for performance in accordance with the specifications, terms, and conditions of the contract;
  - (2) Payments to subcontractors and suppliers have been made from previous payments received under the contract, and timely payments will be made from the proceeds of the payment covered by the certification, in accordance with their subcontract agreements and the requirements of 31 U.S.C. 39; and
  - (3) The application does not include any amounts, which the prime contractor intends to withhold or retain from a subcontractor or supplier in accordance with the terms and conditions of their subcontract. (This certification by the prime contractor is not be construed as final acceptance of the subcontractor's performance.)
- c. BBG must return to the contractor any progress payment request that is defective within seven days after receipt, with a written statement identifying the defect.
- d. The receiving element will date stamp the form. The progress payment is reviewed, verified, and approved by the assigned COTR or other designated official. The final SF-1443 submitted on a contract shall be stamped:<sup>1, 2</sup>

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<sup>1</sup> The forms may be submitted with or without an invoice. The SF-1443 form is located in FAR II Part 53.303.

<sup>2</sup> All BBG elements with progress payments are required to date stamp the SF-1443 upon receipt (see Appendix 8.5.001).



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e. For contracts that authorize progress payments, the COTR shall review and approve the invoice and forward it to the Payment Office, through the Contracting Officer. The requesting office has responsibility for receipt, tracking, and initial approval of the invoices by the COTR, but final approval of progress payments remains with the Contracting Officer.

**411.3 Progress Payments – Performance Deficiency**

a. Contractor's Responsibility - When a contractor receives payment for a construction progress payment request, and after receiving such payment, discovers a performance deficiency on the part of either the contractor or subcontractor which was covered in the payment, interest is due the Government for the unearned portion of the payment for the period between the receipt of payment and the correction of the performance deficiency or overpayment.<sup>3</sup> A contractor is obligated to pay interest to the Government on unearned amounts in its possession from:

- (1) The eighth day after receipt of funds from BBG until the date the contractor notifies BBG that the performance deficiency has been corrected; or
- (2) The date the contractor reduces the amount of any subsequent payment request by an amount equal to the unearned amount in its possession, when the contractor discovers that all or a portion of a payment received from BBG constitutes a payment for the contractor's performance that fails to conform to the specifications, terms and conditions of its contract with BBG under 31 U.S.C. 3905(a); or
- (3) The eighth day after the receipt of funds from BBG until the date the performance deficiency of a subcontractor is corrected; or
- (4) The date the contractor reduces the amount of any subsequent payment request by an amount equal to the unearned amount in its possession, when the contractor discovers that all or a portion of a payment received from BBG would constitute a payment for the subcontractor's performance that fails to conform to the subcontract agreement and may be withheld under 31 U.S.C. 3905(e).

411.4 Government's Responsibility - To allow for proper computation and recording of the interest payment(s) the Contracting Officer will prepare and direct an explanatory cover memorandum and copies of all documentation relating to the unearned payment to the Payment Office. The cover memorandum will include:

- a. Date of payment;
- b. The subsequent reduced progress payment request; and
- c. The date the deficiency was corrected, if applicable.

**412 PURCHASE CARD PROGRAM**

412.1 Program Description - This section describes the payment of small purchase charge card payments. These are cards that are issued to BBG employees for purchases of \$3,000 or less. Higher limits are allowed based on the needs and the level of Simplified Acquisition Training of

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<sup>3</sup> When a contractor is obligated to pay interest on such unearned amounts to the Government as described above, the interest will:

- (a) Be computed at the rate of interest established by the Secretary of the Treasury;
- (b) Be deducted from the next available payment to the contractor; and Revert to the Department of the Treasury.

the cardholder. Other simplified acquisition methods (imprest funds, third party drafts, SF-44 forms, and purchase orders) may only be used in lieu of the Government purchase card when it is more cost-effective, practicable, or required by existing statutes.

The card bears the employee's name and can only be used by that employee. The card is subject to a single transaction limit, a monthly cardholder limit, and a monthly issuing office limit established by BBG. Small purchase cards provide significant savings in administrative costs over other methods. The card provider makes reports available to the appropriate cardholder, manager, or Payment Office. 1 TFM 4-4500 provides general guidance on the use of the card, terminology, and general agency guidelines.

#### **412.2 Definitions**

- (1) Approving Official – Individual who reviews cardholder statement, is responsible for authorizing cardholder purchases (for official use only), and ensures that statement is reconciled and submitted to the Payment Office in a timely manner. Purchase Card Training is required to serve as an Approving Official. Approving Officials must be issued a memo of appointment from the Office of Contracts to serve as an Approving Official
- (2) Cardholder - individual Government employee to whom a Government purchase card is issued. The card bears the employee's name and can be used only by that employee for official purchases, in compliance with the agency's regulations and procedures and GSA Government Commercial Credit Card Services contract. Purchase Card Training is required to serve as a cardholder. Cardholders must be issued a Delegation of Appointment to serve as a cardholder.
- (3) Cardholder Statement – a statement listing all transactions during the billing period that is sent to each cardholder.
- (4) Delegation of Authority – a written delegation issued by responsible agency personnel that establishes authorized cardholder(s), specifying spending and usage limitations unique to that cardholder.
- (5) Designated Billing Office – the payment office within a Federal agency that receives the "official invoice," which is a consolidated report listing all cardholder charges for the office served. This office is responsible for ensuring that payment of the official invoice is made in accordance with Prompt Payment Act deadlines.
- (6) Designated Billing Office Report – a consolidated report sent to each agency billing office at the end of the monthly billing cycle. The Designated Billing Office Report will be the official invoice.
- (7) Electronic Commerce – the integration of electronic-based systems to support common business processes. For example, the purchase card contractor will provide invoices electronically to Federal agency designated billing offices and accept payments electronically from Federal Government Payment Offices, and will provide electronic access to account data and reports.
- (8) Government Purchase Card – internationally accepted credit card available to Federal agencies under a single GSA contract for the purpose of making simplified acquisitions with a minimum of paperwork. These credit card services are available under a contract awarded by GSA for Government wide use.
- (9) Purchase Card Invoice – the report sent to the designated billing office from the contractor for payment of one or more agency cardholder statements. Agencies may elect to receive the invoice electronically.
- (10) Simplified Acquisition – an acquisition of supplies, non-personal services, or construction in the amount of \$100,000 or less.
- (11) Vendor Express – a Government wide program to process vendor and miscellaneous payments electronically through the Automated Clearing House (ACH) network. The payments are deposited directly to the contractor's account on the payment date.

412.3 Agency Procedures - In order to ensure the effective management of the charge card program within BBG, the agency has established the following internal controls:

- a. Designated M/CON staff to manage the program. Management of the program includes assurance that training is provided, maintenance of a current list of cardholders and approving officials, and an annual oversight review of the program;
- b. Written a delegation of authority for each cardholder;
- c. Established approved uses and limitations on the types of purchases and the dollar amounts;
- d. Established procedures for timely submission of cardholder statements to the agency designated billing office;
- e. Established procedures for maintaining security of the cards;
- f. Established procedures for handling disputes and returned, refused, damaged, or unacceptable items and partial deliveries; and
- g. Established card renewal procedures.

412.4 Review and Approval of Billing Statement - When a Government purchase card is used, the vendor providing the good or service to the agency is paid by the contractor that provides the credit card services to the Government. The paying agency then reimburses the contractor in accordance with the terms and conditions of the Government commercial credit card services contract and prompt payment criteria. The Payment Office is the DBO for the purchase card invoices. The Office of Contracts is the Agency/Organization Coordinator (A/OPC) for the purchase card program. The credit card vendor, at the end of each billing cycle, provides on-line access to the credit card statements for the DBO and each cardholder.

#### 412.5 Payment Office Responsibilities

- a. After notification from the credit card vendor via e-mail, the DBO downloads the BBG credit card invoices from the credit card vendor's website.
- b. The A/OPC has on-line access and will download credit card invoices as needed from the credit card vendor's website.
- c. The billing statement is used to prepare a voucher to pay the credit card vendor immediately to obtain the maximum rebate under the credit card program. The payment is made via Treasury's SPS as an ACH payment. The credit card voucher is entered into the financial management system and the entry clerk performs PASS 1 on the voucher. The Certifying Officer certifies the voucher for payment and performs PASS 2 in the financial management system. The payment is recorded in the financial management system as a PX transaction and recorded against suspense fund 95F3875.
- d. Upon receipt of the individual cardholder statements by Payment Office, the statements are logged into a tracking worksheet, which lists each individual cardholder, the amount of their transactions for that particular statement and the total for all of the statements received for that billing cycle. The worksheet is maintained as a tool to ensure all individual statements are sent to Payment Office each month and are reconciled to the total invoice.
- e. The Payment Office Accounting Technician then reviews the documentation provided by the cardholder to ensure that all required documentation has been provided by the cardholder, all fiscal information needed to record the statement has been provided, and all charges have been accounted for in the supporting documents.

f. The Accounting Technician then records each statement in the financial management system as an RM transaction. Within each RM transaction, the accounting technician is backing out that portion of the PX (original combined payment for all domestic cardholders) from the suspense fund (Line 001) and then applying the charges to the appropriate obligation, which was provided by the cardholder (Line 002 and subsequent lines in that RM). The Accounting Technician performs Pass 1 and Pass 2 approval on each RM document. The total of the RM entries entered must equal the payment made against the consolidated invoice.

g. The Accounting Technician maintains a file for each billing period. It contains the PX and back-up documentation, all statements and supporting documentation provided by each cardholder and the tracking log sheet kept as the statements were submitted to Payment Office.

#### 412.6 Purchase Card Program Offices and Cardholders

a. Each month the individual cardholders download their credit card statement from the credit card vendor's site.

b. The cardholder is to review the statement, reconcile the transactions to the buying log (Form IBB-0020), BBG/IBB Purchase Card Summary (Form IBB-0022) and any supporting documentation. Within three working days, the cardholder is to forward the signed statement, Forms IBB-0020/0022, and supporting documentation to the Approving Official.

c. The Approving Official reviews and approves the reconciled statement. The Approving Officer forwards the approved statement, Forms IBB-0020/-0022, and the financial management system Obligation Record screen print to Payment Office within the 8th work day after the billing date on the statement. The current billing date is the 6th of the month (on-line statements are generally available on the 7<sup>th</sup> of each month).

d. The cardholder is to contact the vendors if there are any transaction discrepancies to correct the discrepancies.

e. Failure to submit the monthly-reconciled statement to Payment Office by the eighth work day from the statements availability could result in suspension of the card.

413 Cashier Operations (Imprest Fund) - This section of the MOA contains the agency's policy on special voucher processes associated with the processing of imprest fund vouchers presented to a cashier for reimbursement.

#### 413.1 Payment Limitations

a. Cashiers are authorized to make cash or third party draft payments not to exceed \$25. Receipts may not be split to avoid this limitation.

b. In emergency situations a single transaction may be in excess of \$25 when the Director, Office of Financial Operations and the Chief, Office of Administration and Analysis make specific authorization. In the absence of these individuals, their designee may serve as the approving official.

c. Payment from an imprest fund may be made only after an obligation has been established.

#### 413.2 Other Limitations

a. Imprest funds may not be used for payment of salaries or wages; payment of transaction charges for persons or things other than local travel or drayage; advances other than those authorized below; change-making purposes; or cashing checks or other negotiable instruments.

b. Payments may not be made from imprest funds for articles or services in quantities or amounts which are covered by mandatory contracts or mandatory sources of supply, except in justified emergencies.

413.3 Allowable Expenditures - Cashiers are authorized to make cash payments or entrust sufficient monies to an authorized employee for the following types of purchases:

a. Small purchases – Purchases are limited to those where direct cash or money order payment will be advantageous to the agency because of the time involved, reduction in paperwork, increased efficiency, or other valid reason. The following procedures must be adhered to:

- (1) Purchases must be made in accordance with the principles, standards, and related requirements contained in procurement regulations issued by the Administrator of the General Services Administration and regulations issued by BBG.
- (2) Cost of purchases within the prescribed monetary limitations (as described above) must be kept within reasonable bounds by ordinary shopping procedure of price comparison (competition), and the buyer must take advantage of any obtainable discounts.
- (3) Purchases are normally supported by a FORM 1164 Claim for Reimbursement For Expenditures on Official Business, or other equivalent form signed by an authorized approving official.

b. Local transportation – Reimbursement to employees for the authorized use of public transportation facilities such as trains, taxicabs, and privately owned automobiles on official business within the metropolitan area of their official station.

c. Miscellaneous items – Purchase of postage stamps, payment for the parcel post, and local drayage charges. Local drayage is defined as the movement of supplies or commodities wholly within a recognized metropolitan area in which both the points of pickup and delivery are located.

413.4 Imprest Fund Transactions - Overseas Only

a. Cash Advances for Procurements– The procedures for purchase transactions where cash is advanced to an employee for making the purchases are:

- (1) Employee requesting the cash advance presents a requisition to the cashier, showing the name and address of the supplier, the articles or services to be purchased, the quantity, and the estimated amount required.
- (2) Cashier reviews the requisition for completeness and that the document has been signed by an authorized approving official.
- (3) Cashier requests identification of employee picking up cash advance.
- (4) Cashier stamps original copy of the requisition stating the following:

**CASH ADVANCE**  
**Received from Imprest Fund Cashier**  
**\$                      for**  
**which I hold myself accountable to the United States.**

**Date:**\_\_\_\_\_ **By**\_\_\_\_\_ **(Signature)**

**FINAL PAYMENT**

**Sum of \$**

**Date:**\_\_\_\_\_ **By**\_\_\_\_\_ **(Signature)**

Note: Both the dollar amount and date of advance are recorded on the requisition along with the cashier's initials. The employee receiving the cash advance signs his/her name certifying receipt of the cash advance.

- (5) Cashier retains the original requisitions which should be placed in an interim advance folder, preferably in alphabetical order, for accountability purposes. A copy of the requisition is given to the employee receiving the advance.
- (6) The cashier instructs an employee receiving an advance that, as a rule, the purchase should be made and a receipt document presented to the cashier on the same day. In any event, the purchase must be made and the receipt furnished to the cashier not later than the 5th workday following the date of advance. After this period, the cashier takes immediate action to recover the cash advance. If requested by the cashier, supervisory officials take prompt action to assist the cashier in recovering the advance.
- (7) When making the purchase, the employee must obtain an acceptable receipt from the vendor (original sales slip, invoice, or cash register ticket) which names the article(s) purchased and the amount(s) paid. The vendor's name and address must be on the receipt.
  - After the purchase is made, the employee must return the vendor's acceptable receipt to the cashier not later than 5 work-days from the date of the advance.
  - The cashier matches up the original requisition (from his/her interim advance folder) with the returned vendor receipt and immediately stamps "PAID" on the receipt document furnished by the employee and staples it to the requisition. The cashier will affix a second stamp marked "VOID" over the top portion (CASH ADVANCE) of the stamped requisition to void the certification made by the employee when the advance was received.
  - The following procedures are then taken in filling out the bottom portion (FINAL PAYMENT) of the stamped requisition in order to complete the imprest fund transaction:
    - If the acceptable receipt shows the same amount as the advance given the employee, that dollar amount is recorded and dated by the cashier. The employee signs his/her name certifying that receipt has been returned.
    - If the acceptable receipt shows a lower amount than the employee received in advance, the employee returns any unused cash to the cashier; the corrected total dollar is recorded and dated by the cashier. The employee signs his/her name certifying that receipt and unused cash has been returned.

b. Reimbursement for Purchases – The procedures for cash reimbursement to an employee after the purchase has been made are:

- (1) Employee presents the requisition (or other equivalent document) and vendor's acceptable receipt (original bill, sales slip, cash register ticket, or invoice which names the articles purchased and the amounts paid) to the cashier. Copies are not considered acceptable receipt forms. Purchases paid for by money order must also be supported with the money order stub.
- (2) Cashier reviews the requisition and receipts for completeness as stated above, assuring that the requisition has been signed by an authorized approving official.

- (3) Cashier requests identification of employee picking up cash.
- (4) Cashier immediately stamps "PAID" on the vendor's receipt document and staples it to the requisition.
- (5) Cashier stamps original copy of requisition stating the following:

**RECEIVED IN CASH**

**Sum of \$**

**Date:**\_\_\_\_\_ **By:**\_\_\_\_\_ **(Signature)**

Both the dollar amount and date of cash payment are recorded on the requisition along with the cashier's initials. The employee receiving the cash payment signs his/her name certifying receipt of cash.

- (6) Cashier matches signature with employee's identification and provides employee with funds.

413.5 Imprest Fund Transactions - Domestic Only - An employee making a purchase should advise the vendor that it is for the U.S. Government and request that tax not be charged. The SF-1094, U.S. Tax Exemption Certification, will be furnished to the vendor if he or she requires evidence of the tax-exempt sale; however an SF-1094 will not be issued to avoid payment of tax if the amount of tax on any one bill is \$10 or less. The cashier may reimburse employees for all tax actually paid on official purchases.

413.6 Replenishment - The replenishment of imprest funds is addressed in Title 7 Section 206.9, Cash management.

414 CLAIMS - These procedures address the process for submitting claims against the U.S. Government for money due or presumed to be owed that are not supported by conclusive obligations and documents. These procedures provide information related to the types of claims and general processing of these claims by the Payment Office.

414.1 Authority - The Government Accountability Office transferred claims settlement and related advance decisions, waivers, and other functions to certain departments and agencies as specified in Comptroller General Decision B-275605, dated March 17, 1997. The following specifies the claim and appropriate department or agency:

- a. Deceased Employee – Office of Personnel Management (OPM).
- b. These are claims for compensation and leave, and settlement of deceased employees' accounts (that are to be settled, that is, the agency or former employee's estate is disputing amounts of money to be or disbursed by the employing agency).
- c. Employee Relocation, Transportation, and Travel – General Services Administration (GSA).
- d. These are Federal employees' claims for travel, transportation, relocation expenses, and allowances assigned to GSA's Board of Contract Appeals (GSBCA).
- e. Transportation Carrier Appeals – GSA.
- f. These are transportation carriers' requests for review of audit actions taken by GSA on their bills for services provided the government that are assigned to GSBCA.

- g. Judgment Funds – Department of the Treasury (Treasury).
- h. Judgment fund payments (amounts payable from the permanent and indefinite appropriation) are authorized by 31 USC 1304 and setoffs against such payments 31 U.S.C. 3728 is assigned to Treasury's Financial Management Service, and Judgment Fund Group.
- i. Erroneous Payment by Employees – Agency.
- j. The authority to waive collection of erroneous payments from civilian employees under 5 U.S.C. 5584 is delegated to the Executive branch agency that made the erroneous payment.
- k. Settlement Authority Not Under GSA, OPM – Agency
- l. The claims settlement authority not otherwise transferred to GSA or OPM as listed above is delegated to the Executive branch agency where the activity claim arose.
- m. Advance Decision – Agency
- n. The authority to render advance decision concerning a function under section 211(a) of the Legislative Branch Appropriations Act, 1996, that was previously delegated by OMB has been transferred by virtue of section 204 of the GAO Act of 1996 to the agency to which such function was delegated. Also, the advance decision authority concerning claims not otherwise transferred by section 202 is also delegated to the Executive Branch agency out of whose activity the claim arose.

414.2 Assisting Claimants - Except in cases of unpaid compensation of deceased employees, government employees are prohibited by law from giving assistance to a claimant "otherwise than in the discharge of their proper official duties" in prosecuting a claim against the United States. It is intended that claimants should determine and initiate their claims against the U.S., relying upon their own knowledge and records. However, it is considered within the discharge of proper official duties to furnish claimants, upon their request, information as to their rights and procedures and forms for presenting claims.

414.3 Claims Documentation - Formal requirements are prescribed by statute or regulation for many types of claims, but some types of claims against the United States may be made very informally and deficiencies in the statement of a claim frequently may be remedied by a supplemental submission. Therefore, any written request for money from the United States that is signed by the claimant or the claimant's representative should be processed as a claim against the United States.

414.4 Time Limitation - It is not intended to imply that all statutes of limitations are necessarily limited to those listed in the MOA. It is incumbent on claimants to inform themselves regarding other possible statutory limitations to protect their interests. Claims received by the appropriate BBG office (based on type of claim) will be processed within that office or forwarded to the appropriate other government agency (OGA) for recording date of receipt even though it is not certain at the time of transmission whether or not settlement action is required by the OGA. The will ensure that claim is received timely due to potential time limitations.

414.5 Statutory Limitation – Except, as provided by law, all claims against the Government are subject to a six year statute of limitations as provided for in 31 U.S.C. 3702. This requirement is based on the premise that the agency that conducts the activity from which the claim arises receives the claim within that period. A claimant can review this information at [www.gpo.gov](http://www.gpo.gov). The claimant is also responsible for proving that the claim was filed within the applicable statute of limitations.

414.6 Types of Claims - Following is a list of claims that BBG typically reviews and processes in their program offices or require an external agency to process:



a. Claims for Private Personal Property Losses - These are employee claims for damage to or loss of personal property of employees at domestic and foreign posts that are settled by Office of Administration, Department of State.

b. Death of a Foreign Service National (FSN) – A death gratuity may be paid with respect to a Foreign Service National employee who dies from injuries sustained in job performance. Other amounts that may be due the employee, such as unpaid compensation, shall be settled by the post in accordance with local compensation plans. In determining the proper payee (e.g., surviving spouse, guardian of minor child, representative of estate), the administrative office may request authority to obtain local legal advice.

c. Claims for Amounts Due Deceased or Incompetent Creditors, Other than Employees – This relates to settlement of the claims for supplies furnished and services rendered with amounts due to their estates that can be settled by BBG.

d. Domestic Tort Claims – These claims relate to accidents occurring within the

e. United States, to include territories and possessions, for money damages for personal injury, death, or property loss or damage caused by the negligence or wrongful act of or omission by a BBG employee that can be settled by the Office of General Counsel.

f. Tort Claims Arising in Foreign Countries – These claims arise from accidents for money damages, for damages for personal injury, death, or property loss or damage caused by the negligent or wrongful acts or omission by a BBG employee that can be settled by the Office of General Counsel.

414.7 Referral of Claims - Any BBG employee receiving a claim against the United States in the course of official business who lacks authority to resolve the claim shall refer the claim to the appropriate BBG office or external agency as identified above.

414.8 Voucher Preparation - A voucher is prepared for each claim for each decision document (settlement agreement or claim adjudication) that directs payment of a claim by the Office of Financial Operations. The decision document and any other supporting documentation are attached to the voucher.

414.9 Voucher Review - Vouchering for the payment is made in accordance with 31 U.S.C. 3325. The voucher and supporting documentation are reviewed by the authorized certifying officer as prescribed in 31 U.S.C. 3528.

414.10 Source of Funds - Claims payable by BBG are recorded as an accounts payable and are charged to the current appropriation and allotment of the activity and program and location where the activity gave rise to the claim, except as stated below:

a. Settlement of claims arising under a contract are recorded as an accounts payable and are payable from the appropriation current at the time the contract was entered into or, in the case of severable services contracts, from the appropriation current at the time the services giving rise to the claim were performed.

b. Payments from accounts payable of expired accounts must be made in accordance with OMB Circular A-11 Preparation, Submission and Execution of the Budget and A-136 Financial Reporting Requirements, both of which implement P.L. 101-510.

414.11 Compromise, Suspension, or Termination - A review by the Chief Financial Officer is made on all debts in excess of \$500 but less than \$2,500 that are being recommended for compromise, suspension or termination. The Chief Financial Officer shall appoint a "Claims Settlement Committee" with a representative from each of the following offices: (1) Office of

General Counsel; (2) Office of Human Resources; and (3) Office of Financial Operations staff. The Claims Settlement Committee will review and determine appropriate action on claims in excess of \$2,500 but less than \$100,000, originating overseas or domestically.

414.12 Compromise (Collecting a Reduced Amount) - A compromise may be sought by the debtor or by Chief Financial Officer (See 4 CFR 103.2 and 22 CFR 512), within the limits of Section 8.15.10.2.1, if it is determined that the full amount of the debt cannot be collected. On an individual basis, the authorizing official reviews periodically the agreements of authorized schedules of repayments to assure compliance and collection. Each request for compromise, suspension or termination will be made by memorandum, which contains:

- a. The debtor's name;
- b. Amount of the claim;
- c. Brief statement of collection efforts; and
- d. Reason why compromise, suspension, or termination has been approved.

414.13 Overseas - Claims Not in Excess of \$500. Post AOs are delegated authority to approve the compromise, suspension, or termination of a claim not in excess of \$500 in accordance with the standards set forth in this section when normal collection action has proved futile. The post will maintain a permanent record of all such claims with a summary report being provided to Office of Financial Operations at the end of each fiscal year. The post AO (or other officer familiar with the debt) must submit a memorandum containing:

- a. The debtor's name;
- b. Amount of the claim;
- c. Brief statement of collection efforts; and
- d. Reason why compromise, suspension, or termination has been approved.

Claims in Excess of \$500. If normal collection action has proved futile, the post management officer forwards such claims to Financial Analysis and Reporting, Accounts Receivable with complete documentation and recommendation for settlement.

414.14 Domestically –

a. For claims originating in the United States when collection has proved futile, the bureau or office management officer may recommend by memorandum to the Office of Financial Operations the compromise, suspension, or termination of the debt, as prescribed in this section. Such memorandum should include complete documentation.

b. The Office of Financial Operations has the authority to approve the compromise, suspension or termination of claims of \$500 or less, in accordance with the standards set out in this section when normal collection action under Section 8.15.9.5 has proved futile.

c. The Office of Financial Operations must prepare a memorandum to CFO containing:

- (1) The debtor's name;
- (2) Amount of the claim;
- (3) Brief statement of collection efforts; and
- (4) Reason why compromise, suspension, or termination has been approved.

414.15 Suspending Collection Action - The BBG may suspend collection action temporarily if the debtor cannot be located after a diligent effort and there is reason to believe that collection at a future time may be more productive (See 22 CFR 512).

#### 414.16 Exceptions

a. Types of Exceptions - The criteria and actions to suspend or terminate a debt do not apply and full collection action must be pursued for any claim where there is an indication of misrepresentation or fraud on the part of the debtor or any other party having an interest in the claim. As stated in 4 CFR 101.3, when such claims cannot be collected, they shall be referred by the Office of the Legal Adviser to the Department of Justice, which shall determine what further action will be taken.

b. Compromise Exceptions - Pursuant to 31 U.S.C. 3527, only the Comptroller General, or designee, may compromise a claim that arises out of an exception made by GAO in the account of an accountable officer.

414.17 Close Out - Close out occurs when the BBG terminates all collection activities. The Internal Revenue Service (IRS) treats such written-off debt as income and Office of Financial Operations therefore reports this amount on Form 1099 MISC. Office of Financial Operations notifies the debtor by Form 1099 MISC of the debt write-off being reported to IRS. Office of Financial Operations shall promptly report the close out to IRS, except that reporting to IRS is not required if informed that the debt has been discharged pursuant to Chapter 11, Federal Bankruptcy Law.

## **TITLE 7**

### **PART 600 – GRANTS AND OTHER FINANCIAL ASSISTANCE**

#### **SECTIONS**

601	<b>Scope</b>
602	<b>Authorities</b>
603	<b>Definitions</b>
604	<b>Broadcasting Board of Governors Responsibilities</b>
605	<b>Grantee Responsibilities</b>
606	<b>Grantee Contracts and Leases Approval Procedure</b>
607	<b>Grant Closeout</b>

**601 Scope** – The BBG has broad statutory authority to issue grants per 22 USC 1471. Agency grants are divided primarily into two categories: (1) Grants for broadcasting operations made pursuant to specific statutory authority and (2) All other grants or federal financial assistance instruments issued for non-broadcast operations purposes. This section is primarily dedicated to information related to the issuance and administration of the broadcast grants, but where applicable, and as required, the information contained in this section may also be applied to the issuance and administration of the non-broadcast grants and/or other federal financial assistance instruments. Included is information on financial terms and conditions, direct and indirect costs, grant payments, property and equipment, financial reporting, records and audits, availability of funds, documentation requirements, monitoring, and closeouts.

**601.1 Applicability** – The material in this chapter applies to the BBG’s financial management policies for administering grants both domestically and abroad. It is the single authoritative and comprehensive source for grant policies. Grants issued by other agencies are governed by that agency’s policies and regulations. Officers should refer to this section for all matters relating to the BBG’s grant financial management. Unless otherwise stated, references in this section apply to BBG, including grantee operations both domestically and abroad.

**601.2 General Information** – Among other financial assistance instruments used in support of the agency’s mission, the BBG currently provides funding (as authorized in P.L. 103-108, the U.S. International Broadcasting Act, and as subsequently authorized each fiscal year by appropriation from the U.S. Congress) to three organizations herein referred to as grantees: Radio Free Europe/Radio Liberty, Radio Free Asia, and Middle East Broadcasting Networks. The characteristics of such assistance are (1) that the BBG does not directly receive goods or services for funds disbursed and (2) the recipient uses the funds to support activities that enhance BBG’s strategic goals and U.S. foreign policy. Grant funding is provided through the use of payments distributed monthly except when under a continuing resolution. Generally, assistance can be either monetary or in-kind (e.g., the BBG provides services, supplies, equipment, or materials in lieu of funds).

#### **602 Authorities**

**602.1** Public Law 95-224, Federal Grant and Cooperative Agreement Act of 1977; 31 USC 6301, et seq.

**602.2** Public Law 106-107, Federal Financial Assistance Management Improvement Act of 1999

**602.3** OMB Circular A-11, Preparing and Submitting Budget Estimates

602.4 OMB Circular A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations

602.5 OMB Circular A-122, Cost Principles for Non-Profit Organizations

602.6 OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations

602.7 The U.S. Code (31 USC 3511) authorizes the U.S. Comptroller General, in consultation with the Secretary of the Treasury and the Director of the Office of Management and Budget, to prescribe the principles, standards, and related requirements for accounting, and associated forms for each Executive U.S. Government agency.

602.8 In accordance with 7 GAO, Fiscal Procedures, the Department of the Treasury has responsibility for all disbursement forms, both general and specific. The BBG, however, is delegated responsibility for disbursement forms falling clearly within its functional area. Procedures for the use of a particular form are prescribed by the responsible U.S. Government agency.

### **603 Definitions<sup>1</sup>**

603.1 Advance – A payment made by U.S. Treasury Department check or other appropriate payment mechanism to a recipient upon its request either before outlays are made by the recipient or through the use of predetermined payment schedules.

603.2 Auditee – Any non-federal entity that expends Federal awards, which must be audited under this section.

603.3 Auditor – A public accountant or a Federal, state, or local government audit organization, which meets the general standards specified in generally accepted government auditing standards (GAGAS). The term “auditor” does not include internal auditors of non-profit organizations.

603.4 Audit finding – Deficiencies which the auditor is required to report in the schedule of findings and questioned costs by A-133 §\_\_\_\_.510(a).

603.5 Award – Financial assistance that provides support or stimulation to accomplish a public purpose. Awards include grants and other agreements in the form of money or property in lieu of money, by the Federal Government, to an eligible recipient. The term does not include: technical assistance which provides services instead of money; other assistance in the form of loans or loan guarantees, interest subsidies, or insurance; direct payments of any kind to individuals; and contracts which are required to be entered into and administered under procurement laws and regulations.

603.6 Cash contributions – The recipient's cash outlay, including the outlay of money contributed to the recipient by third parties.

603.7 CFDA number – The number assigned to a federal program in the Catalog of Federal Domestic Assistance (CFDA). The BBG Program Identification Number is 90.500.

603.8 Cognizant agency for audit – The Federal agency designated to carry out the responsibilities described in A-133 §\_\_\_\_.400(a).

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<sup>1</sup> Definitions are as stated in: OMB Circular A-102, Grants and Cooperative Agreements with State and Local Governments; OMB Circular A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations; OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations; OMB Circular A-11, Preparation and Submission of Budget Estimates; and Federal Grant and Cooperative Agreement Act, 31 USC 6301, et seq.

603.9 Compliance supplement – The Circular A-133, Compliance Supplement, included as Appendix B to Circular A-133, or such documents as OMB or its designee may issue to replace it. This document is available at [http://www.whitehouse.gov/omb/grants/grants\\_circulars.html](http://www.whitehouse.gov/omb/grants/grants_circulars.html).

603.10 Continuing Resolution – Continuing resolutions (CRs) are joint resolutions that provide continuing appropriations for a fiscal year. CRs are enacted when Congress has not yet passed new appropriations bills and a program's appropriations are about to or have expired, or when the President has vetoed congressionally passed appropriations bills. Because of the nature of CRs, you should operate at a minimal level until after your regular appropriation is enacted.

603.11 Cooperative Agreement – An award where

- a. The principle purpose of the relationship is the transfer of money, property, services, or anything of value to the state, local government, or other recipient to accomplish a public purpose of support or stimulation authorized by the Federal statute, rather than acquisition, by purchase, lease, or barter, of property or services for the direct benefit or use of the U.S. Government; and
- b. Substantial involvement is anticipated between the Executive agency, acting for the U.S. Government or other recipient during performance of the contemplated activity.

603.12 Corrective action – The action taken by the auditee that:

- a. Corrects identified deficiencies;
- b. Produces recommended improvements; or
- c. Demonstrates that audit findings are either invalid or do not warrant auditee action.

603.13 Cost sharing or matching – That portion of project or program costs not borne by the U.S. Government.

603.14 Disallowed costs – Those charges to an award that the Federal awarding agency determines to be unallowable, in accordance with the applicable Federal cost principles or other terms and conditions contained in the award.

603.15 Equipment – Tangible, nonexpendable personal property including exempt property charged directly to the award having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit. Consistent with recipient policy, lower limits may be established.

603.16 Excess property – Property under the control of any Federal awarding agency that, as determined by the agency head, is no longer required or needed for the discharge of its responsibilities.

603.17 Federal agency – Has the same meaning as the term “agency” in Section 551(1) of title 5, United States Code (USC).

603.18 Federal award – These are Federal financial assistance and Federal cost-reimbursement contracts that non-Federal entities receive directly from Federal awarding agencies or indirectly from pass-through entities. Federal awards do not include procurement contracts, under grants, or contracts, nor can they be used to buy goods or services from vendors. Any audits of such vendors shall be covered by the terms and conditions of the contract. Contracts to operate U.S. Government owned, contractor operated facilities (GOCOs) are excluded from the requirements of this part.

603.19 Federal awarding agency – The Federal agency that provides an award directly to the recipient.

603.20 Federal financial assistance – Assistance that non-Federal entities receive or administer in the form of grants, loans, loan guarantees, property (including donated surplus property), cooperative agreements, interest subsidies, insurance, food commodities, direct appropriations, and other

assistance, but does not include amounts received as reimbursement for services rendered to individuals as described in A-133 §\_\_\_\_.205(h) and A-133 §\_\_\_\_.205(i).

603.21 Federal program – All Federal awards to a non-Federal entity assigned a single number in the Catalog of Federal Domestic Assistance (CFDA). The BBG's Program Identification Number is 90.500.

603.22 Funding period – The period of time when Federal funding is available for obligation by the recipient.

603.23 GAGAS – Generally accepted government auditing standards issued by the Comptroller General of the United States, which are applicable to financial audits.

603.24 Generally accepted accounting principles – Has the meaning specified in generally accepted auditing standards issued by the American Institute of Certified Public Accountants (AICPA).

603.25 Grants – An agreement where:

- a. The principle purpose of the relationship is the transfer of a thing of value to the state or local government or other recipient in order to accomplish a public purpose of support, or stimulation, authorized by a law of the U.S., rather than acquisition, by purchase, lease, or barter, of property or services for the direct benefit or use of the U.S. Government; and
- b. No substantial involvement is anticipated between the Executive agency, acting for the U.S. Government, and the state or local government, or other recipient during performance of the contemplated activity.

603.26 Grant Agreement – A standardized legally binding agreement used to provide financial assistance by the BBG to a "grantee." The Grant Agreement is to be drafted and signed by the BBG Executive Director and the authorized signatory of each individual "grantee" at the beginning of the fiscal year. The Grant Agreement details the full financial terms of the financial assistance in accordance with OMB guidance. In the event that the fiscal year begins under Continuing Resolution funding, the Grant Agreement will be amended to provide the amount of the initial grant once the appropriation has been signed into law.

603.27 Grant Amendment – The grant agreement may be amended by the BBG as necessary throughout the fiscal year.

603.28 Internal control – A process, effected by an entity's management and other personnel, designed to provide reasonable assurance regarding the achievement of objectives in the following categories:

- a. Effectiveness and efficiency of operations;
- b. Reliability of financial reporting; and
- c. Compliance with applicable laws and regulations.

603.29 Internal control pertaining to the compliance requirements for Federal programs (Internal control over Federal programs) – A process by which an entity's management and other personnel provide reasonable assurance regarding the achievement of the following objectives for Federal programs:

- a. Transactions are properly recorded and accounted for, to permit the preparation of reliable financial statements and Federal reports; maintain accountability over assets; and demonstrate compliance with laws, regulations, and other compliance requirements.
- b. Transactions are executed in compliance with laws, regulations, and the provisions of contracts or grant agreements that could have a direct and material effect on a Federal program; any other laws and regulations that are identified in the compliance supplement; and safeguarding funds, property, and other assets against loss from unauthorized use or disposition.

603.30 Major program – A Federal program determined by the auditor to be a major program in accordance with A-133 §\_\_\_\_.520 or a program identified as a major program by a Federal agency or pass-through entity in accordance with A-133 §\_\_\_\_.215(c).

603.31 Management decision – The evaluation by the Federal awarding agency or pass-through entity of the audit findings and corrective action plan and the issuance of a written decision as to what corrective action is necessary.

603.32 Non-Federal entity – A state, local government, or non-profit organization.

603.33 Non-profit organization –

- a. Any corporation, trust, association, cooperative, or other organization that is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest; is not organized primarily for profit; and uses its net proceeds to maintain, improve, or expand its operations.
- b. The term “non-profit organization” includes non-profit institutions of higher education and hospitals.

603.34 Obligations – The amounts of orders placed, contracts and grants awarded, services received and similar transactions during a given period that require payment by the recipient during the same, or a future period.

603.35 OMB – The Office of Management and Budget, Executive Office of the President.

603.36 Other Recipient – Any person or recipient other than a state or local government who is authorized to receive Federal assistance or procurement contracts. Includes any charitable or education institution.

603.37 Outlays or expenditures – Charges made to the project or program. They may be reported on a cash or accrual basis. For reports prepared on a cash basis, outlays are the sum of cash disbursements for direct charges for goods and services, the amount of indirect expense charged, the value of third party in-kind contributions applied, and the amount of cash advances and payments made to subrecipients. For reports prepared on an accrual basis, outlays are the sums of cash disbursements for direct charges for goods and services, the amount of indirect expense incurred, the value of in-kind contributions applied, and the net increase (or decrease) in the amounts owed by the recipient for goods and other property received. They are also charges for services performed by employees, contractors, subrecipients, and other payees and other amounts becoming owed under programs for which no current service or performance is required.

603.38 Oversight agency for audit – The Federal-awarding agency that provides the predominant amount of direct funding to a recipient not assigned a cognizant agency for audit. When there is no direct funding, the Federal agency with the predominant indirect funding shall assume the oversight responsibilities. The duties of the oversight agency for audit are described in A-133 §\_\_\_\_.400(b).

603.39 Pass-through entity – A non-Federal entity that provides a Federal award to a sub-recipient to carry out a Federal program.

603.40 Personal property – Property of any kind except real property. It may be tangible, having physical existence, or intangible, having no physical existence, such as copyrights, patents, or securities.

603.41 Prior approval – Written approval by an authorized official evidencing prior consent.

603.42 Program income – Gross income earned by the recipient that is directly generated by a supported activity or earned as a result of the award (see exclusions in paragraphs A-133 \_\_\_\_\_.24 (e) and (h)). Program income includes, but is not limited to, income from fees for services performed, the



use or rental of real or personal property acquired under federally-funded projects, the sale of commodities or items fabricated under an award, license fees and royalties on patents and copyrights, and interest on loans made with award funds. Interest earned on advances of Federal funds is not program income. Except as otherwise provided in Federal awarding agency regulations or the terms and conditions of the award, program income does not include the receipt of principal on loans, rebates, credits, discounts, etc., or interest earned on any of them.

603.43 Program-specific audit – An audit of one Federal program as provided for in A-133 §\_\_\_\_.200(c) and A-133 §\_\_\_\_.235.

603.44 Project costs – All allowable costs, as set forth in the applicable Federal cost principles, incurred by a recipient and the value of the contributions made by third parties, in accomplishing the objectives of the award during the project period.

603.45 Project period – The period established in the award document during which Federal sponsorship begins and ends.

603.46 Questioned cost – A cost that is questioned by the auditor because of an audit finding:

- Which resulted from a violation, or possible violation, of a provision of a law, regulation, contract, grant, cooperative agreement, or other agreement or document governing the use of Federal funds, including funds used to match Federal funds;
- Where the costs, at the time of the audit, are not supported by adequate documentation; or
- Where the costs incurred appear unreasonable and do not reflect the actions a prudent person would take in the circumstances.

603.47 Recipient – A non-Federal entity that expends Federal awards received directly from a Federal-awarding agency to carry out a Federal program.

603.48 Single audit – An audit, which includes both, the entity's financial statements and the Federal awards as described in A-133 §\_\_\_\_.500.

603.49 Small awards – A grant or cooperative agreement not exceeding the small purchase threshold fixed at 41 USC 403(11) (currently \$100,000).

603.50 Subaward – An award of financial assistance in the form of money, or property in lieu of money, made under an award by a recipient to an eligible subrecipient or by a subrecipient to a lower tier subrecipient. The term includes financial assistance when provided by any legal agreement, even if the agreement is called a contract, but does not include procurement of goods and services nor does it include any form of assistance, which is excluded from the definition of "award" in paragraph 603.5.

603.51 Subrecipient – The legal entity to which a subaward is made and which is accountable to the recipient for the use of the funds provided. The term may include foreign or international organizations (such as agencies of the United Nations) at the discretion of the Federal-awarding agency. A non-Federal entity that expends Federal awards received from a pass-through entity to carry out a Federal program, but does not include an individual that is a beneficiary of such a program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency. Guidance on distinguishing between a subrecipient and a vendor is provided in A-133 §\_\_\_\_.210.

603.52 Supplies – All personal property excluding equipment, intangible property, and debt instruments as defined in this section, and inventions of a contractor conceived or first actually reduced to practice in the performance of work under a funding agreement ("subject inventions"), as defined in 37 CFR 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts, and Cooperative Agreements."

603.53 Suspension – An action by a Federal awarding agency that temporarily withdraws Federal sponsorship under an award, pending corrective action by the recipient or pending a decision to

terminate the award by the Federal-awarding agency. Suspension of an award is a separate action from suspension under Federal agency regulations implementing Executive Orders 12549 and 12689, "Debarment and Suspension."

603.54 Termination – The cancellation of Federal sponsorship, in whole or in part, under an agreement at any time prior to the date of completion.

603.55 Third party in-kind contributions – The value of non-cash contributions provided by non-Federal third parties. Third party in-kind contributions may be in the form of real property, equipment, supplies and other expendable property, and the value of goods and services directly benefiting and specifically identifiable to the project or program.

603.56 Types of compliance requirements – Refers to the types of compliance requirements listed in the compliance supplement. Examples include activities allowed or disallowed; allowable costs/cost principles; cash management; eligibility; matching; level of effort, earmarking; and reporting.

603.57 Unliquidated obligations – For financial reports prepared on a cash basis, this is the amount of obligations incurred by the recipient that have not been paid. For reports prepared on an accrued expenditure basis, they represent the amount of obligations incurred by the recipient for which an outlay has not been recorded.

603.58 Unobligated balance – The portion of the funds authorized by the Federal-awarding agency that has not been obligated by the recipient and is determined by deducting the cumulative obligations from the cumulative funds authorized.

603.59 Unrecovered indirect cost – The difference between the amount awarded and the amount that could have been awarded under the recipient's approved negotiated indirect cost rate.

603.60 Vendor – A dealer, distributor, merchant, or other seller providing goods or services that are required for the conduct of a Federal program. These goods or services may be for an organization's own use or for the use of beneficiaries of the Federal program. Additional guidance on distinguishing between a subrecipient and a vendor is provided in A-133§.210.

**604 Broadcasting Board of Governors Responsibilities** – BBG has organizational responsibility for the oversight and administration of grants and related funding.

#### 604.1 Establishment of the Grant

a. Grant Agreement: At the beginning of the fiscal year, the BBG Office of General Counsel reviews and clears the annual grant agreement which thereby grants funds for the planning and operating expenses related to international broadcasting to each grantee. The Office of General Counsel also reviews and clears any grant amendment prepared throughout the fiscal year.

b. Amending the Grant Agreement:

(1) Reduction of grant agreements – The BBG may reduce the annual grant funding level via a grant amendment based on revised cost estimates of grantee-related expenditures.

(2) Increase of grant agreements – The BBG may increase the annual grant funding level via a grant amendment based on revised estimates or increased grantee operating expenses. Increases may also include allocation of emergency supplemental appropriations as approved by OMB and Congress.

#### 604.2 The Financial Plan –

a. The BBG CFO must review and approve the annual financial plan prepared by each grantee organization. The approved grantee financial plan is to be submitted each month as part of the Grantee's monthly payment request. The financial plan provides guidance on a line-item basis for grantee

spending, and is used to monitor monthly Grantee spending trends and to justify monthly payment requests.

b. As the grant is administered throughout the year, the grantee may adjust the financial plan to reflect updated priorities and spending patterns. It is the responsibility of the CFO to approve these reprogramming requests as they are proposed. The Office of General Counsel also reviews and clears any grant amendment prepared throughout the year.

#### 604.3 Current Services

a. During BBG current services review, the grantees will submit updated requirements for the “Current Year” – the prior year Congressional budget request (to include: built-in requirements, i.e., inflation and pay raises and non-recurring costs, i.e., one-time purchases) – and the costs for continuing those services through the subsequent fiscal year.

b. It is the responsibility of the BBG grantee analyst to review the current services submission and coordinate with the grantees and the CFO to ensure that the current services estimate is in accordance with BBG funding levels, priorities, and OMB guidance.

c. It is the responsibility of the BBG to review the grantee’s updated salary projection, list of filled positions, and complete staffing pattern to verify that the assumptions comply with OMB and Board guidance. The Office of the CFO will conduct a comparability study each year to verify the comparability of compensation plans across all BBG entities.

#### 604.4 OMB Submission –

a. Building upon the Current Services submission and through consultation with the BBG, the grantees will submit updated requirements for the OMB budget request (August-Sept.) to include: built-in requirements, enhancements, program reductions, and non-recurring costs.

b. It is the responsibility of the BBG grantee analyst to review the OMB submission and coordinate with the grantees and the CFO to ensure that the OMB submission is in accordance with BBG funding levels, priorities, and OMB guidance.

604.5 Congressional Submission – Based on OMB’s passback funding guidance, the BBG grantee analyst will assist the grantees in preparing final estimates for the budget request year to include: built-in requirements, enhancements, program reductions, and non-recurring costs.

604.6 Grantee Agreement File – This section lists documents that should be included in the files related to grantees that receive awards from the BBG. The grants analyst should maintain these files.

a. A grant agreement file will include, but is not limited to, the following applicable documents:

- (1) The budget estimate, which indicates the amounts, by categories of expense, on which the BBG has based its support;
- (2) The Financial Plan;
- (3) The Grant Agreement and all Appendices and Amendments;
- (4) Financial reports;
- (5) Audit reports;
- (6) Official correspondence and memoranda;

- (7) Requests for payments and payment vouchers; and
- (8) Certifications (Lobbying, Debarment & Suspension, Nat'l Terrorism List, and CCR registration).

b. Non-Entity Grant files (those other than RFE/RL, RFA, and MBN) should also include:

- (1) Accounting System Survey (if new organization);
- (2) Notice of Grant Award (applies to domestic grants since we redelegate to overseas station managers to notify grantees);
- (3) Retention of Records;
- (4) Examination of Records;
- (5) Novation; and
- (6) Agreement Close-out.

#### 604.7 Budget Execution

a. Recording Grants in the BBG Financial Management System – Upon Congressional approval of the Current Year BBG appropriation, the Budget Office establishes an annual allotment funding level, based on each the grantee's approved annual program plan, and enters this into the financial management system. Allotments for existing grantees are as follows:

1060 – Radio Free Europe/Radio Liberty  
1065 – Radio Free Asia  
MN01 – Middle East Broadcasting Networks

b. Certification of Funds – The Funds Certifying Officer will obligate the amount of grant funding for each grantee based on the signed grant agreement using the 4100 allotment series in the financial management system. The first four digits of the obligation document number are the allotment number, followed by the last digit of the budget fiscal year (BFY). The remaining five digits are sequential numbers to be used at the Certifying Officer's discretion. Coding rules for Grantees include:

- (1) Transaction Code – The transaction code for establishing an obligation for all financial assistance programs shall always be "GO".
- (2) Function Code – The Office of the CFO shall assign Functions codes to be used for Grantees.
- (3) Budget Object Class – The Office of the CFO shall assign budget object class codes to be used for Grantees.

c. Monthly grant payments are to be executed as liquidations against the initial obligation. The grants analyst will review the monthly funding request submitted by the grantee against the approved financial plan and forward the approved request to the Funds Certifying Officer. The Funds Certifying Office will prepare the payment request (Form 1034) for the BBG Executive Director's signature and forward the signed payment voucher to the Payments Office for disbursement.

d. Establishing a Vendor Record – The Office of Financial Operations will prepare and update the vendor record in the BBG financial system based on data in the CCR.

e. Transfer of Funds – The Office of Financial Operations will provide funding to the Grantee by U.S. Treasury cash wire transfer (FEDWIRE) generated through the Automated Clearing House System

once the request for payment has been approved and signed by the BBG Executive Director. Disbursements will be based on the approved annual financial plan.<sup>2</sup>

f. The Administrative Officer is required to maintain monthly records of all grant payments, organized separately by grantee. The Budget Analyst assigned to each grantee tracks monthly grant payments against the financial plan as well as the total grant.

604.8 Grantee Monitoring – Grantee monitoring seeks to ensure that the grantee is using the funds for the intended purpose, is charging appropriate costs at appropriate times, and is meeting any goals that were articulated in the financial assistance agreement. Monitoring techniques include reports, as well as interaction with the grantee through meetings, site visits, telephone calls, written correspondence or audits. Program and financial reports are required for grants and cooperative agreements under OMB Circular A-110, OMB Circular A-102, and FAR 31.2 and are set forth in the following sections. The BBG will monitor the program, financial reporting, and OMB Circular A-133 audit reports.

a. General Monitoring – The BBG shall monitor grantee performance and compliance against the elements that make up the agreement as listed below:

- (1) The Grant Agreement as funded;
- (2) Program requirements contained in the authorizing statute;
- (3) Program regulations (or program guidelines, if incorporated into the award);
- (4) Administrative regulations;
- (5) Public policy requirements (such as drug-free workplace, protection of human subjects, and animal welfare); and
- (6) Special terms and conditions, if any.

b. Monthly Reports – The Budget Analyst assigned to each grantee tracks monthly grant payments against the financial plan as well as the reports listed below.

- (1) The CFO grantee analyst reviews the Grantees' reports submitted on Standard Forms 269 and 272 or SF-425 to ensure that all grant payments have been reported correctly for the current month as well as cumulatively; that the grantee has reported obligations and disbursements that are supported by the financial plan, and that no grantee at any time reports a financial status that is in violation of the Anti-Deficiency Act. (The Office of Management and Budget is consolidating and replacing the existing financial reporting forms SF-269 and SF-272 with a single Federal Financial Report (FFR) or SF-425. Beginning July 1, 2009 through September 30, 2009 the BBG will begin the transition from Standard Forms 269 and 272 to the new Standard Form 425. All Grantees must use SF-425 beginning October 1, 2009 as required by OMB.)
- (2) Statement of Obligations and Disbursements: The BBG grantee analyst reviews line item obligations against the allocation to date for each line item to ensure that the grantee is not projecting to over/under spend for any given item.
- (3) Status of Vacancy Report: The status of vacancy report is used by the agency to track the status of all grantee vacancies throughout the year.

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<sup>2</sup> Due to the low number of grant recipients, the BBG has determined that it will not use either the Automated Standard Application for Payment (ASA) or the Payment Management System (PMS) to make grantee payments. If, in the future, the number of grant recipients increases, this decision will be reevaluated.

- (4) Exchange Rate Report: The BBG grantee analyst must review monthly reports submitted by Grantees that sustain significant currency exposure detailing the balance of their currency loss/gain.
- (5) Delinquent Reports – When a grantee has been determined to be delinquent in filing reports, the Office of the CFO shall send a letter reminding the recipient of delinquent reports. After 30 days, if the grantee has not responded the Office of the CFO will send a second notice letter. If after an additional 30 days the grantee has not responded, the Office of the CFO will send a third and final notice letter. After the third notice has been sent, the Office of the CFO will suspend all payments until such time as the overdue reports are filed.

c. Periodic Reviews – The BBG analyst who has oversight for reviewing all monthly reporting documents submitted by the grantees will review financial reports for compliance with the terms and conditions of the grant agreement. The review will include, but is not limited to, the following:

- (1) Costs incurred and reported within the authorized grant period;
- (2) Costs incurred are in accordance with the authorized items of expenditures as stipulated in the grant agreement;
- (3) Accurate calculations; and
- (4) Reallocations are within allowable limitations set forth in the grant agreement.

d. Midyear Review – Each grantee must prepare a report on expenditures and obligations as of March 31 of the budget year, and other financial status reports as requested by the CFO. The purpose of this review is to identify any surpluses or deficits relative to the financial plan and any reprogramming actions.

e. Third Quarter Review – Each grantee must prepare a report on expenditures and obligations as of June 30 of the budget year, and other financial status reports as requested by the CFO. The purpose of this review is to identify any surpluses or deficits relative to the financial plan and any reprogramming actions.

f. End of Year Review – The grants analyst will review the expenditure and obligation reports submitted by the Grantees as of September 30 of the budget year. The purpose of this review is to ensure that budget items were reported appropriately relative to the financial plan and approved reprogramming actions.

g. Audit Review – Financial Records And Federal Audits – The BBG, the Inspector General of the State Department, the Comptroller General of the United States, and any of their authorized representatives shall have the right to examine, audit, and copy, at any reasonable time, all records and books of accounts referred to in this section. Prior to acceptance of the final financial report, all discrepancies shall be reconciled and a copy shall be forwarded to the Office of the CFO for review or comment.

604.9 The Office of the CFO shall require the recipient to promptly refund any balances of unobligated cash that has been advanced or paid that is not authorized to be retained by the recipient for use in other projects.

604.10 The Office of the CFO shall ensure that the grantee has met proposed or required cost sharing.

604.11 The Office of the CFO shall deobligate the unliquidated balance of funds from the accounting records.

604.12 The Office of the CFO shall provide the grantee with proper instructions on the disposition of any equipment or furniture acquired with U.S. Government funds as stipulated in the appropriate OMB Circular.

604.13 The BBG shall make prompt payments to a grantee for allowable reimbursable costs under the award being closed out.

604.14 Prior to acceptance of the final financial report, all discrepancies shall be reconciled and a copy shall be forwarded to the Office of the CFO for review or comment.

## **605 Grantee Responsibilities**

### **605.1 Budget Formulation**

a. Current Services – The Grantees will submit updated requirements for the “Current Year” – the prior year Congressional budget request (to include: built-in requirements, i.e., inflation and pay raises and non-recurring costs, i.e., one-time purchases – as outlined by OMB guidance and the costs for continuing those services through the subsequent fiscal year.

b. OMB Submission – Building upon the Current Services submission and through consultation with the PSM Grantee formulation analyst, the grantees will submit updated requirements for the OMB budget request (August-Sept.) to include: built-in requirements, enhancements, program reductions, and non-recurring costs as outlined by OMB guidance.

c. Congressional Submission – Based on OMB’s passback funding guidance, the grantees will submit final estimates for the budget request year to include: built-in requirements, enhancements, program reductions, and non-recurring costs.

### **605.2 Financial Plan**

a. Upon Congressional approval of the current year appropriation, the grantee shall prepare and submit an annual financial plan. The CFO provides guidance regarding the structure of the financial plan for the grantees.

b. The financial plan is submitted with the payment request each month, and is the mechanism grantees should use for making reprogramming requests.

### **605.3 Budget Execution Procedures**

a. With the exception of the final report detailing final obligations and the annual audit, the grantee shall submit, no later than 90 calendar days after the date of completion of the award, all financial, performance and other reports as required by the terms and conditions of the award. The audited financial statements and the A-133 audit are due within the earlier of 30 days after receipt of the auditor’s report or nine months after the end of the audit period. The BBG CFO may approve extensions in advance when requested by the grantee.

b. Unless the BBG CFO authorizes an extension, a grantee shall liquidate all obligations incurred under the award not later than 90 calendar days after the funding period or the date of completion.

c. The grantee shall establish and maintain a current registration in the Central Contractor Registry.

### **605.4 Year-End Management of Grant Funds**

a. All interest earned on grant funds by grantees shall be remitted quarterly to the BBG as governed by the Cash Management Improvement Act (CMIA) of 1996, Public Law 101-453. Grantees may net bank charges against interest earned.

- b. Funds obligated by the BBG but not disbursed to the grantee at the time the annual award expires or is terminated shall revert to the BBG Agency Appropriation except for such funds encumbered by the recipient by a legally binding transaction applicable to this award or as stipulated in the grant agreement.
- c. Any funds granted but not expended by the grantees at the end of the fiscal year shall be subject to review by the CFO, and may be required to be returned to the BBG.
- d. If at any time during the life of the grant, or as a result of final audit, it is determined that BBG grant funds have been expended for purposes not in accordance with the terms and conditions of the agreement, the grantee shall refund such amounts to the BBG.

#### 605.5 Grantee Reporting Requirements

- a. Each Grantee is responsible for submitting monthly reports that include the following:

(1) Standard Form 425 (Grantees may use Standard Forms 269 and 272 until September 30, 2009, but after this date, they must use SF-425.): This form should be submitted on the 20th day of each month except for the final month of the fiscal year which shall be the 30th day of the month.

Reference: Circular A-110

(2) Statement of Obligations and Disbursements: This report should be submitted on the 20th day of the month except for the final month of the fiscal year which shall be the 30th day of the month.

Reference: Circular A-110

(3) Status of Vacancy Report: Each Grantee must submit a status of vacancy report that tracks Grantee vacancies throughout the year. This report should have the Position Title, Grade Level, Annual Salary, Date Vacant, and Expected Hire Date. The vacancy report should be organized according to division. This should be submitted in conjunction with the monthly payment request by the 26th day of each month prior to the month for which funds are allocated according to the financial plan.

(4) Exchange Rate Report : Grantees that sustain significant currency exposure are required to submit a monthly report detailing the balance of their currency loss/gain. This should be submitted in conjunction with the monthly funding request by the 26th day of each month prior to the month for which funds are requested.

- (5) Other types of reports include the following:

- Audit Reports – The grantee shall maintain at its principal offices in the United States and/or abroad full and complete records and books of accounts in accordance with accounting principles generally accepted in the United States or agreed to in the terms and conditions covering financial details applicable to the activities funded under this agreement. Each year, the grantee shall provide the BBG with a reconciliation of total disbursements as presented in their A-133 financial statements to the amounts reported as expenditures on the corresponding SF-425 (SF-272 until the end of FY 2009).
- All records required to be kept, including bid solicitations, evidence of shipment for commodities procured in the United States and procurement and service contracts, shall be maintained for a period of three years from the date of the submission of the final expenditure report, in a manner that will permit verification of the grantee's compliance with its representations, warranties, and obligations contained in this agreement. If any litigation, claim or audit is started before the expiration of the 3-year period, the records shall be retained until all open matters have been resolved.
- Awards to domestic organizations will, in addition to the records and audit provisions above, also contain provisions indicating the grantee is subject to the audit requirements found in OMB



Circular A-133. Recipients should be advised that a single or program-specific audit must be obtained when they expend \$500,000 or more in a year in Federal funds. For audits performed in accordance with the Circular, "completed audit packages" must be submitted to the Federal Audit Clearinghouse (FAC) and the Department of State, Inspector General's Audits Division.

Completed audit packages must consist of:

- A "reporting package" as specified in OMB Circular A-133 which includes financial statements and a schedule of expenditures of federal awards; a summary schedule of prior audit findings; the auditor's report; and a corrective action plan.
- A completed Form SF-SAC, Data Collection Form for Reporting on Audits of States, Local Governments, and Non-Profit Organizations. This form is based on information in the reporting package, signed by both the auditor and auditee, and used by the FAC as the basis for developing and maintaining the government wide audit database.

b. Types of reviews include the following:

(1) Program Plan – Each grantee must prepare an annual financial plan to be approved by the CFO and the Board as part of the development of the agency's annual program plan. The financial plan should include proposed allocations of all resources including current year appropriations, carry-over balances of prior year funds, and recoveries from prior year obligations if these impact the available funds for the fiscal year.

(2) Midyear Review – Each grantee must prepare an expenditures and obligations report as of March 31 of the budget year. The purpose of this review is to identify any surpluses or deficits relative to the financial plan and any reprogramming actions.

(3) Third Quarter Review – Each grantee must prepare an expenditure and obligation report as of June 30 of the budget year. The purpose of this review is to identify any surpluses or deficits relative to the financial plan and any reprogramming actions.

(4) End of Year Review – Each grantee must prepare an expenditure and obligation report as of the September 30 of the budget year. The purpose of this review is to identify any surpluses or deficits relative to the financial plan and any reprogramming actions. Each grantee must submit a report detailing final obligations for the budget year no later than 30 days after fiscal year end.

#### 605.6 Acquired Property and Equipment

a. The BBG does not fund grantee activities that involve the purchase of real property.

b. Property acquired by the grantee at a cost of less than \$5,000 shall be classified as "supplies" without regard to its useful life, and if otherwise allowable, are chargeable as direct costs to the award. For the purposes of the BBG grants, property and equipment refers to an article of nonexpendable, tangible, personal property having a useful life of more than one year, and an acquisition of cost of \$5,000 or more, shall be classified as Nonexpendable Furniture and Equipment (NEF&E). The BBG may permit or prohibit recipients from acquiring nonexpendable furniture and equipment with award funds. Items with an acquisition cost of \$5,000 or more are allowable as direct costs only if specifically permitted by the award terms and conditions.

c. Grant Terms and Conditions should include provisions calling for one of the following:

(1) No funds shall be used by the recipient to acquire nonexpendable furniture and equipment (NEF&E);

(2) All NEF&E procured by the recipient with award funds shall remain with the recipient after completion of the award period; or

(3) In accordance with the “property standard” section of OMB Circular No. A-110, the Grantee shall submit annually to the BBG an inventory of all equipment. The awarding Program Office will decide what disposition is to be made of the property. Requests for disposition instructions concerning property purchased with grant funds with a fair market value of \$5,000 or more must be submitted to the BBG 120 days in advance of the proposed disposition. If the BBG has not notified the grantee that the disposition is disapproved, the disposition will be deemed approved.

605.7 Transferred Property – Financial assistance is at times provided by the transfer of property rather than funds. The Office of the CFO will maintain a record of the transfer including a description of the property transferred, the date of transfer, and the receiving agent. Typical grant provisions will provide that the grant recipient gains title to property acquired with grant funds. However, if the BBG determines that property and equipment acquired with award funds will have a useful life in excess of any Federal purpose, the award may contain a provision withholding title to such property. Under such conditions the BBG may require the grantee to furnish the BBG with a listing of all nonexpendable property acquired with a value in excess of \$25,000 prior to completion of the project. In such cases, the BBG will receive the listing and arrange for appropriate disposition of the property.

## **606 Grantee Contracts and Leases Approval Procedure**

606.1 New Grantee contracts in excess of \$350,000 or leases in excess of \$200,000 require BBG approval. In these cases, the grantee should send the contract or lease (not a summary) to the BBG executive director, who then requests BBG CFO and GC review and make recommendations. Based on those reviews (during which any fiscal or legal problems are worked out), the BBG Executive Director sends a memo to the Board recommending Agency approval of the transactions. A formal vote by the Board does not need to be taken, but the Executive Director’s assurance to the Board of Governors that Agency staff has exercised due diligence is required. It is assumed that the Board of each grantee has already approved the transaction, if required by their own bylaws; this additional review by the BBG is to identify any problems at the federal level.

606.2 The Executive Director, as the liaison between the Board of Governors and the grantees, is key to the stewardship/oversight function of the BBG, and must make sure that the approval requested by the grantee is not presented to the Board without a recommendation from BBG staff, or if it is, that the Board is apprised that staff review has not yet occurred or is pending.

606.3 The BBG staff will make every effort to review the contracts or leases in a timely manner. To ensure that delays are kept to a minimum, the grantees should provide the contract or lease to the Executive Director as early as possible and include a date by which a BBG staff review is needed.

606.4 The approval process also applies to agreements such as union contract agreements. If you have any questions regarding whether an agreement requires BBG staff review and Board approval, please contact the Executive Director.

**607 Grant Closeout** – In accordance with Federal Regulations, termination costs must be calculated and submitted yearly by the Grantees. Grant closeout is the process by which the BBG determines that all applicable administrative actions and all required work of the grant have been completed. Final closeout and cessation of grants will be effected upon receipt of the final financial and performance report, and after determination that any other administrative requirements in the grant instrument have been met. In the event a final audit has not been performed prior to the closeout of the grant, the BBG reserves the right to recover appropriate amounts after fully considering the recommendations on disallowed costs resulting from the final audit. Beginning with FY 2009, the closeout estimate is due November 30 of each year.

## **TITLE 7**

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## **701 SCOPE**

The purpose of this policy is to provide all available agency policy and guidance on travel management. This BBG policy governs the travel of all elements of BBG, as outlined herein. This subsection of the BAM contains the agency's policies and procedures for processing travel authorizations, claims, travel advance claims and recovery, and the use of Government-contracted charge cards for agency employees only. Following the procedures in this BAM, the BBG ensures documents submitted are in full compliance with Federal regulations and internal guidance currently provided to travelers, Administrative Officials, and Approving Officials.

## **702 AUTHORITY**

702.1 Federal Travel Regulations (FTR), Chapters 301- 304.

702.2 14 FAM, Chapters 500 and 600, Foreign Affairs Manual for travelers in the Foreign Service and other U.S. Government travelers for whom specific provisions apply.

702.3 Volume 22 of the Code of Federal Regulations (CFR), Sections 10.735-202(a), 2.4 and 3.0.

702.4 22 CFR 10.735-203 and in 22 CFR Part 3

702.5 The Government Employees Training Act (5 U.S.C., Ch.41; P.L. 85-507, as amended), implemented by E.O. 11348 of April 20, 1967

702.6 5 U.S.C. 4111

702.7 Travel and Transportation Reform Act of 1998

702.8 Public Law 105-264, dated October 19, 1998

702.9 112 STAT. 2350, 5 U.S.C. 5707; 40 U.S.C. 121.

702.10 Federal Travel Regulations contained in 41 Code of Federal Regulations (CFR), Chapters 301-51, 301-52, 301-54, 301-70, 301-71, and 301-76

702.11 Federal Travel Regulation (FTR), Chapter 302, Relocation Allowances

702.12 Foreign Affairs Manual (FAM), 14 FAM, Logistics Management

702.13 OMB Circular No. a-123, Appendix b, "Improving the Management of Government Charge Card Program,"

### **703 GENERAL TRAVEL MANAGEEMNT and DEFINITIONS**

**703.1 Application.** This section outlines standard travel practices. The applications are in accordance with the Federal Travel Regulation (FTR) and the Foreign Affairs Manual (FAM). The sole purpose of this directive is to enhance internal control polices and provide travelers/managers with supplemental guidance.

**703.2 Mandatory Use of the Travel Management Center.** Its Agency's policy that all travel be coordinated through the Travel Management Center (TMC) to ensure travel is arranged and approved in accordance with mandated statutory requirements and agency's directives. The TMC under the direction of the travel manager is responsible for ensuring that agency's travelers adhere to established guidelines.

**703.2.1 Travel Management Center Fees.** All travel authorizations reflect travel arrangements with E-travel online booking system or the onsite travel agent must include TMC processing fee. This fee is as follow:

- |  |                                     |
|--|-------------------------------------|
| • Hotel reservation                          | \$ 4.50 (online or with site agent) |
| • Airlines reservation with or without hotel | 72.99 (onsite agent)                |
| • Airline reservation                        | 7.99 (online only)                  |
| • Hotel and airline reservation              | 7.99 (online only)                  |

### **703.3 Authority for Travel and Transportation Reimbursements.**

Travel authorization (order) issued by competent serves as the authority to travel and the basis for all travel reimbursements. The travel authorization should document all expenses and stops where the travelers procure lodging and clearly state the purpose of each stop. This includes but limited to TDY stops, rest stops, stops awaiting transportation and official leave stops. Traveler is only authorized travel and transportation reimbursements for approved stops. For reimbursement purpose, a written authorization/order that quotes or reference an authority authorized to initiate the authorization/order is competent. The traveler and approving official are responsible for reading the remarks on the travel authorization for restrictive endorsements to ensure that travel can be accomplish as intended. If travel plans changes after the travel is approved, the traveler should attempt to get an email or verbal approval prior to the change. The traveler must plan accordingly to ensure the authorization reflects all required expenses, especially those that require special approval such as rental car, hired-room and conference fee. If stops and/or expenses are not included on the approved travel authorization the traveler may be responsible for paying the additional costs.

#### **703.4 Approval of Travel Expenses After Completion of Travel.**

All post travel requests for approval of expenses that need justification, such as rental car, non-standard expenses and actual lodging, should be in writing. The traveler should submit a memo, stating the expense was necessary, for approval by the Branch Chief. The travel authorization will be amended with memo attached. Standard reimbursable such taxi, tolls and baggage charges omitted from original authorization do not require a memo, however the authorization need to be amended to reflect the added cost.

**703.5 Obligating Funds in the Agency's Financial System.** After the approval the travel authorization in the E-travel system, Administrative Officers are responsible for obligating funds in Momentum, the agency's financial system. The TMC cannot legally issue tickets for travel until funds are properly obligated. The Administrative Officers should amend obligations in the financial system as travel authorizations are amended. In addition, the Administrative Officers are responsible for increasing obligations for changes trip plan after airline tickets were issued to accommodate additional airline tickets to be issued pending refund of previous issued tickets. In this case, the refund will be credited back to the allotment once a credit is received from the airline.

**703.6 Preparation of the Final Travel Voucher.** Traveler is responsible for submitting a travel voucher within 5 working days after completion of the trip. The E-travel system will automatically generate email alerts to inform the traveler to prepare a final voucher. These email alerts will be generated daily until the final voucher is submitted for approval. The final voucher must be submitted using the E-travel system and the traveler will be responsible for up-loading justification documents and all required receipts. If the trip involved foreign travel, the traveler should convert foreign dollars to U.S. dollars using exchange rate provided by vendor. In the absence of record of exchange rate, the traveler will use the integrated foreign currency exchange tool provided in the E-travel system. The TMC is available to assist the traveler in preparing the final voucher but the traveler must certify and submit the voucher for approval. The E-travel system will not allow for changes to the Per Diem reimbursement type or dates of travel without amending the travel authorization for proper approval. Additionally, the traveler should not include expenses on the voucher that were not approved through the amended process. See section 707 for additional details.

**703.6.1 Revised Voucher.** The purpose of a revised voucher is to correct a problem or issue during the approval process. The Authorizing Official should clearly state, in the remark section of voucher, the reason for returning the voucher. The traveler is responsible for correcting the issue and resubmitting the voucher back through the approval process. The TMC is available to provide administrative guidance.

**703.6.2 Reclaimed Voucher.** The purpose of a reclaim voucher is to claim expenses that were omitted from a previously paid voucher. All reclaim vouchers should be coordinated through the TMC with written request from the traveler. The request should clearly state the omitted expense and why the expense was not claimed on the paid voucher.

#### **703.7 Approval of Travel using Paper Authorization Forms.**

In situation where the E-travel system is not practical, such as PCS travel and special travel for employees stationed outside the U.S., Administrative Officer will process travel using paper orders. These orders should be through the normal process and routed through the Travel Services Manager. The Travel Service Manger will review orders to ensure all statutory requirement are met and funds are obligated in the agency's financial management system.

**703.8 Miscellaneous Expenses.** Expenses are limited those necessary and in the interest of Agency. Program managers must review the travel authorization to ensure expenses are necessary to complete assigned mission. Travelers are required to justify abnormal expenses such as rental car; hire of driver and fixer; hire room; equipment/supply purchase; excess baggage charge and text material. The justification should address alternative and the advantage

to government for elected expense. The Travel Manager will review expenses and justifications for and final approval and add restrictive endorsement for excessive expenses as needed. It's the agency's policy to authorize reasonable and necessary miscellaneous expenses for communication services and travel in and around the TDY sites.

**703.9 General Per Diem Policy.** In general per diem is authorized when the traveler is in a travel status for more than 12 hours on official orders. Per Diem is not payable if a traveler is in the area of duty station (within a 50 mile radius) and the traveler commute to and from home daily.

**703.10 Overnight Stops/Rest Stops Traveling to and From TDY SITES.** Travelers are not required to travel between mid-night and 0600. Therefore, the traveler is authorize an overnight stay at or closest to the midway point for any travel that extend 18 hours or more including layover at the airport. This overnight stay is authorized to and from the TDY site. A rest stop (different from a overnight stay previously mentioned) may be authorized for travel of 14 hours or more if premium class transportation is not authorized; the origin and/or destination is oconus. Rest stops are not authorized for the return to the duty station.

**703.11 Constructive Travel.** If the traveler, for personal reasons, arrives at the TDY site early or departs late, travel will be constructed. This means that per diem and expenses will start the day prior official TDY period and end the last day of TDY. The travel will also be charged leave for normal workdays.

**703.12 POC Use to and from TDY Sites Not to the Government Advantage.** If traveler elects to use POC for personal preference, travel reimbursement will be limited the constructed common carrier transportation cost available to the government plus constructed per diem.

**703.13 Receipt Requirements.** Receipts are required for all lodging costs regardless of the amount and for all expenditure of \$75 or more. Lodging receipt must be itemized and include the name and address of the lodging facility, the date lodging was procured, and if the room was shared with another traveler. All other must show the date nature of the service rendered (I.E. Taxi from airport to Woodbridge VA) or a description article purchased, date of service or purchase, and the unit cost. Rental car receipts must also be itemized. Receipts for hired car/driver/ fixer must include the vendor name, the cost per day or trip, total cost and method of payment. Note: The travel card charge is not considered a valid receipt however the statement can support a claim for lost receipts.

## **703.1 DEFINITIONS.**

**Constructive Cost** is the total cost of per diem, transportation, and incidental expenses, which would have been incurred for travel by a usually traveled route. However, reimbursement for indirect travel may not exceed the cost actually incurred.

**Constructive Travel Time.** Travel time allowed to travel the most direct route using the authorized method of transportation.

**Family.** Those individuals defined in Chapter - 300–3.1 of the FTR who are members of the employee's household at the time the emergency situation arises. For compassionate reasons, when warranted by the circumstances of a particular emergency situation, the approving officer may on an individual case basis expand this definition to encompass other members of the extended family of an employee and employee's spouse, such as the individuals named in FTR 300-3.1 who are not dependents of the employee or members of the employee's immediate household. In using this authority the approving officer will evaluate the extent of the emergency and the employee's relationship to, and degree of responsibility for, the individual(s) involved in the emergency situation.

**Fire, Flood or Act of God.** Fires or floods may be due to natural causes or human actions (e.g., arson) or other identifiable causes. Act of God means an extraordinary happening by a natural cause (as fire, flood, tornado, hurricane, earthquake or other natural catastrophe) for which no one is liable because experience, foresight, or care could not prevent it.

**Incapacitating Illness or Injury of Employee.** For purposes of this Section, an incapacitating illness or injury is one that occurs suddenly for reasons other than the employee's own misconduct and renders the employee incapable of continuing, either temporarily or permanently, the travel assignment. A sudden illness or injury may include a recurrence of a previous medical condition thought to have been cured or under control. The illness or injury may occur while the employee is at, or en route to or from, a TDY location.

**Government Travel Card.** Means a GSA-Contractor-issued travel charge card for use by travelers to cover major travel and transportation items such as rental vehicles, lodging, and meals in connection with official Government travel for which the contractor bills the employee. The term does not include personal credit cards issued to employees based upon their own financial merit by any credit card or other company.

**Indirect Travel.** Any journey that deviates from a usually traveled route for the traveler's personal convenience.

**Interrupted Travel.** Applies to stopovers on a usually traveled route for the convenience of the traveler. In such instances, leave is charged for excess time spent, and no per diem is paid for such periods of leave and contract fares cannot be used. Any extra expense caused by the interruption is borne by the traveler.

**Origin.** For travel entitlements origin is defined as; place the trip originates from. For BBG employees stationed in Washington DC, the origin would be Washington DC.

**Personal Emergency Situation.** The death or serious illness or injury of a member of the employee's family, or a catastrophic occurrence or impending disaster such as a fire, flood or act of God which directly affects the employee's home at the official station or the family and occurs while the employee is at, or en route to or from, a TDY location.

**Serious Illness or Injury of Family Member.** A grave, critical or potentially life-threatening illness or injury; a sudden injury such as an automobile or other accident where the exact extent of injury may be undetermined but is thought to be critical or potentially life-threatening based on the best assessment available; or other situations involving less serious illness or injury of a family member in which the absence of the employee would result in great personal hardship for the immediate family.

**Training.** The process of providing for and making available to an employee, and placing or enrolling an employee in, a planned, prepared, and coordinated program, course, curriculum, subject, system, or routine of instruction or education, in scientific, professional, technical, mechanical, training, clerical, fiscal, administrative, or other fields which are or will be directly related to the performance of the employee, in order to increase the knowledge, proficiency, ability, skill, and qualifications of the employee in the performance of his or her official duties.

**Travel Card Contractor** means the Travel Card Company on contract with GSA.

**Travel Card Program Coordinator** means an employee who has been designated to administer the Travel Charge Card Program within the BBG.

## **704 TRAVEL PLANNING, AUTHORIZATION AND APPROVALS**



**704.1 Travel Service Center.** All agency's employees are required to use the TMC for planning and arranging official travel. The Travel Management Center (TMC) is located in room 1645 of the Cohen Building. The TMC under the direction of the Travel Manager is available to assist employees with travel arrangements. Additionally, a representative from CarlsonWagonlit (Travel Agency) is available to assist with complex overseas travel. All travelers should use the E2 Solutions online booking system where possible, because this fee is significantly less than that charged by the Travel Agency.

**704.2 Requirement to use E-travel System.** All agency employees are required to use the E2 travel system to arrange TDY travel, with exception given for local travel arrangements and those stationed outside the United States. Employees are responsible for any additional costs that result from the use of an unauthorized travel agent. 41 CFR 301-50.5. The services of the TMC should be used for all official travel to ensure:

- Ensure the use of common carriers that offer discounts through government contracts,
- Obtain lodging that complies with the Hotel/Motel Fire Safety Act and that is within Government per diem rates,
- Ensure that overseas travelers comply with the provisions of the Fly America Act, and
- Obtain rental cars at Government rates
- Ensure travel is accomplished in the most economical and effective manner

**704.3 Travel is approved as follows:**

a. Travel by the VOA Director, VOA Chief of Staff, Office of Cuba Broadcasting Director, and the heads of independent offices is approved by the IBB Director or his/her designee.

b. Travel by staff of the officials listed in 703.3a and by heads of offices and services, are approved by the respective element head.

**704.4 Travel with Dignitary.** Travel to Accompany a Dignitary should be cleared with the Office of Security. A dignitary is defined as an official of Cabinet-level or higher rank.

**704.5 Consultants.** Travel by Consultants for IBB is approved by the IBB Director or his/her designee.

**704.6 BBG Board members, Directors and Staff Travel Approval.**

- The Executive Director or the Chairman or approves travel by the BBG board members, directors and consultants
- Directors or his/her designee approves travel by BBG staff members.

**704.7 Group Travel.** Group Travel (travel by more than one person to one location for the same purpose) is coordinated and approved by the IBB Director with the exception of VOA employees. The VOA Chief of Staff approves group travel for VOA employees. The following travel is not considered "group travel":

- Travel in order to convene as a group by members of statutory Committees, Commissions, or Boards is excluded from this requirement, and

- VOA employees traveling as a team of two, for example a cameraman and reporter are excluded from this requirement.

#### **704.8 Attendance at a Meeting**

a. The term "attendance at meeting" means attendance for the purpose of addressing an audience, participating in a public discussion, or participating in a conference. The term "attendance at meeting" does not include cases in which:

- (1) The purpose of an employee's presence at a meeting is to serve an operating program need, e.g., to acquire material for scripts, recordings, photographs, or guidance for use in the regular business of the BBG; or
- (2) The employee is present at a meeting held by a private organization for the purpose of participating in a Government-sponsored program.

b. Approval Criteria: The following criteria will be applied by the organizational elements when approving requests to attend a meeting:

- (1) The organization holding the meeting must be a significant one.
- (2) The organization must be one having a legitimate interest in broadcasting programs or initiatives.
- (3) There must be assurance that the meeting involved will discuss problems of immediate interest to broadcasting or the Agency.
- (4) There must be assurance that no group has been segregated or excluded based upon race, color, sex, religion or national origin from the meeting or conference, from any facilities of the conference, or from membership in the group.

c. Approval Requirements - Travel to attend a meeting to address an audience or participate in a public discussion must be approved by the head of the organizational element supplying the representative, the Director, Office of Public Affairs, or his or her deputy, and the Office of General Counsel prior to acceptance of the invitation.

d. Attendance as an Observer - Travel to attend a meeting, convention, conference, gathering or other form of assemblage, to represent the BBG merely as an observer, must be approved in accordance with Section 704.3. The subject matter of the meeting must be in a field of interest directly related to the duties of the BBG representative. The travel expenses for attendance at meetings as an observer are charged to the funds allotted to the element for regular official travel.

e. Attendance as a Speaker - The office supplying the representative must obtain preliminary clearance of the text or outline of the speech from the office concerned with the subject matter of the speech, and final clearance from the Office of Public Affairs prior to accepting the invitation.

- (1) Compensation - Without the advance approval of the Office of the General Counsel an employee may not accept personal compensation, fees, honoraria, or anything of monetary value for any consultation, speech, lecture, discussion, or appearance. Submit requests for approval to the Office of Analysis and Administration at the time clearance of the speech is requested. The Office of Analysis and Administration will forward the request to the Office of the General Counsel.
- (2) Suggesting Use of Funds - An employee who is prohibited pursuant to the provisions of paragraph (1) above from accepting compensation or anything of monetary value for certain activities may request that what he or she otherwise would receive be paid into the Treasury

of the United States, be donated to the BBG as a gift, or be donated to a charity by the sponsoring organization in its own name. Whether any donation or contribution is made and, if so, to whom, shall be left to the discretion of the sponsoring organization.

- (3) Reimbursement of Expenses - With the prior approval of the Office of Analysis and Administration and clearance from the Office of General Counsel, an employee who is prohibited from accepting compensation or anything of monetary value may accept from a sponsoring organization reimbursement of actual expenses incurred in connection with such activity, where allowed by 22 CFR 10.735-202(f).
- (4) Gifts - Where acceptance of direct reimbursement by an employee is prohibited or is disapproved, the BBG may nevertheless accept reimbursement as a gift. In such cases, and with the prior approval of the Office of Analysis and Administration, and clearance from the Office of General Counsel, the employee may accept accommodations or services in kind as a gift on behalf of the BBG.
- (5) Family members - A member of an employee's family who has been invited by the sponsoring organization to accompany the employee to a function is free to accept reimbursement for his or her expenses.
- (6) Solicitation of Reimbursement - An employee will not solicit reimbursement for expenses, nor will he or she solicit an invitation for a member of his or her family to accompany him or her in connection with an activity for which he or she is prohibited from receiving compensation or anything of monetary value.
- (7) Reimbursement may be accepted only when freely offered or tendered by the sponsoring organization. However, the Agency may in responding to an invitation to furnish an officer to speak, lecture, or participate in a conference, inquire whether the sponsoring organization is prepared to pay the actual and necessary expenses incurred in connection with such activity.
- (8) Official Reimbursement - When a sponsoring organization pays all or part of the expenses of an employee in connection with a speech, lecture, discussion or appearance, the BBG will not reimburse the employee for that portion of per diem and travel expenses that was paid by the sponsoring organization. However, no deduction will be made for luncheons, dinners, receptions, and similar functions incidental to the activity.

#### **704.9 Travel for Training Purposes**

a. Training may be accomplished through conferences, etc., that contribute to better supervision and management of the Agency's substantive functions, or classroom work, workshops, or other methods or combination of methods. Training does not include attendance of employees at such gatherings as meetings or conventions for the purpose of obtaining information concerning developments in their particular fields of interest. Travel for this purpose is considered official TDY travel and not a planned program of instruction. The travel expenses in such cases are chargeable to the organizational element's funds for official travel.

b. Clearance and Approval Requirements - Clearance and approval requirements are listed in 704.3b.

c. Travel expenses paid by the BBG incident to training are charged to funds allotted to the organizational elements for official travel to meet program needs.

d. When All Or Part Of The Expenses Are Paid By A Tax-Exempt Sponsoring Organization

- (1) Whenever an organization offers to pay all or part of the expenses of an employee, the matter must be referred to the Office of the General Counsel to determine whether the organization making the offer is tax-exempt under Section 501(c)(3) of the Code.
- (2) The Office of Financial Operations will accept payments by tax-exempt sponsoring organizations for travel, subsistence, and other expenses incident to training of an employee when approved by the Office of General Counsel. Such payments are for credit as a reimbursement to the appropriation charged for the employee's travel and other expenses.
- (3) Authorizing Acceptance of Payments by Employees - The Chief, Training and Development Division, may authorize an employee to accept payment from a tax-exempt organization, in cash or in kind, of expenses incident to training. The Office of the General Counsel may authorize an employee to accept payment from such an organization incidental to attendance at meetings. Conditions and factors governing the acceptance of these payments are cited in 5 CFR 410.701.
- (4) Reduction of Payments - Whenever a contribution, award, or payment, in cash or in kind, is made to an employee for expenses in connection with training, an appropriate adjustment will be made to any payment by the BBG to the employee.
- (5) The Preparing and Processing Travel Documents through E2 Solutions. The following additional information is needed:
  - When hotel or meals are provided, the travel authorization should indicate this in the comments section.
  - The use of taxicabs, or any other authorized item of expense not paid by the sponsoring organization should be included in the travel authorization and claimed in the Travel Voucher.
- (6) Reporting Requirements - As required by 5 USC 4113 and Office of Personnel Management (OPM) regulations, the Training and Development Division reports annually to OPM on each authorized contribution, award or payment, in cash or in kind, made and accepted for training purposes.

e. When All Or Part Of Expenses Are Paid By A Non-Tax-Exempt Sponsoring Organization - When all or part of expenses are paid by a non-tax-exempt sponsoring organization, the provisions of section 704.9d apply to acceptance of payment of travel and other expenses incident to training when all or part of the traveler's expenses are paid by a non-tax-exempt sponsoring organization.

**704.10 Travel on an actual subsistence expense basis** - This Section provides general guidelines for the administration of travel on an actual subsistence expense basis. Detailed guidance is provided in Section 301-11 of the FTR.

a. Situations Warranting Approval Of Actual Subsistence Expenses - Travel on an actual subsistence expense basis within and outside the continental United States (CONUS) may be approved when it is determined that the maximum per diem allowance would be inadequate for a specific trip due to the unusual circumstances of the travel assignment. It is not intended that reimbursement for actual subsistence expenses be authorized or approved when expenses exceed statutory per diem allowances by a small amount only. Reimbursement may appropriately be authorized or approved when the actual and necessary subsistence expenses exceed the maximum per diem allowance by ten percent or more. Examples of situations that may warrant approval of actual subsistence expenses include, but are not limited to, the following:

- (1) The employee attends a meeting, conference or training session away from the official duty station where lodging and meals must be procured at a prearranged place (such as the hotel where the meeting, conference or training session is being held) and the lodging costs incurred, because of these prearranged accommodations, absorb all or practically all of the applicable maximum per diem allowance;
- (2) The travel is to an area where the applicable maximum per diem allowance is generally adequate but subsistence costs have escalated for short periods of time during special functions or events such as missile launching periods, international or national sports events, world's fairs or conventions;
- (3) Based on a situation described in the paragraph above, affordable lodging accommodations are not available or cannot be obtained within a reasonable commuting distance of the employee's TDY point and transportation costs to commute to and from the less expensive lodging facility consume most or all of the savings achieved from occupying less expensive lodging;
- (4) The employee, because of special duties of the assignment or security issues, necessarily incurs high expenses in the conduct of official business, such as the procurement of superior or extraordinary accommodations;
- (5) The employee necessarily incurs unusually high expenses incident to his/her assignment to accompany another employee in a situation described in the preceding paragraph.

b. Maximum Allowance - The maximum amount of reimbursement for actual subsistence expenses is as provided below.

- (1) Travel Within CONUS - The maximum daily rate shall not exceed 300 percent of the applicable maximum per diem rate for the travel assignment location.
- (2) Travel Outside CONUS - The maximum daily rate shall not exceed 300 percent of the applicable maximum foreign travel per-diem rate allowance (rounded to the next higher dollar).

c. Reimbursement Limitation - When the actual subsistence expenses incurred during any one day are less than the maximum daily rate authorized, the employee shall be reimbursed only for the lesser amount.

d. Approval And Clearance Requirements

- (1) Approval Officials - Justification for travel on an actual expense basis for all offices shall be included in the "Remarks Section" of authorization in E2.
- (2) If actual subsistence is incurred against an open authorization trip then justification shall be submitted in a memorandum form to the Director, Financial Operations.

e. Computation

- (1) Reimbursement Up To Approved Daily Maximum - Reimbursement of actual subsistence expenses up to the approved daily maximum is allowed for any day during which the employee is authorized payment for actual subsistence expenses.
- (2) Travel on Per Diem and Actual Subsistence during a Single Trip - Travel may be authorized or approved on both a per diem basis and an actual subsistence basis during a single trip. Generally, the applicable rate and/or reimbursement method for each calendar day (beginning at 12:01 a.m.) will be determined by the employee's status and location at 12:00

midnight of that calendar day. Only one rate and reimbursement method will be authorized for each day except when reimbursement is authorized for occasional meals or lodging. On the day of departure from the official station the reimbursement method and maximum rate will be the same as that authorized for the first location where lodging is required. On the day of return to the official station, the method and maximum rate of reimbursement will be the same as that authorized for the previous calendar day.

f. Itemizing Expenses - All employees authorized to travel on an actual subsistence expense basis are required to submit with their travel vouchers an itemized list of the amount spent daily for expenses incurred. This listing shows the amount spent daily for: (a) lodging, (b) meals (each meal cost should be listed separately), and (c) all other items of subsistence expenses. Receipts must be provided for all lodging expenses and all expenses greater than \$75.

#### **704.11 Use of Purchase Order for Lodging**

a. The Government Accountability Office (GAO), in Decision B-209375 dated December 7, 1982, granted the authority to use appropriated funds to pay for the rental or leasing of rooms by purchase order for employees traveling on TDY under extraordinary circumstances where reimbursement on an actual subsistence expense basis would be inadequate. Examples of such extraordinary circumstances would be:

- (1) Reporters assigned to cover the President who must stay with the rest of the press corps in accommodations arranged by the White House, or
- (2) Officials traveling with foreign dignitaries who must stay in the same hotel as the visitor in order to perform their duties effectively.

b. Approval Requirements - Each request to use this exceptional authority must be submitted to the Director Financial Operations in writing, in advance, and on an individual basis. The request must be in the form of an Action Memorandum and must explain:

- (1) The nature of the employee's TDY assignment;
- (2) Why the use of the requested accommodations is an integral part of this job assignment;
- (3) Why alternative accommodations cannot be utilized;
- (4) Why failure to provide the requested accommodations could interfere with the ability of the BBG to carry out its statutory mandate; and
- (5) Why the employee is not free to choose his/her own accommodations.

c. Preparation of Travel Authorization - Upon approval of the Action Memorandum, a travel authorization is prepared which specifies that lodging will be procured by purchase order in accordance with GAO Decision B-209375. A copy of the approved Action Memorandum must also be electronically attached to the travel authorization. Meals and incidental expenses (M&IE) are authorized in the amounts specified for the city or cities to be visited.

d. Preparation of Purchase Order - The purchase order is prepared by the appropriate purchasing office in accordance with standard procedures. No purchase order may be prepared for room rental costs unless copies of both the approved Action Memorandum and the travel authorization are furnished to document the purchase file.

#### **704.12 Travel to Attend an International Conference or Summit.**

a. Authority - Funds appropriated for salaries and expenses may be used to cover travel expenses that are incurred in attending official international conferences or summits in the United States and abroad. The requesting office must state on the Authorization of Official Travel that the purpose of travel is to represent the BBG at an international conference or summit. The name of the conference or summit must be stated. Travel performed for this purpose is subject to per diem rates not in excess of allowances approved for such conferences or summits by the Department of State (foreign areas), General Services Administration (CONUS), and the Department of Defense (Non-CONUS).

b. Approval And Limitation on Conference and Summit Travel - The IBB Director shall coordinate plans for representation at international conferences and summits. VOA employees who attend as journalists in a news coverage capacity are exempt from this requirement. The VOA Director will coordinate travel for news coverage. The IBB Director will determine the appropriate number of persons to attend the conference and ensure that number will be kept to the minimum necessary to carry out the mission.

c. Conference Planning - For Elements and Offices planning conferences, retreats, training activities or meetings which involve travel by two or more people outside the attendees' permanent duty stations, travel authorizations for all participants must be approved by the IBB Director or his/her designee. Those Elements and Offices responsible for planning a conference must ensure that the conference costs are kept to a minimum. Those responsible must document the alternatives and rationale used in selecting conference sites and determining attendance. The IBB Director will determine the appropriate number of persons attending the conference and ensure that the number of persons attending will be kept to the minimum necessary to carry out the objectives of the conference.

#### **704.13 Travel to or Within the United States for TDY, Training or Consultation By Employees Stationed Overseas**

a. Allotment Charged - The travel expenses of Foreign Service employees on TDY in the United States are charged to the travel funds of the element making temporary use of the employee's services.

b. Consultation Travel In The United States For Officers Assigned Overseas

- (1) Policy - It is BBG's policy not to authorize consultation travel for officers assigned overseas who are temporarily in the United States on other than official business.
- (2) Approval Requirements for Exceptions - Exceptions to the policy may be granted on a case-by-case basis by the Head or Deputy of the element, but only in instances when such consultation travel will satisfy the immediate needs of the BBG.
- (3) Allotment Charged - The travel expenses will be charged to funds allotted to the element requiring use of the officer for consultation.

**704.14 Emergency travel** - The payment of transportation and subsistence expenses may be allowed when an employee discontinues or interrupts a TDY travel assignment prior to its completion because of incapacitating illness or injury, death or serious illness with immediate family, or catastrophic occurrence that directly affects home within or outside the continental United States. This Section provides limited guidance on the approval and performance of emergency travel. Complete regulations pertaining to this type of travel are contained in Chapter 301-30.1 of the FTR.

a. Applicability - The provisions of this section apply to travelers covered by the FTR, Foreign Service employees are covered by the Uniform Foreign Affairs Regulations (14 FAM 500).

b. Approval Requirements - Emergency travel is approved by the head of the element to which the employee is assigned. Large organizational units may re-delegate this approval authority to as high an administrative level as practical to ensure adequate consideration and review of the circumstances requiring such travel.

c. Employee Responsibility and Documentation - As soon as an employee is incapacitated by illness or injury or informed of an emergency situation which necessitates discontinuance or interruption of the TDY travel assignment; he/she should attempt to contact the designated approving official for instructions. In the event that such contact cannot be made on a timely basis, payment of transportation expenses and per diem may be approved after the travel has been performed.

d. Authorized Travel Expenses –

(1) Incapacitating Illness or Injury of Employee - When an employee interrupts or discontinues a travel assignment because of an incapacitating illness or injury, transportation expenses and per diem may be allowed to the extent and within the limitations detailed in Section 301-30.4 of the FTR. These include:

- Continuation of per diem at point of interruption;
- Return to official station or home;
- Travel to an alternate location and return to the TDY assignment.

(2) Personal Emergency Situation - To the extent provided in Section 301-30.4 of the FTR, in the event of a personal emergency situation an employee may be authorized to:

- Return to the official station or home, or
- Travel to an alternate location where the personal emergency exists and return to the TDY assignment.

e. Procurement of Transportation - Contract carriers in designated city pairs, as well as other reduced fares available to Federal travelers on official business, should be used to the extent possible for travel approved under this Section. Additional instructions pertaining to travel advances and the use of personal funds, of the return portion of round-trip tickets, and of Government contractor-issued charge cards are contained in Section 301-51 of the FTR.

f. Medical Coverage While Overseas

(1) Foreign Service Employees – Section 904 of the Foreign Service Act of 1980 provides that if an individual eligible for health care under the Act incurs an illness, injury or medical condition while abroad (including TDY or detail assignment) which requires similar treatment, the cost of all or part of such treatment may be paid by the Government. Limitations on payments established by regulation may be waived whenever the Government determines that the illness, injury or medical condition clearly was caused or materially aggravated by the fact that the individual concerned is or was located abroad. To be eligible for such payment the employee must have obtained a valid medical clearance in accordance with the Uniform Foreign Affairs Regulations.

(2) Civil Service Employees - Under the provisions of the Federal Employees' Compensation Act, Civil Service employees may receive compensation for medical care when they suffer injury in the performance of their duty while located abroad.



#### **704.15 Educational Travel**

- a. Educational Travel must be requested and issued by the Office of Human Resources. Payment and reimbursement of expenses incurred in association with Educational Travel, as authorized per 14 FAM 532.5, may include actual expenses for transportation for the dependent child, travel per diem within the maximum applicable rates, as authorized, and transportation expenses for unaccompanied air baggage (UAB), up to the weight allowance of 113 gross kilograms, or 250 pounds.
- b. In lieu of transporting the UAB back to the dependent's post, the cost of storage may be claimed, per Department of State Standardized Regulations 285.1 (DSSR). Employees are responsible for making arrangements with local storage facilities to store the UAB and must pay all fees directly to the storage company. Reimbursement for this expense may be requested at post at a later date.
- c. As noted in DSSR 285.1, before electing storage as an option, the employee should consult post to determine what documents he or she will be required to produce in order to receive reimbursement. In addition, the employee is responsible for obtaining an estimate on the shipping of the UAB to determine the maximum reimbursement amount he or she will be authorized based on the particular circumstances. Payment of the storage portion of the claim will be limited to the constructed cost of shipment of UAB or storage, whichever amount is less.
- d. Reimbursement of any authorized Educational Travel expenses should be claimed via a Travel Reimbursement Voucher. The reimbursement request should include all necessary receipts and reference the entitlement detailed on the orders. The fiscal data charged for the payment of the claim will be the accounting data on the Educational Travel orders. This data should include the full accounting classification to specifically identify the travel as educational (budget object code 2162).

**704.16 Travel Arrangements** - Except as noted below, this Section applies to arrangements for all TDY travel in the U.S. by Civil Service and Foreign Service American and Foreign National employees, regardless of point of origin, and to overseas travel originating in the U.S. It also applies to domestic and international travel by non-employees which originates in the U.S. DSSR Paragraph 617, Amount of Advance Payment, applies to travel advances issued in the U.S. Additional regulations applicable to travel by Foreign Service American and Foreign National employees are contained in 14 FAM 500.

- a. Use of Special Lower Fares - Through fares, special fares, and reduced-rate round-trip fares shall be used for official travel when it can be determined before the start of a trip that this type of service is practical and economical for the Government. Round-trip tickets for special lower fares, which are restricted or have specific eligibility requirements, will be secured only when, on the basis of the journey as planned, it is known or can be reasonably anticipated that these tickets will be used. The use of special lower fares under these provisions does not take precedence over the mandatory use of contract airfares between selected city-pairs.
- b. Contract Carriers offering discount fares under the Government's city-pair program shall be utilized whenever possible. Although contract carriers have no advance purchase requirement, tickets should be requested 30 days in advance of travel whenever possible in order to take advantage of other discount fares, where available, on routes not served by contract carriers.
- c. Baggage Allowance for Travel Within the United States (including Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands, and U.S. possessions abroad) - The amount of baggage carried by the traveler at no charge by airlines is the same for less-than-first-class and first-class accommodations. Baggage above this limitation is excess

baggage. Reimbursement for baggage in excess of the weight carried free by the carrier will be allowed only if authorized or approved.

d. Baggage Allowance for Travel Outside the United States - When less-than-first-class air accommodations are authorized for travel beginning or terminating outside the United States (as defined in paragraph (1) above), the amount of baggage carried free in first-class accommodations will be allowed. Travelers may claim reimbursement on their travel vouchers for any authorized excess baggage. When first-class accommodations are authorized, baggage carried in excess of the weight carried free by the airline will be allowed only if authorized or approved. Travelers may claim reimbursement on their travel vouchers for any excess baggage over the limit for coach class but not first class or any excess baggage authorized.

e. Indirect or Interrupted Travel

(1) Policy - Official TDY travel shall be performed by the most direct, usually traveled route to conduct official business. Employees should develop their itineraries to permit travel by the most direct route, class, and mode of transportation authorized and available. When indirect or interrupted travel is performed for personal convenience, the provisions in paragraphs (3) and (4) below apply.

(2) Extra Expense - When a traveler deviates from a usually-traveled route for personal convenience, the extra expense for the journey that is by an indirect route or for accommodations superior to those authorized must be borne by the traveler. Tickets may only be issued for official travel.

(3) Limitations on Reimbursement - Reimbursement for costs incurred on a journey which is traveled by an indirect route is limited to the total cost of per diem, incidental expenses, and transportation by economy or coach air accommodations (regardless of mode of transportation used in indirect travel) which would have been incurred by traveling on a usually-traveled route. Leave is charged for any excess travel time.

(4) Leave - The employee should obtain approval prior to taking leave to perform indirect or interrupted travel during TDY travel. The traveler's supervisor evaluates the request to take leave while on an official trip, and approves or disapproves on the basis of need.

f. Stopover for Rest Period - In order to provide needed rest on long air journeys, a rest period not to exceed 24 hours may be authorized in route to TDY station when the traveler uses economy class accommodations for a trip of 14 hours or more of scheduled flight time, including scheduled stopovers of less than eight hours, on a usually-traveled route. The rest stop should be taken at a point midway in the journey or as near thereto as schedules permit, and per diem and incidental expenses are payable. Rest stops are not authorized if travel is performed by an indirect route or in first-class or business-class accommodations, except where no economy seats are available or airlines direct that business-class or first-class routing must be used.

g. Time Zone Adjustments

(1) Uninterrupted Travel - Travelers flying without interruption, except for flight connections, on a direct route with a difference of five or more hours between local time at point of departure when travel began and local time when arriving at the temporary or permanent duty point should, whenever possible, arrange departure to allow arrival at destination a full day before commencing duty.

(2) Per Diem during the adjustment period is payable to TDY travelers, except on return to the official duty station.

h. Passport and Visa Requirements

- (1) An employee scheduled for overseas travel must have a valid passport with the necessary visas. The employee should consult the TMC concerning the forms to be completed, photographs to be taken, and other requirements.
- (2) Diplomatic and Official Passports - The TMC will obtain passports, as well as the required visas, when a detailed itinerary and sufficient lead-time are provided.
- (3) Regular (Tourist) Passports - When indicated, official travel may also be performed with tourist passports. The TMC will assist in obtaining the passport but travelers may be required to secure their own visas. Employees may request reimbursement on the travel voucher for the cost of tourist passports and visas when their use for official travel is indicated.

i. Immunizations

- (1) Employees - It is the employee's responsibility to obtain the necessary immunizations for overseas travel. The Health Unit provides information on requirements and will administer inoculations if presented with a valid travel authorization containing at least one official signature. In emergencies, inoculations also may be obtained at the State Department Medical Division.
- (2) Non-Employees -Immunizations are not provided or reimbursable for non-employees such as experts or consultants traveling on official business. These travelers may obtain information on requirements from the office sponsoring the travel but must obtain their own inoculations.

#### **704.17 Travel Performance And Accommodations**

a. Method of Transportation - Travel on official business shall be by the method of transportation, which will result in the greatest advantage to the Government, cost and other factors considered. In selecting a particular method of transportation to be used, consideration shall be given to energy conservation and to the total cost to the Government, including costs of per diem, overtime, lost work time and actual transportation costs. Additional factors to be considered are the total distance of travel, the number of places visited, and the number of travelers. As cited in 5 U.S.C. 5733, "The travel of an employee shall be by the most expeditious means of transportation practicable and shall be commensurate with the nature and purpose of the duties of the employee requiring such travel."

b. Class of Service - It is the general policy of the Government that coach or economy shall be used for passenger transportation, unless expressly authorized under other provisions of this instruction.

c. Employee's Obligation - Employees traveling on official business are expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business.

d. Authorized Methods - Methods of transportation authorized for official travel include railroads, airlines, helicopter service, vessels, buses, streetcars, subways, taxicabs, Government-furnished and contract rental automobiles and airplanes, and any other necessary means of conveyance. The method selected should comply with the policy stated in paragraph (A) above.

d. Limitation on Travel by Vessel - Except for travel between points served by ferries, travel by vessel is not considered to be advantageous to the Government in the absence of sufficient justification that the advantages accruing from the use of ship transportation offset its higher costs, i.e., per diem, fare, and lost work time. Requests for travel by vessel must be approved by the Director, Financial Operations and normally will be permitted only for medical reasons or in connection with U.S. Government-ordered evacuation overseas.

e. Traveler's Cost Liability When Selected Method is Not Used - The traveler shall use the method of transportation administratively authorized or approved as most advantageous to the Government. Any additional cost resulting from use of a method of transportation other than that specifically authorized, approved, or required by regulation, e.g., contract air service, shall be the traveler's responsibility.

f. Security Factor - When required for reasons of security, the mode of travel, accommodations, and route will be determined on the basis of providing the necessary safeguards.

g. Common Carrier - Since travel by common carrier (air, rail, or bus) will generally result in the most efficient use of energy resources and in the least costly and most expeditious performance of travel, this method shall be used whenever it is reasonably available. Other methods of transportation may be authorized as advantageous only when the use of common carrier transportation would seriously interfere with the performance of official business or impose an undue hardship upon the traveler, or when the total cost by common carrier would exceed the cost by some other method of transportation. The determination that another method of transportation would be more advantageous to the Government than common carrier transportation shall not be made on the basis of personal preference or minor inconvenience to the traveler resulting from common carrier scheduling. The following policies will aid in the selection of the most advantageous method of common carrier transportation:

(1) Contract Air Service - The use of discount fares offered by contract air carriers between certain cities (city-pairs) is considered advantageous to the Government and is mandatory for authorized air travel between those city-pairs.

(2) Non-contract Air Service - The use of non-contract air service may be authorized or approved only when justified. Advance authorization and the justification for the use of non-contract air service shall be shown on the travel order, or other form of travel authorization, before the actual travel begins unless extenuating circumstances or emergency situations make advance authorization impossible. In this event, the employee shall obtain a certificate of approval to his/her travel order at the earliest possible time after completing the travel. The approval and justification shall be stated on or attached to the travel voucher.

(3) Rail or Bus Service - Rail or bus service may be used when determined to be advantageous to the Government, cost, energy, and other factors considered and when compatible with the requirements of the official travel. The use of discount fares offered to the Government by rail or bus carriers between selected cities (city-pairs) is considered advantageous. Whenever these discount fares are offered, and the accompanying service will fulfill mission requirements, they should be used to the maximum extent possible.

(4) Carrier Rates - When two or more carriers charge different rates between the same points for similar accommodations, the carrier charging the lower rate should be used to the maximum extent possible unless it would increase per diem or other costs in excess of the difference in rates. However, contract carriers must be used wherever possible.

h. Rental and Government-Furnished Automobiles and Special Conveyances –

(1) When Used - Commercially rented vehicles, other than those under contract, and other special conveyances shall be used only when it is determined that use of other methods of transportation discussed in paragraph 2.4. (C) (2) above would not be more advantageous to the Government. In the selection of commercially rented vehicles, first consideration shall be given to Government-contract rental vehicles available under an appropriate GSA Federal Supply Schedule contract.

- (2) Approval Requirement - The hire of boat, automobile, taxicab, aircraft, or other conveyance will be allowed if authorized or approved as advantageous to the Government whenever the traveler is engaged in official business within or outside the employee's designated post of duty.
- (3) Government-Contract Rental or Government-Furnished Automobiles - When it is determined that an automobile is required for official travel, a Government-contract rental or a Government-furnished automobile shall be used as follows:
- A Government-contract rental automobile is the first resource for short-term rental of an automobile by a traveler on TDY travel. This applies to those who travel to their destination by common carrier, such as airplane, train, or bus, and are authorized to rent a vehicle for local transportation in the destination area. An employee may also use a Government-furnished automobile if a Government-contract rental automobile is unavailable or if use of a Government-furnished automobile is more practicable.
  - A Government-furnished automobile is the first resource when an automobile is required for official travel performed locally or within commuting distance of an employee's designated post of duty. If a Government-furnished automobile is unavailable, a Government-contract rental automobile may be used.
  - When a Government-owned or -leased automobile or other transportation equipment is used by an employee for official travel, its use will be limited to official purposes (31 U.S.C. 1343). Official purposes include transportation between places where the employee's presence is required incident to official business, between such places and places of temporary lodging, and when public transportation is unavailable or its use is impractical, between either of the above places and places necessary to obtain suitable meals. Also, transportation to drugstores, barber/beauty shops, places of worship, cleaning establishments, and similar places required for the sustenance, comfort, or health of the employee in order to foster the continued efficient performance of Government business will be allowed.
- (4) Collision Damage Insurance on Commercially Rented Automobiles - Since the Government relies on self-insurance, BBG cannot pay, nor can it reimburse employees, for the cost of the collision damage waiver or collision damage insurance available for an extra fee in commercial rental contracts in the United States. The waiver or insurance referred to is the type offered a renter to release him or her from liability for damage to the rented automobile. If a traveler is authorized to rent a vehicle, the Government assumes responsibility for any damage thereto while being used for official business. However, employees traveling overseas who are authorized to rent a vehicle may be reimbursed the cost of collision insurance.
- (5) Incidental Charges for Special Conveyances - If the hire of a special conveyance does not include costs of the incidental expenses of gasoline or oil, rent of garage, hangar or boathouse, subsistence of operator, ferriage, tolls, airplane parking, landing, and tie down fees, etc., the same should be first paid, if practicable, by the person furnishing the accommodation, or his or her operator, and itemized in the bill.
- (6) Consistent with general policy that travel expenses are advantageous to the government, only compact and intermediate size vehicles will be authorized for individual travel. Requests for larger vehicles must be justified.
- (7) Privately Owned Vehicle - The use of a privately owned vehicle shall be authorized when its use is advantageous to the Government. A determination that the use of a privately owned conveyance would be advantageous to the Government shall be preceded by a determination that transportation by common carrier, a government-contract rental

automobile, or Government-furnished transportation is not available or would not be advantageous to the Government. To the maximum extent possible, these determinations and the authorization to use a privately owned conveyance shall be made before the performance of travel.

- (8) Permissive Use of a Privately Owned Vehicle - When an employee uses a privately owned vehicle for personal conveniences and such use is compatible with the performance of official business, although not determined to be advantageous to the Government, such use may be authorized or approved provided that reimbursement is limited to the constructive cost of common carrier transportation.

i. Train Accommodations

- (1) Sleeping Car Accommodations - When overnight travel is involved, the lowest first-class sleeping accommodations available shall be allowed. Higher cost accommodations may be authorized or approved upon the employee's certification on the travel voucher that lowest first-class accommodations were not available or that use of superior accommodations was authorized or approved by the Director or his/her designee, as being required for security purposes.
- (2) Parlor Car and Reserved Coach Accommodations - When adequate reserved coach accommodations are available, officials authorizing travel shall require that those accommodations be used to the maximum extent possible. However, use of a parlor car seat may be allowed when the duration of the train travel exceeds four hours.
- (3) Extra-Fare Trains - Travel by extra-fare trains may be authorized or approved whenever their use is administratively determined to be more advantageous to the Government or is required for reasons of security. The use of National Railroad Passenger Corporations (Amtrak) Metroliner coach service is considered to be advantageous to the Government. Acela service is considered to be premium-class service.

j. Airline Accommodations - It is the policy of the U. S. Government that air travelers use the most economical fare structures available. Consistent with that general policy, there are circumstances, which warrant travel in first-class or business-class accommodations.

k. First-Class Travel Exceptions - Rest stops are not authorized when travel is performed in upgraded accommodations. First- class travel may be authorized under the following conditions:

- (1) When travel is conducted by couriers accompanying controlled pouches, and a lower premium-class air accommodation is not available.
- (2) No other reasonably available accommodations. The use of first-class air accommodations may be authorized or approved when coach-class air accommodations or premium-class other than first-class air accommodations are not reasonably available. Not reasonably available means no other class of accommodations, other than first-class accommodations is available on any scheduled flight in time to accomplish the purpose of the official travel.
- (3) When the physical condition of the traveler, as certified by competent medical authority, requires the use of first-class travel. Medical certifications must be dated within one year prior to the start of travel unless the condition is identified as a lifelong condition.
- (4) Regularly scheduled flights only provide first-class air accommodations. The use of first-class air accommodations may be authorized or approved when regularly scheduled flights between the authorized origin and destination points (including connecting points) provide only first-class air accommodations, and the employee certifies this circumstance on the travel voucher.

l. Business Class Travel Exceptions - Rest stops are not authorized when travel is performed in upgraded accommodations. Use of premium-class travel other than first-class air accommodations are limited to those below:

- (1) When TDY travel is conducted by any US government-funded traveler for direct travel, when the authorized origin or destination point is outside the United States (CONUS) and the scheduled flight time is in excess of 14 hours, including stopovers of less than eight hours, and when a rest stop cannot, because of the urgency of the mission, be taken. When this authority is exercised by the authorizing officer, an employee shall not be eligible for a rest stop en route or a rest period upon arrival at the TDY station;
- (2) When there is no space in economy accommodations on any scheduled flights in time to carry out the purpose of the official travel, which is so urgent that it cannot be postponed;
- (3) When the physical condition of the traveler, as certified by competent medical authority, requires the use of business-class travel. Medical certifications must be dated within one year prior to the start of travel unless the condition is identified as a lifelong condition;
- (4) When exceptional circumstances essential to the successful accomplishment of the mission or security reasons require the use of business-class travel. Travel is deemed to be mission critical if the failure to complete the travel would have a significant and detrimental impact on the accomplishment of the agency's mission; or
- (5) Where the cost savings from forfeiture of rest stop entitlement exceeds the incremental increase for business-class accommodations; and/or where measurable efficiencies are achieved from the traveler's avoiding use of work days for rest stops; and/or where business class facilitates work en-route and/or immediately upon arrival. A cost comparison must accompany both the request and the travel authorization.

m. Approval and Authorization for First Class and Business Class Travel accommodations

- (1) First-Class Travel - The use of first-class accommodations under the exceptions specified in paragraph (1) require prior approval from the Chief Financial Officer or his/her designee through the IBB Director for IBB employees or the BBG Executive Director for BBG office staff.
- (2) Business-Class Travel - Authorization to use business class for criteria specified in paragraphs (2)(a) through (c) requires prior approval at the appropriate supervisory level as follows. The Director of the IBB; Director, VOA; and Director, Engineering approve business class travel for employees within their respective units. The BBG Executive Director approves business travel for BBG Board and staff. The CFO or his/her designee must also review and approve all business class travel.
- (3) Requirement for Advance Authorization - Authorization for first class and business class travel where necessary shall be obtained in advance of actual travel. Where circumstances make advance approval impossible, the traveler shall obtain written approval as soon as possible in accordance with the above regulations.
- (4) Employee Responsibility and Documentation - The employee shall certify on the travel voucher the reasons for the use of first-class/business-class accommodations. Specific authorization or approval shall be attached to, or stated on, the travel voucher and retained for the record. In the absence of advance authorization or approval, the employee shall be responsible for all additional costs resulting from the use of first-class/business-class accommodations. The additional costs shall be the difference between the first-

class/business-class accommodations used and the lowest fare available at the time of travel.

n. Procedure for Requesting Upgraded Air Accommodations - Requests for business class and first class travel are routed to the TMC Branch Chief for approval through E2 Solutions. E2 Solutions identifies the additional cost to the BBG resulting from the difference between first-class accommodations and the next lower class accommodations and between first class and the lowest fare available.

o. Use of U.S. Flag Carriers - The Fly America Act, 49 U.S.C. 40118, requires all Government-financed air travel be performed on U.S. air carriers where such service is available.

p. Travel Between Two Points Abroad - 49 U.S.C. 40118 (d) provides that notwithstanding the provisions of 49 U.S.C. 40118 (a) and (c), Government-financed air travel by officers and employees of BBG, their dependents, and accompanying baggage may be performed on foreign flag air carriers between two places both of which are outside the United States. Congress noted that it expected that this authority will be implemented in a manner which will continue to encourage U.S. Government employees to use U.S. air carriers to the maximum practical extent.

q. Scheduling and Routing of Official Air Travelers - Employees, consultants, contractors, grantees, and other travelers funded by the BBG for all travel between the United States and points abroad should use a U.S. air carrier even though comparable foreign flag service may be available, cost less, financed by excess foreign currency and preferred by the BBG or the traveler. Travelers on transfer travel, and those who can exercise flexibility in scheduling their travel, are expected to schedule their trips to make use of U.S. air carriers.

r. U.S. air carrier service should be used for all travel EXCEPT:

- (1) When use of such service would interfere with the accomplishment of an essential mission.
- (2) When unaccompanied children (16 years of age or younger) would have to change airports at an interchange point, overnight at such points, or experience delays in excess of three hours at the interchange point.
- (3) When it has been determined that delay could be detrimental to the health of the traveler, an employee or dependent, or when traveling under emergency visitation or medical evacuation orders (certified by competent medical authority in the case of medical evacuation). Travel of medically authorized attendant(s) is also authorized. The authorizing officer must provide a statement to the traveler outlining the urgent travel requirement and the reason why U.S. carriers were not considered available. The traveler will file the statement with his/her travel voucher. Return travel is to be performed in accordance with the Fly America Act.
- (4) When an official traveler is denied boarding by a U.S. carrier, he/she may accept a seat provided by the airline's representative on a foreign flag flight, notwithstanding the availability of alternate U.S. air carrier service. This provision also applies to cases where a traveler is denied boarding while on indirect travel or annual leave which is taken in conjunction with TDY, home leave, or transfer travel. The traveler should attempt to get a statement of the denied boarding from the airline representative to file with his or her travel voucher.
- (5) When the gateway airport abroad is the traveler's origin or destination airport, and the use of U.S. air carrier service would extend the time in a travel status, including delay at origin and early arrival at destination, by at least 24 hours.
- (6) When the gateway airport abroad is an interchange point and the use of U.S. air carrier service would require the traveler to wait six hours or more to make connections at that point.



- (7) When connecting with ongoing flights at the gateway airport in the United States would extend his or her time in a travel status by at least six hours.
- (8) When the travel abroad is a portion of the trip to the United States, travelers may interchange to U.S. air carriers at a point, which will permit arrival in the U.S. on a flight, which directly serves the interchange point and destination. Likewise, when travel abroad is a portion of the trip from the United States, travelers may interchange to foreign carrier service at a point, which will permit departure from the U.S. on a U.S. air carrier flight directly serving the origin, and the interchange point. U.S. air carrier service will be used to the furthest interchange point with foreign carriers and foreign carriers will be used to the nearest interchange point with U.S. air carriers which will not extend the traveler's time in a travel status by more than six hours between points of origin and destination.
- (9) U.S. air carrier service does not have to be utilized abroad if it would require travel during normal sleeping hours (11:00 P.M. - 7:00 A.M.) and a foreign air carrier provides service during other hours.
- (10) U.S. air carrier service does not have to be utilized abroad if it would require a change of planes during normal sleeping hours and the foreign air carrier service would not require a change of planes during those hours.
- (11) Foreign air carrier service may be used abroad if it would eliminate two or more aircraft changes en route.
- (12) Short Distance Travel - Foreign air carrier service may be used when the elapsed travel time of a scheduled flight from origin to destination airport by foreign air carrier is three hours or less and service by U.S. carrier would involve at least twice such travel time.

s. Approval for Use of Foreign Air Carriers - is required whenever a foreign air carrier is used between the United States and points abroad. The traveler shall submit a memorandum to Director, Financial Operations prior to start of travel, providing full justification for the request for the use of the foreign air carrier. If the Director, Financial Operations concurs with the traveler's justification, the request will be forwarded to the Office of the General Counsel for approval. The traveler may appeal a negative ruling by the Director Financial Operations directly to the Office of General Counsel. This requirement is not applicable to travel described as travel between two points abroad or to travel addressed by the BBG announcements authorizing the use of foreign flag carriers between the U.S. and specific points abroad.

- (1) The approval memorandum discussed above is required before tickets procured in the U.S. can be released by the contract travel agency, and it must be attached to the travel voucher in E2 Solutions.
- (2) For travelers abroad who were unable to avail themselves of the prior approval process, a statement must be included on/with the travel voucher justifying their use of the foreign air carrier. Travelers are cautioned that if their justification is not accepted they will be subject to the financial responsibilities that result from their actions.

t. Payment in Foreign Currency - Legislative authority for certain programs and activities prohibit the expenditure of U.S. dollars for travel or other official purposes. In such instances, where foreign currency must be used for travel and where U.S. air carriers do not accept such currency, travel may be performed to the extent required on carriers which do accept U.S. currency.

u. Traveler's Financial Responsibility - Where the travel is by indirect route or the traveler otherwise fails to use available U.S. air carrier service or does not have approval to use a foreign

carrier, the amount to be disallowed against the traveler is based on the loss of revenues suffered by U.S. air carriers.

Travelers should not be held liable for minor variations when the differences in distance are relatively small and difficult to measure. The amount disallowed is calculated based on the percentage of the overall trip mileage flown on a foreign carrier.

$$\frac{\text{Sum of unapproved carrier segment mileage traveled}}{\text{Sum of all segment mileage traveled}}$$

For example, assume a traveler is going from Washington DC to Frankfurt, GDR via London, UK. The distance from Washington DC to Frankfurt, GDR is 4,065 and the distance from Washington DC to London, UK is 3,674 miles. The traveler uses an unauthorized foreign carrier to travel from London UK to Frankfurt, GDR.

$$\frac{\text{Sum of unapproved carrier segment mileage traveled}}{\text{Sum of all segment mileage traveled}} = \frac{391}{4,065} = 10\%$$

The use of a foreign carrier from London to Frankfurt represents 10% unauthorized foreign carrier usage. The traveler is liable only if the difference is greater than zero. The traveler is never liable for more than the segment fare payable for the segment improperly traveled.

v. Refunds or Adjustments - Under no circumstances will a traveler obtain a refund or credit from a carrier for an unused ticket. For tickets, which are exchanged (traveler exchange of an original ticket for one of lesser value) or returned, the traveler will surrender the ticket coupon to the carrier in return for a receipt or ticket refund application. Carriers are required to make refunds to the credit card indicated on the ticket. Receipts or ticket refund applications and any unused tickets or portions thereof, which were not turned in at the carrier's ticket office must be forwarded immediately to Financial Operations. Employees stationed overseas shall follow Embassy procedures when the tickets are purchased and processed by the Embassy.

w. Uncompleted Trips - The traveler must submit unused tickets, carrier receipts or ticket refund applications to the TMC with a statement on their voucher about the disposition of the unused tickets. In the case of e-tickets, the traveler will notify the TMC of any unused e-tickets with a statement on their voucher that the TMC has been notified. These actions must be taken when:

- (1) Travel is terminated short of the destination shown on the ticket;
- (2) The services furnished are of less value or different than specified on the ticket; or
- (3) The return portion of a round trip ticket is not used.

x. When there is no unused ticket for services not furnished, the traveler should obtain a written statement from the carrier's representative. The traveler will submit the statement with an appropriate explanation to the TMC, or to the appropriate Embassy official, and give:

- (1) The serial number of the ticket.
- (2) Points of travel for which the ticket was purchased, and the points between which the ticket was actually used.

#### **704.18 Travel Authorizations**

a. The Travel Authorization (Travel Order) must be established and processed via E2 Solutions. The Travel Arranger or the Traveler may initiate travel authorizations. Form IBB 34A is no longer used.

b. Procurement of Passenger Transportation

(1) The agency will provide a TMC program. Tickets are purchased through the Agency's centrally billed account.

(2) Reduced Service Rates – Use of through fares, special fares, excursion fares, reduced rate one-way, and round-trip fares for official travel is allowed only when contract fares are unavailable or it can be determined by the authorizing official before starting a trip that all things considered, using such service would be more practical and economical.

(3) Use of Travel Agencies in Foreign Areas - Paying fees for travel services charged by travel agencies in foreign areas are allowed when it is determined that such travel services cannot be obtained, without charge, directly from the carrier involved.

c. Special Security Requirements - All employees traveling to certain overseas destinations must undergo a briefing from Security prior to any and all travel. There is no exception. A list of countries currently designated for security briefings is maintained by the Department of State. Travelers should call the Office of Security at 202-619-5817 to arrange for the briefing. The traveler will attach the clearance, signed by the designated security official, to the E2 Travel Authorization.

## **705 TRAVEL ADVANCES**

**705.1 Approval** - In accordance with 5 U.S.C. 302, BBG has delegated the authority to approve and sign applications for travel advances to the Director, Financial Operations. All or any part of this authority may be re-delegated in writing to appropriate officials of BBG and to appropriate officials of other U.S. Government agencies that are authorized to perform administrative functions for BBG at overseas installations. In obtaining an advance, BBG is providing an advance of funds to employees who are authorized to perform official travel. The advances are based on BBG issued travel authorizations and officially approved applications for travel advances. The authority for making travel advances is contained in 5 U.S.C. 5705.

**705.2 Delegated Officials** - Each application form for a travel advance must be signed by an approving officer. Applications processed in Washington are approved by a delegated official in the Office of Financial Operations. Overseas applications are approved by the officer to whom he or she regularly delegates duties of an administrative nature or the administrative officer of the Department of State fiscal servicing post. The approving officer is responsible for determining that the travel has been properly authorized and the amount of advance requested meets the criteria in the following paragraph.

### **705.3 Forms, Limitations and Payments**

a. Domestic - The SF-1038 is used to provide travelers with an advance of funds prior to travel. Travel advances are issued via Citibank travelers checks for travelers who do not have a Federal issued government travel credit card or by electronic fund transfer.

b. Foreign - The SF-1038 is used by the traveler to apply for travel advances overseas.

c. The data cited for the advance must include:

- (1) The full fiscal accounting strip for the travel authorization;
- (2) The estimated date of travel completion;

- (3) The date paid;
- (4) The amount of the advance payment;
- (5) Printed Name of Payee;
- (6) Date advance received; and
- (7) Signature of Payee.

d. Limitation of Advance - Travel advances are limited to 80 percent of the estimated combined total of out-of-pocket expenses less payments by the U.S. Government to a third party, such as payments for tickets, and, when allowed, lodging. This limit includes permanent change of station travel, including advances for temporary quarters, and travel to attend training. If issued in traveler's checks, the travel advance is rounded down to the nearest \$50 increment. The minimum travel advance allowed is \$150. Advances at 100% are not allowed. The traveler and supervisor jointly determine the anticipated cash requirements for the trip and specify such on the Travel Authorization. It is the responsibility of the office preparing the travel authorization to ensure that the above guidelines are followed when travel advances are requested.

e. Payment by EFT - Allow a minimum of five working days to process the application for an electronic funds transfer or direct deposit. Prepare SF-1038, Advance of Funds Application and forward for processing to the TMC.

f. Payment by Travelers Check - Travelers checks are issued by the contract travel agency. Travelers prepare an SF-1038 and forward it for processing to the TMC. Employees must present their Travel Card and Travel Authorization to the TMC. New applicants for a travel card who are required to travel and have not yet received their travel card may apply for a travel advance. However there must be a Travel Card application pending.

g. For Employees Having a Suspended or Canceled Government Travel Card Due to Misuse or Delinquency - Employees whose travel card has been suspended or cancelled due to misuse of the travel card or for account delinquency will not be given a travel advance.

#### h. Repayment of Travel Advance

- (1) The traveler is responsible for repaying a travel advance by submitting a travel reimbursement voucher and/or by direct refund.
- (2) Travel Canceled or Postponed For an Indefinite or Lengthy Period - Return the advance to the Office of Financial Operations immediately upon receipt of notice of such action. The advance must be repaid in cash or by personal check. Traveler's Checks cannot be returned.
- (3) Travel Completed - Receiving an advance does not relieve an employee of the responsibility for keeping an accurate record of travel performed and expenses incurred, with supporting receipts where required, and submitting a completed and approved travel voucher. An employee must submit the travel voucher within five working days after completing the travel. The Office of Financial Operations will deduct the amount of the travel advance from the approved amount of the voucher. If the amount claimed on the voucher is less than the amount of the travel advance, attach to the face of the voucher at the time of submission a personal check or other form of remittance for the difference, made payable to: Broadcasting Board of Governors. Prompt submission of a travel voucher and repayment of excess funds advanced (if any) reduces paperwork and the possibility of deductions for the full or excess amount advanced.
- (4) Interest, penalty (after 90 days), and administrative charges may be assessed on amounts outstanding more than 30 calendar days after actual travel completion. When the repayment of a travel advance is not made within 30 days after travel completion, the debt collection process will take place in accordance with the Travel and Transportation Reform Act of 1998.

(5) When it is necessary, salary offsets will be used to collect past due travel advances.

**705.6 Type of Currency** - Travel advances may be issued via EFT, U.S. Department of the Treasury check or travelers' checks. Domestic travel advances are paid in U.S. currency. Travel advances for host country are paid in local currency only. For travel outside the host country, travel advances are normally paid in U.S. dollars.

**705.7 Outstanding Advance** - All prior travel advances to a traveler must be repaid (by voucher and/or direct refund) before the traveler departs on transfer, separation, home leave, or further TDY travel. A new advance is not allowed until prior outstanding advances for completed travel have been settled either by submission and approval of a voucher or repayment by personal check.

**705.8 Notification of Outstanding Advance** - A travel advance is a loan and must be repaid by either performing the travel and submitting a travel voucher or repaying the amount in cash or check. Outstanding advances are debts according to the Debt Collection Act, which provides for interest, and administrative charges to be assessed on the amount advanced beginning with the 31<sup>st</sup> calendar day following the completion of travel until the date the voucher and/or refund is submitted. Penalties may be assessed for amounts more than 90 days past due 31 U.S.C. 3717 (e)(2).

**705.9 Accounting for Travel Advance** - The following are the procedures for accounting for all travel advances issued against allotment accounts.

a. Travel advances charged to domestic allotments are controlled by using reports from the financial management system.

b. Travel advances charged against foreign allotments are controlled by using reports from overseas posts.

c. Travel advances issued by posts for Washington-authorized TDY travel are charged to the post allotment when the travel originates and ends at the post and are verified by reports from the Department of State financial service centers.

d. Prior to payment of any travel voucher or issuance of another advance, the certifying officer determines, through the financial management system, if the traveler has a prior outstanding advance. Any advance made against the travel order is liquidated against the voucher prior to payment to the traveler.

e. Voucher approving officials and administrative officers must ensure that all outstanding travel advances are deducted from travel reimbursement vouchers during the approval process. They are also responsible for notifying the traveler, by memorandum, requesting that the advance be settled within 10 calendar days if:

(1) The final travel reimbursement voucher is not submitted within the time prescribed above.

(2) Repayment is not made following travel completion, indefinite postponement, or cancellation of travel; and/or

(3) The approved amount of the voucher submitted is insufficient to cover the amount of advance outstanding and that the excess advance is due and payable.

f. Certifying Officers shall determine that outstanding travel advances are properly deducted before certifying a travel voucher. Travel advances made against one travel authorization may be deducted from the claim of another travel authorization when the allotment is the same.

g. If settlement is not made within 10 calendar days after the notification has been made according to section (1) above, administrative officers shall refer the matter with appropriate fiscal data and surrounding details to the Office of Financial Operations for collection action by salary deduction.

h. Monthly reports are available to administrative offices from the financial management system identifying open obligations for travel. Notification and collection action is performed at the program office as needed. Post management officers and program office fund managers will review, on a quarterly basis, the travel advance status reports, and inform Office of Financial Operations of errors and/or collection difficulties within 30 days after receipt of the report.

i. A travel advance is repaid by refund or voucher deduction in the same kind and amount of currency in which the advance was made, or in the equivalent thereof.

**705.10 Temporary Quarters Subsistence Allowance (TQSA) or Quarters Allowance (QA) advances** - To apply for an advance for Temporary Quarters Subsistence Allowance (TQSA) or Quarters Allowance (QA), the employee submits Form SF-1190, Foreign Allowances Application, Grant, and Report, to the Office of Human Resources to approve such allowances.

a. Advances for the Home Service Transfer Allowance (HSTA), Foreign Transfer Allowance (FTA), or miscellaneous expense allowance (MEA) are processed in the same way as advances for Permanent Change-of-Station (PCS) travel-related expenses and should be issued no earlier than 10 business days prior to departure.

b. When an employee is eligible to receive an advance of both PCS travel-related expenses and transfer allowances, the amount of each entitlement is computed separately but totaled and paid as a single advance.

c. Upon arrival at the assigned duty station, the employee should submit Form SF-1190, Foreign Allowances Application, Grant, and Report, to account for the applicable transfer allowance grant and a travel voucher/claim for the related travel expenses. The employee must refund any advance in excess of the transfer allowance or related travel expenses not subsequently accounted for.

d. The fiscal data required for payments and repayments of transfer allowances or related PCS travel expense advances are charged to the allotment to which the travel expense or transfer allowance expenses are charged.

e. An advance is established to control TQSA or QA advances. QA advances are repaid through bi-weekly credit from the payroll system. All other transfer allowance advances are liquidated by submitting Form SF-1190 on which daily expenses are itemized.

## **706 TRAVEL CARD PROGRAM**

This section prescribes policies and procedures covering the use of the General Services Administration (GSA) authorized travel charge cards for payments to commercial facilities for subsistence and miscellaneous travel expenses during officially authorized Government travel. Employees are required by law to use the Government contractor-issued travel charge card for all official travel expenses unless either the employee or the expense is exempted. The IBB Director may exempt IBB employees and the BBG Executive Director may exempt BBG staff from using the travel card if it is determined to be necessary and in the interests of the agency.

**706.1 Reference** - GSA contracts for the issuance and maintenance of travel charge cards to be used by Federal travelers to cover transportation, subsistence and other allowable expenses. Federal travel regulations contained in 41 Code of Federal Regulations (CFR), Chapters 301-51,

301-52, 301-54, 301-70, 301-71, and 301-76 implement statutory requirements and Executive branch policies for 1) the use of Federal travel charge cards by Federal employees authorized to travel at Government expense and 2) the collection of amounts owed to the Travel Card Contractor from an employee's bi-weekly salary.

**706.2 Employee Eligibility Criteria For a Government Travel Card** - Employees who must apply for an individual Government travel card are those employees expected to perform official travel frequently (two or more official trips) during the course of the year. A copy of the "NOTICE OF RULES FOR USE OF A GOVERNMENT TRAVEL CARD" (See Attachment) signed by the employee and his/her element head, must be received by the agency Travel Card Program Coordinator prior to the employee applying for the Travel Card.

Other employees who may travel infrequently during the year may apply for temporary activation of a travel charge card if a copy of the "NOTICE OF RULES FOR USE OF A GOVERNMENT TRAVEL CARD," signed by the employee and his/her element head, is presented to the agency Travel Card Program Coordinator authorizing the employee to apply for the Travel Card.

For these infrequent travelers, the Travel Program Coordinator will notify the Travel Card Company to deactivate the Card following the completion of travel. It is the traveler's responsibility to notify the agency Travel Program Coordinator via Email (with a copy to the traveler's Administrative Officer) at least 7 business days in advance of travel, to request the Travel Card Company to reactivate the employee's Travel Card account.

**706.3 Exemptions from Mandatory Use of Government Travel Card** - The FTR provides exempts the following payments and individuals from mandatory use of the government travel card:

- a. It is in the best interest of the United States to do so;
- b. Payment through a Government travel card is impractical or imposes unreasonable burdens or costs on Federal employees or Federal agencies, or
- c. The head of a Federal agency or his/her designee(s) may exempt any payment, person, type or class of payments, or type or class of agency personnel if the exemption is determined to be necessary in the interest of the agency. Not later than 30 days after granting such as exemption, the Agency Head must notify the Administrator of the General Services (GSA) in writing of such exemption stating the reasons for the exemption.
- d. The Administrator of GSA has exempted the following from the mandatory use of the Government contractor-issued travel charge card:
  - (1) Expenses incurred at a vendor that does not accept the Government contractor-issued travel charge card;
  - (2) Laundry/dry cleaning;
  - (3) Parking;
  - (4) Local transportation system;
  - (5) Taxi;
  - (6) Tips;
  - (7) Meals (only when use of the card is impractical or not accepted);
  - (8) Phone calls (when a Government calling card is available for use);
  - (9) An employee who has an application pending for the travel charge card;
  - (10) Individuals traveling on invitational travel; and
  - (11) New appointees.
- e. The BBGH exempts agency employees deployed overseas where the length of time for travel card statements sent via international mail to reach the employees coupled with the length of time

for BBG/IBB employees' payments via international mail to reach the issuing card company substantially exceeds the allowable 25-day payment due period causing the entire travel card process not to function in a productive manner). In addition the BBG/IBB exempts the following class of agency employees from mandatory use of the Government travel charge :

- (1) BBG/IBB employees whose permanent duty station is outside of the Continental United States. These employees may be in positions posted in transmitter relay stations, in Voice of America radio correspondent locations overseas, or other positions outside the Continental United States deemed appropriate for this exemption as determined by the Director, Office of Financial Operations;
- (2) BBG/IBB employees on temporary assignment TDY outside of the Continental United States for more than thirty (30) consecutive calendar days; and
- (3) Employees who travel less than twice a year.

#### **706.4 Application for a Government Travel Card**

a. The employee obtains a signed and dated "NOTICE OF RULES FOR USE OF A GOVERNMENT TRAVEL CARD" authorization (See Attachment) from his/her supervisor. The employee and supervisor must sign the Notice. The supervisor must send the Notice to the agency Travel Card Program Coordinator.

b. The employee obtains a Travel Card application form and Cardholder Account Agreement from the Travel Card Program Coordinator, Travel & Transportation Branch, OFFICE OF FINANCIAL OPERATIONS, Room 1645, Cohen Building. Also the Travel Card Program Coordinator forwards to the applicant via e-mail the Credit Card quiz to be completed by the applicant. The applicant returns a copy of the Quiz Certificate be with the completed application.

c. The employee completes and signs the Travel Card application and retains a copy of the Cardholder Account Agreement. By signing the application, the employee is bound by the Government contractor travel Cardholder Account Agreement which says in part that employees: 1) agree to use the Card only for official travel and official-travel related expenses away from their official station/duty station; and 2) agree not to use the Card for personal, family or household purposes. In addition, the Agreement provides that the billing statement is due and payable in full upon receipt of the statement but must be received by the Bank no later than 25 calendar days from the closing date on the statement in which the charge appeared.

d. The Travel Card Program Coordinator shall:

- (1) Ensure the supervisor's authorization form (the "Notice") accompanies each Travel Card application and the employee's Travel Card Application is complete, accurate and signed by the employee and the quiz certificate is included. NOTE: Only an employee's home address may be used as the billing address for the Travel Card;
- (2) FAX the Application to the GSA's Travel Card Contractor;
- (3) Review monthly and periodic travel card contractor reports on delinquencies and individual employee transactions to ascertain that charges/purchases and ATM cash withdrawals appear to be for official travel-related expenses; and
- (4) Prepare lists (by employee name and office) of cardholders more than 60 days delinquent and employees having possible personal charges or ATM cash withdrawals (unrelated to official travel) and submit these lists, through the Director Financial Operations, to the traveler's supervisor.



e. Government Travel Card Contractor shall:

- (1) Issue a charge card in the name of the employee upon the request of the agency Travel Card Program Coordinator; and
- (2) Promptly process the charge card application and mail the charge card directly to the Travel Card Program Coordinator.

#### **706.5 Use of Government Travel Cards**

a. Expenses Incurred for Official Travel - Travel cards issued under this program are SOLELY FOR EXPENSES INCURRED FOR OFFICIALLY AUTHORIZED GOVERNMENT TRAVEL. The employee is to use the charge card to pay for official travel expenses only, such as payment of lodging and meal expenses, authorized excess baggage charges (where permitted), the purchase of travelers checks for miscellaneous expenses, or the purchase of transportation, to the maximum extent possible, thereby reducing the amount of travel advance needed. Personal expenses not related to official travel should not be charged on the travel card. Use of the card may be suspended for misuse and disciplinary action may be imposed.

b. General Contract Information

- (1) The employee, as a cardholder, is issued a card valid for one or two years. Cardholders who become delinquent will be reported by the card vendor to credit reporting companies.
- (2) Late payment charges are assessed to the cardholder. No preset expenditure limits are placed on the card and the cardholder is provided travel accident insurance when purchasing transportation on the card.
- (3) Where the card is accepted, the cardholder is allowed personal check cashing privileges and, on an emergency basis at posts, may purchase travelers checks or cash from authorized contractor affiliated banks where the service is available.

c. Employees are provided automatic accident insurance and lost luggage insurance when using the agency's TMC for transportation arrangements purchased with the agency corporate travel charge card. Employees should call the agency's Travel Card Contractor for eligibility, coverage beneficiary information or to file an insurance claim.

d. Employees receive the card at their home address and are responsible for exercising the same care and responsibility for the security of the card and travel card number as with a personal charge card.

e. The card shall NOT be stored or kept by an administrative officer, supervisor, or secretary.

f. Employees are encouraged to black out the charge card number from receipts submitted with their travel vouchers.

g. If a Travel card is lost or stolen, the employee is to immediately notify the Travel Card Contractor by phone at 1-888-241-1514 or 1-800-790-7206(toll free in the U.S.) or collect at 904-954-7850 (outside the U.S.). After reporting a lost or stolen card, the Travel Card Contractor will send the employee appropriate forms to complete and return to the Travel Card Contractor.

h. The employee is not liable for any fraudulent charges if the card is lost or stolen provided the employee notifies the Travel Card Contractor promptly.

i. A travel card may be canceled by the employee, the Program Coordinator, or the contractor. Cancellation requests may be accomplished by telephone notification by the Travel Card

Program Coordinator to the Travel Card Contractor. Employees should inform the Travel Card Program Coordinator if the employee has canceled his/her card.

j. Employee Separations - When an employee resigns, retires or transfers to another Government agency, the following must occur:

- (1) The employee is to turn in their Travel Card to the Travel Card Program Coordinator;
- (2) The Travel Card Program Coordinator verifies that the employee has turned in their Travel Card by signing and dating the exit form that is used by employees (Clearance for Final Salary Payment, Form #IA-134);
- (3) The Travel Card Program Coordinator immediately notifies the Travel Card company by telephone to cancel the account; and
- (4) The Travel Card Program Coordinator cuts the card in half and disposes of the card.

k. Employee Residence Address Changes - To ensure uninterrupted service when an employee changes their residential address, the employee must notify the Travel Card company of the change in his/her official residence to ensure timely receipt of his/her travel card billing statement.

#### **706.6 Monthly Contractor Billings and Statement**

a. Monthly Billing Statement - Employees who have used their travel card will receive a monthly billing statement from the Travel Card Contractor at their home address or statements may be retrieved online. A statement is issued when expenditures are incurred or when a credit is posted to the account. If the travel card is used and a monthly statement is not received, the employee should contact the Travel Card Contractor. Payment in full for the amount billed is due and payable by the employee directly to the Travel Card Contractor within 25 days of the billing date shown on the cardholder's statement.

NOTE: AS PART OF THE GOVERNMENT CONTRACT AND CARDHOLDER MEMBERSHIP RULES, FULL PAYMENT IS DUE ON A MONTHLY BASIS. DEFERRED OR PARTIAL PAYMENTS ARE NOT ALLOWED. IF THE EMPLOYEE IS DELINQUENT IN PAYING THE BILL, CHARGE CARD PRIVILEGES MAY BE SUSPENDED OR CANCELLED AND THE EMPLOYEE MAY BE SUBJECT TO DISCIPLINARY ACTION.

b. Disputed Charges - If a Travel Card statement contains a disputed charge it is the employee's responsibility to immediately call the Travel Card Contractor to resolve the dispute. Employees must obtain a Dispute Form from the Travel Card vendor, to document the billing error and send the Dispute Form to the Travel Card vendor within 60 days of receipt of their statement.

c. Employee Liability - Employees are liable for all billed charges. Government employees are required to pay their just financial obligations in a proper and a timely manner pursuant to section 206 of Executive Order 11222 (May 8, 1965) and Government Ethics regulations. See 5 CFR 2635.101(B)(12).

d. Government Liability - THE GOVERNMENT ASSUMES NO LIABILITY FOR CHARGES INCURRED on employee travel charge cards, nor is the Government liable for charges against lost or stolen charge cards issued to employees.

#### **706.7 Collection For Delinquent Payments**

a. Authority - Public Law 105-264, October 19, 1998 (codified at 5 U.S.C. section 5701) and Federal Travel Regulation 301-54 and 301-76 authorize Federal agencies to

collect undisputed delinquent amounts incurred on an employee's individually billed travel charge card from an employee's disposable pay. Disposable pay compensation remaining after the deduction from earnings of any amounts required by law to be withheld. These deductions do not include discretionary deductions such as savings bonds, charitable contributions, etc. Deductions may be made from any type of pay you receive including basic pay, special pay, retirement pay, or incentive pay.

b. Suspension or Cancellation

- (1) Cardholder use of the card may be suspended by the contractor, when the cardholder has been delinquent for more than 60 days from the billing date, if a cardholder does not provide a valid and acceptable reason to the contractor.
- (2) A charge card may be canceled by either the agency's program coordinator, or contractor. Cancellation may take place for misuse by the cardholder or will take place when an employee separates from the BBG.
- (3) A travel advance will not be issued to an employee when use of the charge card has been suspended or canceled due to the employee's misuse or nonpayment. Exceptions may be granted on a case by case basis for travelers on extended overseas travel whom have lost their charge card when a written request for exemption has been submitted by the IBB Director and approved by the Director, Financial Operations. Requests for exception must include the traveler's name, purpose of the trip, destination, acceptability of credit cards, and the reason this employee has been selected for the assignment.
- (4) Misuse of a card is any use that is not related to official travel or for unauthorized purchases.

c. Due Process Notice for Employees Identified for Salary Collection - Procedures for salary collection of delinquent payments are in accordance with provisions of 41 CFR 301-54.100 and provide that employees be:

- (1) Notified of the type and amount of the claim and of the intention to collect the claim by deduction from their disposable pay and provided an explanation of their rights as a debtor;
- (2) Given the opportunity to inspect and copy their records related to the travel card contractor's claim;
- (3) Allowed an opportunity for a review within the agency of the decision to collect the amount from the employee's salary; and
- (4) Provided an opportunity to enter into a written agreement with the travel card contractor to repay the delinquent amount of the claim.

d. Salary Collection Procedures

- (1) The Director, Financial Operations, is designated to receive the written request from the Travel Card Contractor for collection from an employee's pay of amounts owed on a contractor-issued travel charge card.
- (2) The Travel Card Contractor will make a written request to Director, Financial Operations for salary collection of the affected employee's travel card debt. The Travel Contractor's written request to the Director, Financial Operations will include:
  - Delinquent debtor's name.
  - Travel card account number.
  - Social security number (if available).

- Amount of debt.
  - Travel Card Contractor's routing information for electronic payment of the employee's debt.
  - Travel Card Contractor's point of contact to allow the employee an opportunity to make a written agreement to repay the debt. The Director, Financial Operations will request that the employee's supervisor and Administrative Officer review the written request, documentation, and the employee's travel voucher records on file to ascertain if all properly submitted travel expense vouchers have been paid to the employee.
- (3) The Payroll Service Center will review the employee's payroll records to determine if the employee has the ability to pay the debt. The determination of the employee's ability to pay is based upon an analysis of 1) whether other garnishments or salary collections are being deducted from the employee's pay and 2) the percentage of disposable pay being deducted.
  - (4) If the employee does NOT have the ability to pay the debt, the PSC will notify the Director, Financial Operations who will notify the travel card contractor in writing that the agency cannot initiate salary collection action due to the employee having other debt collection with higher priority.
  - (5) If the employee has the ability to pay the debt, the Payroll Service Center will calculate the amount that will be deducted and the number of pay periods over which the collection will occur to fully repay the debt and notify the Director, Financial Operations. Collection begins no earlier than the pay period following 30 calendar days from the date of the signed receipt.
  - (6) The Director, Financial Operations will notify the employee by notice of Attachment 2 of the agency's intention to collect the debt by salary deductions. This notice to the employee will be sent via certified mail, return receipt requested, to the employee's home address. This notice will advise the employee that he/she will have 30 calendar days from the date of the signed receipt to review the information contained in the notice and to enter into a written agreement with the Travel Card Contractor to repay the debt. If no written agreement is made or if the debt remains unpaid, salary collection will commence with the pay period following the end of the 30-day period from the date of the signed receipt.
  - (7) If the employee makes an Agreement to repay the debt with the Travel Card Contractor at a later date, it is the responsibility of the employee to notify the Director, Financial Operations who will then coordinate with the Travel Card Contractor and Payroll Service Center to stop the salary collection.
  - (8) Collection will be terminated when the full amount of debt is collected, or the employee enters into a voluntary written agreement with the Travel Card Contractor to repay the debt owed, or when the employee separates from BBG.

**Attachment 1**  
**BROADCASTING BOARD OF GOVERNORS**  
**U.S. INTERNATIONAL BROADCASTING BUREAU**  
**NOTICE OF RULES FOR USE OF A GOVERNMENT TRAVEL CARD**

Date: \_\_\_\_\_

To: \_\_\_\_\_  
(Employee/Division)

From: \_\_\_\_\_  
(Division Director)

As your Division Director, I am authorizing your application for (or continued possession of) a Government Travel Card. The Government Travel Card must be used by Federal Government employees for official U.S. Government travel-related expenses away from their official station/duty station.

By using the Government Travel Card (Citibank Card), you agree to the terms and conditions of the Cardholder Account Agreement. That Agreement states, in part, that:

"I agree to use the Card only for official travel and official travel related expenses away from my official station/duty station in accordance with my Agency/Organization policy. I agree not to use the Card for personal, family or household purposes."

In addition, the Cardholder Account Agreement specifies the following terms and conditions for payment:

"My billing statement is due and payable, in full, upon receipt of the statement but must be received by the Bank no later than 25 calendar days from the closing date on the statement in which the charge appeared."

The Office of Administration reviews copies of your account statements and periodically sends reports to me of potential Government Travel Card misuse and/or delinquency for cardholders in my Division. **Be advised that you may be subject to disciplinary action for misuse of a government travel card or failure to make timely payments. In addition, misuse and/or delinquency in payment may result in suspension or cancellation of card privileges.**

Please sign and date this form and return it to me. You should retain a copy for your records. I will forward your signed Notice to IBB's Travel Card Program Coordinator. Once the Travel Card Program Coordinator receives this authorization, you will be able to complete an application form to get a Travel Card. The Office of Administration will not process your application for a Government Travel Card until it receives a signed and dated copy of this form.

**By your signature below, you acknowledge that you have read, understood, and agree to abide by the provisions for use of the Government Travel Card, including those specified above. You also acknowledge that you understand that you must possess and use a valid Government travel card whenever you are on official travel unless you or the expense is exempted by either the GSA Administrator or the Director, Financial Operations.**

**Signature of Employee:** \_\_\_\_\_ **Date Signed:** \_\_\_\_\_

**BROADCASTING BOARD OF GOVERNORS  
U.S. INTERNATIONAL BROADCASTING BUREAU**

Date: \_\_\_\_\_

To: \_\_\_\_\_  
(Employee/Division)

From: \_\_\_\_\_  
(Director, Financial; Operations Division)

Subject: Notice of Intent to Collect Delinquent Travel Card Debts from Salary

This memorandum implements salary collection procedures outlined in IBB/MOA 660, Travel Card Program, in compliance with the Travel and Transportation Reform Act, P.L. 105-264. We recently received a request from BBG/IBB's Travel Card Contractor to deduct travel card debts owed from your biweekly salary. The following information submitted by the Travel Card Contractor is being provided to you for review as part of due process requirements required by P.L. 105-264.

1. Delinquent debtor's name: \_\_\_\_\_
2. Travel card account number: \_\_\_\_\_
3. Social security number: \_\_\_\_\_
4. Amount of debt: \$ \_\_\_\_\_. Amount to be collected per pay period: \$ \_\_\_\_\_
5. Travel Card Contractor's routing information for electronic payment of the employee's debt : \_\_\_\_\_
6. Travel Card Contractor's point of contact to allow the employee an opportunity to enter into a written agreement to repay the debt: \_\_\_\_\_

If a written agreement between you and the Travel Card Contractor is not completed within 30 calendar days from the date of the signed returned receipt that accompanied this mailing to you, salary collection will begin the next pay period following completion of this 30 day period. No more than 15% of your net disposable pay for each biweekly paycheck will be deducted and transferred to the Travel Card Contractor.

If you need more information on this matter, please call the Travel Card Program Coordinator, OFFICE OF FINANCIAL OPERATIONS Division, at 202-382-5614.

## **707 TRAVEL VOUCHERS**

**707.1 Travel Voucher Claims** - The Payments Branch of Financial Operations will process travel vouchers in an expeditious manner in order to allow the employee to make a timely payment to the Travel Card Company. FTR 301-52.17 requires an agency to reimburse employees within 30 days after a proper travel claim is submitted. Employees are entitled to late fees for travel claims that are not paid within 30 days of the submission of a proper voucher in accordance with FTR 301-52.19.

### **707.2 Authorized Expenses**

a. Laundry and dry cleaning at a TDY location are reimbursable as a miscellaneous travel expense. You must incur a minimum of 4 consecutive nights lodging on official travel to qualify for this reimbursement.

b. Fees to obtain money including fees for traveler's checks, money orders, certified checks and ATM fees necessary for official travel are reimbursable.

c. Special expenses for foreign travel that are reimbursable include commission on conversion of foreign currency, passport and visa fees, fees for photographs for passports and photos, foreign country exit fees, costs for birth, health and identify certificates and charges for inoculations and immunizations not available at a Federal dispensary.

d. If authorized on the Travel Authorization, telephone calls can be made for official duty purposes and for certain authorized uses. The following are examples of circumstances that constitute authorized use:

1. Calls to notify family, doctor, etc., when an employee is injured on the job.
2. An employee traveling on Government business is delayed due to official business or transportation delay and calls to notify family of a schedule change. Wherever possible, the employee should use a government telephone for the call, but may use a commercial toll network if a government telephone is not available and may claim reimbursement for the call when submitting a travel voucher in accordance with policies outlined herein.
3. An employee traveling for more than one day may make receive reimbursement for personnel phone calls for up to five minutes for each day in a travel status. These phone calls may be combined in a manner such that the total number of minutes divided by the number of days in a travel status does not exceed five minutes per day.

### **707.3 Traveler's Responsibility**

a. Travelers must prepare and submit a travel voucher through E2 Solutions to claim reimbursement for travel expenses. Receipts for all expenditures should be attached within the E2 application and reviewed during the approval process. The travel voucher for TDY must be submitted five days after completion of the travel. For extended TDY in the U.S., the submission should take place after each 30 days; and in the case of a transfer of station, the employee should submit their voucher after completion of each phase of the move.

b. Travelers must submit any unused tickets to TMC within five days after completion of travel.

c. If the traveler has paid by cash, personal check, traveler's check, personal credit card, or individual travel credit card they are responsible for obtaining a refund for any unused tickets.

**707.4 Approving Official's Responsibility** - The Approving Official must ensure that:

- a. Travel was performed as directed;
- b. Items of expense claimed are appropriate, reasonable and in accordance with applicable regulations, and receipts are attached to support the requested reimbursement;
- c. Adequate funds to pay for the travel have been obligated;
- d. Any unused tickets are processed for refund and unused tickets have been turned over to the TMC; and
- e. Each voucher is reviewed to ascertain that any leave (annual or sick) taken while in travel status by the employee is being properly reported on the employee's leave record and that no claim for reimbursement is being made for the period of leave.
- f. Ensure that data provides:
  - (1) Dates for Expenses Incurred – the travel expenses incurred by the employee or family member or other traveler are for the period of travel stated in the travel authorization. A period of two days before or after the "on/or about date" shown on the travel authorization is allowed before an amended authorization is required. When the travel authorization directs attendance at meetings, or conferences, the traveler may schedule the arrival for the day prior to and departure for the day after the conference. Any time over the authorized period of travel requires an amendment to the travel authorization.
  - (2) Claimed Amounts—The amounts claimed on the voucher must be in accordance with the applicable regulations as cited on the travel authorization, provisions of law, this regulation, or other applicable regulations.
  - (3) Partial Reimbursement Vouchers—Travelers must submit a partial reimbursement voucher for each 30 consecutive calendar days of reimbursable travel or training. The post of assignment will set the procedures by which a partial reimbursement voucher may be processed. Vouchers for PCS travel are submitted at the assigned PCS post. Vouchers for long-term training must be submitted in Washington. If lodging is obtained on a long-term basis for training, a copy of the lease must also be submitted with each voucher.
  - (4) Amount Payable to the Traveler—The amount allowed for interim payment or final settlement of a voucher, less any outstanding travel advance, is the amount to be certified as payable to the traveler.
  - (5) Items for Redemption—Any unused tickets, exchange orders, coupons, etc., for transportation or accommodations purchased (not used by the traveler) or denied boarding compensation checks, should be processed by Office of Financial Operations for domestic travelers and by the post TMC for overseas travelers.
  - (6) Authorized Traveler(s) — The traveler(s) authorized to travel at government expense is listed on the voucher. Family members traveling at no cost to the government must be included in the itinerary to reflect any extra cost that may be allowed when accompanying the traveler.

**707.5 Review of the Travel Voucher** - The Payment Branch of the Financial Operations Department is responsible for the receipt, audit, payment, and identifying discrepancies in claims (if applicable). The Payment Branch will:

- a. Perform a review to ensure that the E2 voucher is fully completed.
- b. Ensure that the document has been properly approved.



- c. Access the financial management system to ensure that a matching obligation (by full accounting classification) has been entered;
- d. Perform a full audit of allowable claims in relation to the travel authorization, pertinent Federal regulations, and the agency MOA.
- e. Provide an explanation of any amounts suspended or otherwise disallowed on the travel Voucher by forwarding a Voucher Difference Statement to the traveler. After receipt of the Voucher Difference Statement the traveler may submit a reclaim.
- f. Review the reclaim, which will include the traveler's explanation and a copy of the original Voucher Difference Statement.
- g. Certify for payment approved travel vouchers.
- h. Ensure that attachments include the receipts to document expenses and other pertinent information, which includes:
  - (1) Original receipts must be attached to all travel vouchers itemizing each individual item of expense being claimed (e.g., transportation paid directly by the traveler, parking, and car rental (if authorized), etc., regardless of cost. Receipts for taxi fares \$75 or greater must be attached. Receipts for newspapers and magazines with a daily cost of \$10 or greater must be attached.
  - (2) Lodging receipts are required regardless of amount, to substantiate lodging claimed. For long term lodging, a copy of the lease must be submitted with the voucher.

## **708 SHIPPING HOUSEHOLD EFFECTS, UNACCOMPANIED BAGGAGE, & PRIVATELY OWNED VEHICLES, and LONG TERM STORAGE**

### **708.1 Forms:**

- a. Travel Authorization (TA)
  - (1) IBB-0034, Authorization of Official Assignment Travel
  - (2) IBB-34A, Authorization of Official Temporary Duty Travel
- b. SF-1103, U.S. Government Bill of Lading (GBL)
- c.
- d. SF-1113, Public Voucher for Transportation Charges (public voucher)

### **708.2 General Information:**

- a. In this subsection the term household effects, also includes shipping unaccompanied baggage and privately owned vehicles, and storage.
- b. These shipments are conducted in accordance with the requirements spelled out in either the FTR or FAM, depending on which document is the controlling regulation for the particular move.
- c. The Agency employs the actual expense method when shipping household effects, which means that the Agency assumes the responsibility for arranging and paying for all aspects of transporting an employee's or traveler's household effects.
- d. The allowances addressed in this section of the BAM are the ones generally associated with each type of shipment. It is important to note that your Travel Authorization (TA) prepared in

conjunction with your move will specify the types of shipments you are authorized to make, the maximum weights for each type of shipment, and the source of funding for these shipments. For this reason, it is very important that the TA clearly identifies what should be accomplishing during the move, for example, shipping furniture, a vehicle, etc.

e. Household Effects (HHE): A HHE shipment includes furniture, household items, and personal items for use by you and your family. HHE is normally shipped as ocean freight if it is being sent overseas, and by motor freight if it is being shipped within the Continental U.S. or from/to Canada or Mexico.

- (1) Shipment to an assignment within the Continental U.S. or from/to Canada or Mexico: You are authorized to ship a net weight up to 18,000 pounds. Normally, long-term storage of HHE is not provided when you are assigned to a U.S. location.
- (2) Full Shipment to an Overseas Location: If you are not being provided with Government furnished quarters, you will be authorized to ship a net weight up to 18,000 pounds. If you ship less than 18,000 pounds, the HHE not shipped can be placed in storage, as long as the total weight of the shipment and storage does not exceed 18,000 pounds.
- (3) Limited Shipment to an Overseas Location: If you are being provided with Government furnished quarters that are equipped with sufficient furniture and major appliances to meet U.S. standards of living, you will be authorized a limited net weight shipment of up to 7,200 pounds. The HHE not shipped can be placed in storage as long as the total weight of the shipment and storage does not exceed 18,000 pounds.

f. Unaccompanied Baggage (UAB):

- (1) UAB is a small airfreight shipment containing the personal belongings needed by the employee immediately upon arrival at his or her destination. Items suitable for a UAB shipment include: clothing, toiletries, pots, pans, unbreakable dishes, sheets, blankets, and essential light housekeeping articles. UAB is not meant to include large household items such as furniture, major appliances or room-sized rugs, which will not fit easily into the cargo hold of an airplane. You cannot ship hazardous materials in your UAB. Please note that the packer has to certify the contents of UAB shipments and therefore, the packer must see what has been packed. For this reason, the packer cannot accept packed by owner (PBO) cartons.
- (2) UAB shipments are normally reserved for employees going to or returning from an overseas location. **Employees moving within the Continental U.S., or Canada or Mexico are normally not authorized a UAB shipment.**
- (3) The weight allowances for a UAB shipment are:

Employee:	250 pounds, gross weight
Second person traveling:	200 pounds, gross weight
Third person traveling:	150 pounds, gross weight
Each additional person traveling:	100 pounds, gross weight

- (4) Because of increased security requirements, it takes on average 14-21 days for your UAB to arrive at its final destination. Under the new security rules for the airlines, UAB falls under the category of "unknown shipper" and therefore, it must be held for a minimum of five days before it can be shipped, and then can only be shipped on a freight-only aircraft, which are normally scheduled less frequently than passenger aircraft.

a. Privately Owned Vehicle (POV): A POV is motor vehicle owned by the employee or an eligible family member. Your vehicle can be shipped only if a POV is allowed at your new duty location, and the shipment of your POV is authorized on your TA. **Note: If you are an individual**

**who is employed with the Federal Government for the very first time (new appointee) or an employee who is returning to the Government after a break in service, the BBG will not ship a POV for you.**

b. Temporary Storage: Normally when your HHE shipment arrives at your new duty location, you are authorized up to 90 days of temporary storage.

c. Long Term Storage: Continuous storage of your HHE is normally authorized when you transfer to an overseas location, and you did not ship all of the HHE that you are authorized to ship. The amount of HHE that you shipped to your overseas duty station, and the amount of HHE that you placed into long term storage combined cannot exceed your total HHE allowance of 18,000 pounds. **Note: Your items remain in long term storage while you are assigned overseas. Once you are transferred back to the U.S., you have 90 days to remove your items from long term storage.**

d. Consumables: This allowance only applies if you are assigned to an overseas location that is considered a consumables post. This designation means that needed foodstuffs are not readily available, and you are entitled to an extra weight allowance for consumables. A consumables shipment is limited to foodstuffs, and items used for personal or household maintenance such as toiletries or paper products. Perishable or frozen foods may not be sent in a consumables shipment. Your TA must specifically authorize the consumables allowance. The weight allowance for consumables is up to 2,500 net pounds for a two-year tour, and up to 3,750 net pounds for a three-year tour.

### **708.3 Responsibilities**

a. The Office of Human Resources (M/H) is responsible for:

- (1) Providing policy and regulatory guidance for travel and shipping to Agency elements.
- (2) Preparing the TA for the American officers assigned to the Transmitting Stations.
- (3) Obligating travel funds for the TA it prepares.
- (4) Processing for payment GBLs, public vouchers, and/or invoices received from the moving companies for HHE services provided to include storage of HHE.

b. The Office of the Chief Financial Officer (CFO) is responsible for approving the Authorizations for Official Travel.

c. Agency Administrative Officers are responsible for:

- (1) Preparing the TA for personnel assigned to their element.
- (2) Obligating travel funds for the TAs they prepare.
- (3) Processing for payment GBL 's, public voucher, and/or invoices received from the moving companies for HHE services provided to include storage of HHE.

d. The Network Support Division (E/OT) of the Office of Engineering and Technical Services has staff responsibility for arranging for household effects (HHE) shipments and storage.

<b>E/OT E-Mail Address for HHE Inquiries</b>
--

<a href="mailto:hhe_assistance@bbg.gov">hhe_assistance@bbg.gov</a>
--

e. Greenville & Northern Mariana Island Transmitting Stations: E/OT is responsible for coordinating all shipments for these two stations. The TA's covering these shipments are prepared by M/H.

f. Botswana, Germany, Kuwait, Philippines, Sao Tome, Sri Lanka, & Thailand Transmitting Stations:

(1) For shipments originating overseas (station to station, station to U.S.), the transmitting station is responsible for coordinating these shipments. The TA's covering these shipments are prepared by M/H.

(2) For shipments originating in the U.S., E/OT is responsible for coordinating these shipments. The TA's covering these shipments are prepared by M/H.

g. Other Agency Elements: E/OT is responsible for coordinating all shipments for these elements. The TA's covering these shipments are prepared by an Administrative Officer assigned to these elements.

#### **708.4 Shipping Process for E/OT Initiated Shipments**

a. The Administrative Officer or M/H employee responsible for issuing the TA provides a copy of the approved TA to E/OT by e-mail. The e-mail shall contain contact information for the employee. No coordination to ship the HHE can take place until the approved TA is received by E/OT.

b. Upon receipt of the TA, E/OT contacts a moving company to handle the movement of the employee's HHE, UAB, etc.

c. A representative of the moving company will then contact the employee to make the necessary arrangements to move his/her HHE, UAB, etc.

#### **708.5 Payment Process – GBLs and Public Vouchers**

a. The appropriate Administrative Officer must obligate sufficient funds for shipping when creating the Travel Authorization.

b. E/OT issues a GBL to the moving company to authorize the shipment. A separate GBL is issued to cover each type of shipment, HHE, UAB, etc.

c. When the moving company completes all actions covered by the GBL, the moving company completes its portion of the GBL, and returns it to E/OT attached to a public voucher.

d. E/OT reviews the documentation and if it is correct, stamps the SF-113 and certifies that the "...goods and services indicated on this invoice have been received by the BBG and are acceptable."

e. E/OT then forwards the packet to the appropriate Administrative Officer or M/H employee for further processing and payment.

f. The appropriate Administrative Officer or M/H employee confirms that sufficient funds have been obligated and forwards the stamped SF-113 and GBL to the Payments Branch for certification and payment.

#### **708.6 Payment Process – Storage Invoices**

- a. The appropriate Administrative Officer will create a Miscellaneous Obligation in the Financial Management System at the beginning of each fiscal year for the anticipated storage fees. The Administrative Officer must monitor the balance throughout the year to obligate and deobligate funds as necessary.
- b. Once HHE is placed into long-term storage, the storage company begins to invoice the Agency on a regular basis (monthly, quarterly, etc.) for payment of its storage charges. The invoices are normally received by E/OT.
- c. Upon receipt of the invoice, E/OT reviews it. If it is correct, E/OT stamps the invoice and certifies that the "...goods and services indicated on this invoice have been received by the BBG and are acceptable."
- d. E/OT then forwards the invoice to the appropriate Administrative Officer or M/H employee for further processing and payment.
- e. The appropriate Administrative Officer or M/H employee confirms that sufficient funds have been obligated and forwards the stamped invoice to the Payments Branch for certification and payment.

#### **708.7 Examination of Billings**

##### **a. Voucher Examination**

- (1) Generally, carrier bills are examined to determine whether the transportation services for which payment is claimed were duly authorized, whether the carrier bill is complete and supported with required documentation (e.g., original GBLs), and whether all computations of charges are correct. The Payments branch will notify the appropriate Administrative Officer of obvious overcharges and errors. It is the responsibility of the Administrative Officer to notify the carrier of these errors.
- (2) Verify that erasures, interlineations, or alterations are authenticated and explained by the person who made them;
- (3) Verify that the bill is payable to the proper carrier or agent;
- (4) Verify that when a GBL is payable in foreign currency, the "Bill Charges To" portion must contain the following:
  - The name of the requesting agency;
  - The complete address to be billed; and
  - The instruction on payment in foreign currency.

##### **b. Certifying officers:**

- (1) Certifying Officers are not held responsible for overpayments made for transportation services furnished on U.S. GBLs when such overpayments are due to the use of improper transportation rates or classifications. However, certifying officers are responsible for assuring that transportation bills are otherwise proper for payment prior to signing.
- (2) Certifying Officers must also verify that the voucher and GBL or other supporting documents are properly completed and correctly filled out.
- (3) The Certifying Officer is responsible for ensuring payments for storage services are reviewed and approved in a manner consistent with BAM Title 7 Section 400 Payment of Vouchers.

- (4) Regardless of whether the payment is for transportation or storage of goods, the Certifying Officer must ensure that duplicate payments are prevented and recover any duplicate payments that may have been made.

**708.8 Doubtful Claims** - When, in the judgment of the certifying officer, a carrier bill appears to involve doubt as to the validity on a question of law or accuracy of the documents furnished, or as to facts, which are known but not evidenced by the claim, have the voucher reviewed by the Director, Office of Financial Operations. The Director of Financial Operations will review supporting documentation to verify consistency with signed contracts and Federal Acquisition Regulations. In addition, the Director may request original signed documents if the documentation is illegible or otherwise suspect. Finally, the Director will recalculate claimed amounts to ensure mathematical accuracy. The Director of Financial Operations will forward questions of law to the General Counsel for review.

**Title:** Travel Charge Cardholder Policy

**Policy Tracking #:** OCFO-14-02

**Effective Date:** April 29, 2015

**Originating Office:** Office of the Chief Financial Officer, 202-203-4622

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**(a) PURPOSE:**

(1) The General Services Administration (GSA) Travel Charge Card Program provides charge cards for official Government travel. There are two types of accounts available: individually billed accounts (IBA), and centrally billed accounts (CBA). IBA travel cards are issued to employees to pay for official travel and other related travel expenses. CBAs are established by the Agency for the Travel Management Center managers to pay for employees' official travel and related expenses (e.g., hotel, rental car, conferences, etc.).

(2) The use of the travel charge card for major travel expenses substantially reduces the Government's cash requirements by lessening the need for cash travel advances. It essentially provides a more convenient and efficient method of paying travel expenses.

(3) This document establishes policies and procedures covering the use of IBA Government travel charge cards.

**(b) AUTHORITY AND SCOPE:**

(1) Authorities include.

(i) Travel and Transportation Reform Act of 1998, P.L. 105-264;

(ii) Federal Travel Regulations (FTR), 41 C.F.R. §§ 300-1.1 through 304-9.7, including but not limited to the following sections relevant to travel cardholders: 301-51.1 through 301-51.8; 301-52.23 through 301-52.24; 301-54.1 through 301-54.102; 301-70.700 through 301-70.709; 301-71.213 through 301-71.214; and 301-76.1 through 301-76.103;

(iii) Government Charge Card Abuse Prevention Act of 2012, P.L. 112-194;

(iv) Office of Management and Budget (OMB) Circular A-123, Appendix B, Revised. Dated January 15, 2009;

(v) 31 U.S.C. § 3716;

(vi) BAM Title VII, Section 700, Travel and Transportation Management; and

(vii) BAM Title IV, Section 860, Credit Worthiness Policy.

(2) Scope. The provisions of this policy apply to all employees in offices or divisions of the Federal Government supervised by the Broadcasting Board of Governors (collectively, "the Agency"), who have been issued or are applying for a Government travel charge card.

**(c) POLICY:**

**(1) Employee Eligibility for a Government Travel Card.**

(i) Only employees (including civil service, personal services contractors, and Foreign Service nationals hired under personal services agreements) are eligible for individually billed accounts, as defined in paragraph (e)(9) below. Non-employees (including purchase order vendors or other contractor personnel) are not eligible for individually billed accounts.

(ii) In its discretion, explained in [FTR 301-51.2](#), the Agency has decided to issue travel charge cards to employees who travel frequently by the Agency's standards. Therefore, at the Agency, employees eligible to apply for an individual Government travel card are those employees expected to perform official travel frequently, defined as more than three official trips during the course of three consecutive years.

**(2) Liability for Charges.** Employees are liable for all charges billed to a Government travel charge card. The Government assumes no liability for charges incurred on employee travel charge cards, nor is the Government liable for charges against lost or stolen charge card issued to employees.

**(3) Use of Government Travel Cards.** Individually billed travel cards are issued to employees to pay for their own official travel and other related travel expenses only, such as lodging, meal expenses, car rentals, authorized excess baggage charges (when permitted), approved miscellaneous expenses, or the purchase of transportation. The Agency reimburses the employees for authorized and allowable expenses, and the employee is responsible for making payment to the travel card issuing bank. The travel cards may also be used to obtain cash advances, when approved, from an Automated Teller Machine (ATM). **USING THE TRAVEL CARD FOR PERSONAL EXPENSES NOT RELATED TO OFFICIAL TRAVEL IS PROHIBITED.**

**(4) Prohibited Purchases with the Travel Charge Card.** While the following list of examples is not exhaustive, the card must not be used to purchase the following:

(i) Fuel for a privately owned vehicle. (mileage reimbursements include the cost of fuel);

(ii) Rental vehicles for personal use which the Approving Official has not approved in advance;

(iii) Conference fees;

(iv) Travel accommodation or expenses for someone other than the cardholder (including reserving a block of hotel rooms for multiple people at once, or conference space, equipment, and related services), except for the cardholder's family members when the cardholder is performing relocation travel; and

(v) Travel or transportation tickets for consultants or other contractors.



(5) Exceptions. When special circumstances warrant exceptions to the policy in paragraph (c)(4), cardholders must contact the OCFO to request prior approval before making the purchase. The OCFO will document exceptions to travel card policy for future reference.

(6) Mandatory Use of the Government Travel Card. The Travel and Transportation Reform Act of 1998, (P.L. 105-264) requires Federal employees to use the travel charge card for all travel expenses and cash advances related to approved travel, unless an exemption applies as described below.

(7) Exemption from Mandatory Use of the Government Travel Card.

(i) The GSA Administrator will exempt any payment, person, type or class of payments, or type or class of personnel based on criteria in the FTR. The Administrator of GSA has exempted the following from the Mandatory Use of the Government Travel Charge Card:

(A) Expenses incurred by a vendor that does not accept the Government-contractor issued travel charge card;

(B) Laundry/dry cleaning;

(C) Parking;

(D) Local transportation system;

(E) Taxi;

(F) Tips;

(G) Meals (only when use of the card is impractical or not accepted);

(H) Phone calls (when a Government calling card is available for use);

(I) An employee who has an application pending for the travel charge card;

(J) Individuals traveling on invitational travel; and

(K) New appointees.

(L) Relocation expenses under FTR, Chapter 302, except en-route travel and house hunting trip expenses, See FTR 301-70.704 Note 1; FTR 301-51.2(1)l and,

(M) Employees who travel five times or less a year. See [FTR 301-51.2\(m\)](#).

However, the Agency has discretion to issue a travel card to employees who travel five times or less a year. The Agency's policy is to issue travel cards to employees that travel frequently by the Agency's standards, i.e., more than three times in three consecutive years.

(ii) Agency Exemptions from Mandatory Use of the Government Travel Card. The head of the Agency, or his/her designee(s), may exempt any payment, person, type or class of

payments, or type or class of Agency personnel from mandatory use of the Government travel charge card if the exemption is determined to be necessary in the interest of the Agency. In addition to the GSA's exemptions listed above, the Agency exempts the following categories of Agency employees from mandatory use of the Government travel card:

- (A) Employees who travel three times or less in three consecutive years; and
- (B) An employee whose travel card has been suspended or cancelled is exempt from the aforementioned requirement to use the Government travel card for all official travel expenses. Depending upon the circumstances leading to cancellation or suspension, the Agency may assist the employee in getting their travel card reinstated or re-issued.

**(d) PRIMARY RESPONSIBILITIES AND PROCEDURES:**

(1) Primary Responsibilities.

(i) Office of the Chief Financial Officer (OCFO). The OCFO has overall responsibility for establishing, implementing, overseeing, and evaluating the Agency's travel card program.

(ii) Agency/Organization Program Coordinator (A/OPC). The AOPC is responsible for direct management of the travel card program, including:

- (A) Processing employee travel card applications;
- (B) Planning, developing, and carrying-out travel card training for cardholders;
- (C) Monitoring cardholders' account activity for travel card misuse and delinquency, and taking appropriate action by notifying the Office of Human Resources, Labor and Employee Relations Division (OHR/LER) when misuse is discovered;
- (D) Providing guidance to travel cardholders regarding the Agency's travel card policies and the appropriateness of proposed charges;
- (E) Ensuring that appropriate steps are taken prior to suspension, deactivation, or cancellation of travel cards; and
- (F) Cancelling travel cards when cardholders leave the Agency.

(iii) Travel Cardholder. Travel cardholders are responsible for:

- (A) Using the travel card only for authorized reimbursable expenses incurred while on official travel, as misuse of a travel card may lead to disciplinary action up to and including removal from the Federal service;
- (B) Submitting complete travel vouchers and all required receipts within 5 working

days upon return to the official station to facilitate timely reimbursement and prevent travel card delinquency;

(C) Reviewing and reconciling his/her monthly statement and verifying that each transaction is legitimate and correct;

(D) Determining if any transactions on the monthly statement should be disputed. If a transaction must be disputed, contact the merchant first to try and resolve the issue. If it cannot be resolved with the merchant, contact the travel card issuing bank and dispute the questionable charges. The dispute must be initiated within 60 days of the transaction date;

(E) Paying the full statement balance of all undisputed charges due within 25 calendar days from the travel card statement date, as failure to pay undisputed travel card balances may lead to salary offsets or disciplinary action up to and including removal from Federal service (Please see [FTR 301-52.24](#) as well as [FTR 301-54.1 et seq.](#);

(F) Paying late fees that result from the cardholder's failure to make timely payments to the travel card issuing bank;

(G) Notifying the Agency/Organization Program Coordinator (A/OPC) of any unused restricted tickets where a credit exists. The credit must be used for future official travel before expiration (one year from purchase date);

(H) Contacting the AOPC regarding any problems with respect to the use of the Travel card;

(I) Notifying the travel card issuing bank and the AOPC immediately of any loss, theft, or unauthorized use of the travel card;

(J) Notifying the travel card issuing bank of an address change;

(K) Returning the travel card to the AOPC when permanently leaving the Agency or to close the account for other reasons; and

(L) Contacting the AOPC when transferring permanently between Agency duty stations.

(M) Contacting the Agency travel card issuing bank for information on accident insurance and lost luggage insurance coverage, or to file an insurance claim; and

(N) Taking GSA-provided travel cardholder mandatory refresher training every two years and providing all training certificates to the AOPC for records retention.

(2) Procedures.

(i) Applying for a Travel Charge Card. Agency employees may apply for a Government Travel Charge Card, without regard to position or grade level, if they currently travel for the Agency or anticipate traveling on official business, and if they are eligible as described in paragraph (c)(1). To apply for a Government travel card, applicants must follow the procedures below:

(A) Read the Agency's travel cardholder policy. In addition, employees should also read the Federal Travel Regulations (FTR), Part 301-51 – Paying Travel Expenses and Parts 301-54 and 301-76 – Collection of Undisputed Delinquent amounts Owed to the Contractor issuing the Individually Billed Travel Charge Card.

(B) Complete the GSA's online training on cardholder responsibilities and proper use of the travel charge card at <https://www.smartpay.gsa.gov/cardholders/training/online>. THIS TRAINING MUST BE COMPLETED BEFORE A TRAVEL CARD IS ISSUED.

(C) Print a certificate of completion for the GSA online training and make a copy. The applicant will need a copy of this training certificate later in the travel card application process, as explained further below.

(D) Obtain and complete a Travel Card application packet. Applicants can obtain a packet from the AOPC, located in the OCFO, Room 1655, Cohen Building, Tel. No. 202-382-5614, or by email, [cfofinancehelp@bbg.gov](mailto:cfofinancehelp@bbg.gov).

(1) Within the travel card application packet, first read the document titled "*NOTICE OF RULES FOR USE OF A GOVERNMENT TRAVEL CARD.*" Agree to the content of the notice, sign the notice, and obtain the travel approving official's or supervisor's signature.

(2) Next, read and sign the "Employee Acknowledgment of Training Understanding," and the Citibank Cardholder Agreement."

(3) Then, read and sign the Credit Release Statement in Section VI: (19) of *the Citibank Travel Card Set up Form*. The applicant may give or refuse permission for the Agency to obtain personal credit information. Travel card applicants' credit scores will be evaluated when applying for a travel card to determine credit worthiness in accordance with OMB Circular A-123, Appendix B and the Agency's credit worthiness policy. This credit evaluation may affect restrictions (e.g. the credit limit) that are placed on a travel card.

(4) Once all documents within the Travel card application packet are filled out, Applicants must attach a copy of the certificate of completion for the GSA online training to the end of the travel card application packet.

(E) Make a copy of the complete travel card application packet for personal records.

(F) Submit the original application packet documents, along with the certificate of completion for the GSA online training, to the AOPC.

(ii) Voucher Submission and Payments.

(A) Voucher Processing Schedule. The following schedule must be followed to comply with the FTR and to ensure that employees receive reimbursement for allowable expenses before the payment is due to the travel card issuing bank:

(1) The traveler must submit travel vouchers within five (5) workdays after completing travel. The travel voucher must include all required receipts and approval signatures.

(2) Employees will receive reimbursement within thirty (30) calendar days after submitting a complete and accurate travel voucher. If employees do not receive reimbursement within thirty (30) calendar days after submitting a complete and accurate travel voucher, a late payment fee applies, calculated according to [FTR 301-71.210](#). If the amount of the late payment fee is \$1 or greater, the Agency will pay the late payment fee to the traveler.

(3) If the traveler submits a voucher that cannot be approved, the approving official must return the voucher to the traveler within three (3) calendar days with an explanation of why it could not be approved as submitted.

(4) The traveler must correct and resubmit the voucher within five (5) workdays of receipt.

(5) For travel assignments that last longer than thirty (30) calendar days, travelers must submit travel vouchers within five (5) workdays after every thirty (30) calendar days on temporary duty travel.

(B) Receipts. Copies of original receipts must be attached to all travel vouchers itemizing each individual item of expense being claimed (e.g., transportation paid directly by the traveler, parking, and car rental [if authorized], etc.), regardless of cost. Receipts for expenses over \$75, and any other supporting travel-related documentation must be filed in the Agency's electronic travel system, and the Agency's financial system for record retention.

(C) Transportation Charges. When claiming reimbursement on a travel voucher for transportation expenses purchased with a Government travel card, the employee shall claim only the cost of transportation tickets actually used.

(D) Split Accounting. Agency travelers, Administrative Officers, and travel arrangers are required to split all travel-related expenses on the travel voucher between Agency-charged expenses (centrally billed account) and traveler-reimbursable expenses (individually billed account and other methods of payment). To support split accounting, the Travel Management Center (TMC) will automatically charge airline expenses identified by the traveler to the centrally billed account, for which the

Agency is responsible for making payment. Travel cardholders are responsible for paying their own official travel card charges to the travel card issuing bank directly. Approving Officials and Administrative Officers are responsible for ensuring that split amounts are properly annotated and should return any travel vouchers that do not comply to be corrected and resubmitted.

(iii) Disputed Charges. To dispute a charge, employees must obtain a Dispute Form from the travel card issuing bank to document the billing error and send the dispute form to the travel card issuing bank within 60 days after receiving their statement.

(iv) Lost or Stolen Travel Cards. If a travel card is lost or stolen, the employee must immediately notify the travel card issuing bank (Citibank) Customer Service Center by calling 1-800-790-7206, or calling collect at 904-954-7850 if outside the United States. After reporting a lost or stolen card, the travel card issuing bank will send the employee appropriate forms to complete and return to the travel card issuing bank. The AOPC and the employee's supervisor should also be notified. The employee is not liable for any fraudulent charges if the card is lost or stolen, provided the employee notifies the travel card issuing bank promptly. The employee may be responsible for charges made before the travel card was reported lost or stolen. The travel card issuing bank will mail a new card after the theft or loss was reported.

(v) Account Deactivation, Reactivation, and Cancellation for non-use.

(A) Deactivation. The AOPC will conduct periodic reviews, at least twice a year, to determine travel card usage/activity. The AOPC will work with the travel card issuing bank to deactivate travel cards that have been used for official travel three times or less in three consecutive years. Employees will be notified before their cards are deactivated. The deactivation consists of temporarily blocking the cardholders' ability to make transactions on the account without canceling the account altogether. An employee's travel card will also be deactivated if the employee's supervisor notifies the AOPC that the employee will no longer travel frequently enough to need his/her travel card.

(B) Checking travel card status. If in doubt, infrequent travelers may contact the AOPC to determine the status of their travel charge cards before upcoming trips.

(C) Reactivation. Reactivation of the travel charge card is at the Agency's discretion. If an employee needs to reactivate a travel charge card that has been deactivated, the employee should contact the AOPC at least three days prior to the official travel.

(D) Cancellation. If a deactivated travel charge card is not reactivated within one year from the deactivation date, the AOPC, after consultation with OHR/LER and upon notification to employee unions where appropriate, will cancel the travel card account.

(E) Re-application for a new travel card. To obtain a new travel card after an employee's travel card account has been cancelled for non-use, the employee must

submit a new travel card application, following the procedures in paragraph (d)(2)(i) above.

(vi) Misuse of Travel Card: Suspension, Cancellation, and Disciplinary Action.

(A) Misuse of the travel card is any use that is not related to official travel or for unauthorized purposes. The AOPC reviews the travel card activity report of all cardholder accounts to identify potential areas of concern. The AOPC notifies OHR/LER of any questionable charges/transactions. An employee's misuse of a Government travel card may result in any combination of the following:

- (1) Suspension of the travel card;
- (2) Cancellation of the travel card; and
- (3) Disciplinary action against the employee, up to and including removal.

(B) A travel card may be canceled due to an employee's misuse by either the Agency's AOPC or the travel card issuing bank.

(C) Any supervisor within a cardholder's chain of command may recommend disciplinary action for misuse of a travel card. The appropriate penalty will depend upon the seriousness of the offense, whether the cardholder's misuse was intended for personal gain, and all other relevant factors.

(vii) Travel Card Delinquency.

(A) Travel card delinquency is the result of an employee's failure to pay the charges incurred on his/her travel card by the due date on the travel card statement, in accordance with the terms and conditions of travel card issuing bank's cardholder agreement. Travel card delinquency is prohibited and may subject the cardholder to disciplinary action up to and including removal from the Federal service.

(B) Each travel cardholder is responsible for making payments according to the travel card issuing bank's cardholder agreement, even if the cardholder has not been reimbursed by the Agency for travel expenses by the payment due date. (See [FTR 301-52.24.](#))

(C) The travel card issuing bank will issue notifications regarding travel card delinquency to both the cardholder and the AOPC. The travel card issuing bank will issue:

- (1) A pre-suspension letter when a cardholder's account is 45 days past due;
- (2) A suspension/pre-cancellation letter when a cardholder's account is 61 days past due;
- (3) A cancellation notice when an account is 126 days past due; and

(4) A Charge off / Write off when an account is 180 days past due.

(D) When the AOPC receives information regarding travel card delinquency from the travel card issuing bank, the AOPC will contact the travel cardholder, the cardholder's supervisor, and OHR/LER.

(viii) Travel Card Cancellation.

(A) There are four (4) reasons for which the travel card issuing bank may initiate cancellation of an IBA:

(1) The account has been suspended two times during a 12-month period for undisputed amounts and is again past due;

(2) the account is 120 days past due for undisputed amounts and the procedures for suspension of the card has been met;

(3) upon determination that the card was used for unauthorized purchases; or

(4) if use warrants cancellation as deemed appropriate by OHR/LER and OCFO.

(B) A travel card cancelled due to payment delinquency may be:

(1) Reported to credit bureaus or similar entities;

(2) Referred to an outside collection agency; or

(3) Subject to late fees that may not be reimbursed by the Agency.

(ix) Collection for Delinquent Payments and Salary Offset. The Agency may collect undisputed delinquent amounts incurred on an employee's disposable pay (see definitions below). Agency employees who are delinquent in payment for more than 90 days on their IBA travel charge card accounts may be subject to salary offset procedures. These procedures may result in automatic payment to the bank deducted from the employee's disposable pay each pay period until the delinquent balance is paid in full.

(x) Due Process Requirements Prior to Conducting Salary Offset. The Agency implements salary collection in accordance with the due process requirements found in FTR 301-76-100. Before implementing salary collections from an employee's disposable pay, the Agency will:

(A) Notify the employee of the type and amount of the claim and of the Agency's intention to collect the claim by deduction from his or her disposable pay and provide an explanation of the employee's rights as a debtor;

(B) Provide the employee an opportunity to inspect and copy any and all records related to the travel card issuing bank's claim;



(C) Allow the employee an opportunity for a review within the agency of the decision to collect the amount from the employee's salary; and

(D) Provide the employee an opportunity to enter into a written agreement with the travel card issuing bank to repay the delinquent amount of the claim.

(xi) Centrally Billed Accounts, Travel Advances, and Cash Advances. In accordance with 41 CFR 301-71.300, the Agency should not require an employee to pay travel expenses using personal funds unless the employee has elected not to use alternative resources provided by the Government. When an employee does not qualify for a Government travel charge card, travels three times or less in three consecutive years, is awaiting issuance of a charge card, is traveling to a geographic location that does not accept credit cards, or when other special circumstances exist, the Agency may pay for travel expenses through centrally billed accounts, travel advances, cash advances against a Government travel charge card, or a combination of these methods of payment.

(A) Cash Advances against a Government Travel Card. Travel approving officials (usually the traveler's immediate supervisor) may only approve travel advances if they are necessary and are held to a minimum both in duration and amount. Cardholders may use their travel cards to obtain cash advances through an Automated Teller Machine (ATM) up to three (3) days prior to the beginning of official travel and while in travel status. Cardholders are not authorized to make ATM cash withdrawals after completing their official travel assignment. ATM withdrawals are limited to the pre-authorized allowance for M&IE, plus reimbursable expenses paid with personal funds. The travel card issuing bank or the ATM provider may charge a fee per withdrawal, regardless of the amount withdrawn. Withdrawal fees for cash advances related to approved travel are reimbursable. Withdrawing cash using the Government travel card for **personal use** is **strictly prohibited** and constitutes charge card misuse, which may result in disciplinary action.

(B) Travel Advance. When an employee will be traveling to a geographic location that does not accept credit cards, the Agency will either arrange to pay lodging costs directly or will provide a travel advance to the employee. The Agency also agrees to provide a travel advance for meals and incidental expenses (M&IE) to such geographic locations. If such employee is expected to incur cash expenses for drivers or translators, the Agency will either arrange to pay these costs directly or will provide a travel advance to the employee. Travel advances should be requested at least three weeks in advance of scheduled trip if possible and the Agency will process an advance payment to be deposited to the employee's bank account on record.

(xii) Employee Separations. When an employee resigns, retires, or transfers to another Government Agency, the following must occur:

(A) The employee must turn in his/her travel card to the AOPC;

(B) The AOPC verifies that the employee has turned in their travel card by signing and dating the employee exit form, titled Clearance for Final Salary Payment, Form # IBB-134;

(C) The AOPC immediately notifies the Travel Card company by telephone to cancel the account; and

(D) The AOPC cuts the card in half and disposes of it.

**(e) DEFINITIONS:**

(1) Agency/Organization Program Coordinator (A/OPC): Designated Agency's Travel Card Coordinator who administers the travel card program.

(2) Travel Approving Official: Travel approving officials are office directors, division managers or program managers throughout the Agency with travel approval authority. The travel approving official is typically the traveler's supervisor, who signs the traveler's voucher indicating approval for payment and for its content.

(3) Cancellation: Permanent termination of a travel charge card account.

(4) Cash Advance: Funds obtained from a travel card via ATM, or bank teller. Cash advances must be obtained in limited amounts commensurate with actual travel.

(5) Deactivation: Temporarily blocking a travel cardholder's ability to make transactions on the travel card account.

(6) Disposable Pay: The part of current basic pay remaining after the deduction of any amount required by law to be withheld. Required deductions do not include discretionary deductions such as health insurance, savings bonds, charitable contributions, etc. Deductions may be made from basic, special, and incentive pay.

(7) Travel Card: Means a GSA-Contractor-issued travel charge card for use by travelers to cover major travel and transportation items such as rental vehicle, lodging, and meals in connection with official Government Travel for which the contractor bills the employee. The term does not include personal credit cards issued to employees based upon their own financial merit by any credit card or other company.

(8) Delinquency/Delinquent Account: A debt on which payment is overdue.

(9) Individually Billed Account (IBA): An account established for a Government employee to pay for official travel and transportation expenses. IBAs are issued to Agency employees. The individual travel card can be used to pay any official business travel expense. The Agency's Travel Card Program is convenient to Agency travelers and it reduces administrative expenses. Individual travel cards are billed to the employee and paid by the employee.

(10) Centrally Billed Account: A Government account established by the charge card contractor at the request of the Agency. Centrally Billed Accounts (CBAs) are issued to the Agency. Central accounts are used to pay for commercial carrier transportation, purchased from the Agency's Travel Management Center (TMC). Travel card central accounts are billed directly to the Agency and paid directly by the Agency.

(11) Misuse: Use of the travel card for anything other than the official government purpose(s) for which it is intended, e.g. unauthorized cash advances, purchase of non-reimbursable personal expenditures and use of the travel card when not on travel status.

(12) Official Travel: Travel under an official travel authorization from an employee's official station or other authorized point of departure to a temporary duty location and return from a temporary duty location, between two temporary duty locations, or relocation at the direction of a Federal agency.

(13) Salary Offset: Is the collection of an undisputed, delinquent travel charge card amount via direct deduction from the employee's payroll disbursement or retirement annuity on behalf of the travel card issuing bank. Salary offset applies to individually billed accounts only.

(14) Suspension: The process by which an account/individual is prohibited from making purchases with the account/card due to delinquency or multiple pre-suspension actions.

(15) Travel Advance: Is the pre-payment of estimated travel expenses paid by the Agency to an employee via electronic funds transfer.

(16) Travel Card Issuing Bank: Is the Travel Card Company on contract with GSA.

(17) Travel Management Center (TMC): a commercial travel firm under contract that provides reservation, tickets, and related travel management services for official Agency travelers.

**(f) EFFECTIVE DATE AND APPROVAL:**

## **Title 7**

### **Part 800 MANAGEMENT ACCOUNTABILITY AND CONTROL**

#### **Sections**

821	Purpose
822	Policy
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825	Responsibility of Managers
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829	The Role of the Office of the Inspector General (OIG)

#### **821 Purpose**

The purpose of this part is to provide overall framework for compliance at the Broadcasting Board of Governors for the establishment and maintenance of sound internal controls and practices that provide reasonable assurance that the risks of fraud, waste, abuse, and mismanagement are reasonably mitigated by management, personnel, financial and operational systems.

#### **822 Policy**

It is the policy of BBG to acknowledge the requirements of laws regarding the establishment, maintenance, review, assessment, and reporting of internal controls. Internal controls are designed to provide reasonable assurance that the objectives of the agency assure the effectiveness of internal controls against waste, fraud, abuse, mismanagement, loss, unauthorized use, reporting errors, inaccurate data, and illegal or unethical acts in their units in accordance with OMB Circular A-123, A-127, A-136 and A-11.

The follows the Standards for Internal Control in the Federal Government as defined by the United States Government Accountability Office (GAO).

#### **823 Authority**

The Federal Managers' Financial Integrity Act (FMFIA) of 1982 and OMB Circular A-123, "Management Responsibility for Internal Controls," revised 2006, provides guidance to all Federal Managers on improving the accountability and effectiveness of Federal programs and operations by establishing, assessing, correcting and reporting on internal controls.

FMFIA requires all managers to conduct assessments of the adequacy of existing controls up to acceptable standards, specifically, conducting management assessment of the effectiveness of internal controls over financial reporting. The OMB Circular A-123 and FMFIA also requires agency to: (1) report annually to the President and to the Congress on the results of the Agency's self-assessment; (2) identify all material weaknesses detected; (3) and to establish plans for correcting those deficiencies.

## 824 Scope

Provisions of this section apply to the internal controls of all programs, operations, policy functions, management, administrative and accounting systems, and to personnel of the Broadcasting Board of Governors.

Internal control comprises the plans, methods, and procedures used to meet missions, goals, and objectives and, in doing so, support performance-based management. Internal control also serves as the first line of defense in safeguarding assets and preventing and detecting errors and fraud. There are five internal control standards; these are: Control Environment, Risk Assessment, Control Activities, Information and Communication, and Monitoring.

## 825 Responsibilities of Managers

In accordance with Part III of Office of Management and Budget (OMB) Circular A-123, "A deficiency should be reported if it is or should be of interest to the next level of management. Agency employees and managers generally report deficiencies to the next supervisory level, which allows the management structure to determine the relative importance of each deficiency." Deficiencies in controls that are identified during the management control review process must be included in the management internal control review reports.

Managers are responsible for conscientiously assessing controls, knowing the adequacy of existing controls, and improving them, as appropriate. Managers are responsible for Agency, program and administrative resources. Management's responsibilities include:

- a. Ensuring that internal controls are established and, when established, in compliance with applicable regulatory guidance;
- b. Identifying and reporting the risks for waste, fraud, abuse and mismanagement of funds or property, conflict of interest, errors in reports and information, illegal or unethical acts and inherent mismanagement;
- c. Ensuring an annual assessment that reviews safeguards to verify their adequacy and certifying findings in accordance with procedure set forth annually by the Office of the Chief Financial Officer(OCFO);
- d. Modifying or replacing safeguards found to be inadequate in the annual assessments and identifying the inadequacies to management. Inadequacies of substantial consequence, identified by internal control authorities and policies of the OCFO, must be reported in a written statement to the next level manager in the organizational chain of command;

## 826 Risks

Risk that potentially compromise the control, integrity, and function of safeguarding resources must be addressed through established and specific internal controls with adequate oversight. Examples of risks that may compromise management's internal controls include:

- a. Inadequate quality and cost measurement, control and reporting capability;
- b. Improperly, unsupervised or poorly trained employees;
- c. Absence of reasonable checks and balances in any aspect of the operation;
- d. Broad ranges of authority to individuals transcending standard functional lines such as ordering, receiving, paying, inventorying, and issuing;

- e. Lack of prior supervisory approval for overtime, travel, supply requisitions, etc., or other transactions affecting agency fund control.
- f. Insufficient or undocumented, or non-current Delegations of Authority on file;
- g. Vague areas of responsibility in position descriptions;
- h. Infrequent or haphazard inventorying, record keeping and reporting of supplies and equipment.
- i. Noncompliance with Federal Financial Systems requirements, Standard General Ledger (SGL) Accounting Standards, and applicable Federal Accounting Standards.

## 827 Management Controls

Specifically, these measures provide reasonable assurance, if established and implemented properly, that an organization or function:

- a. Accomplishes its mission and objectives efficiently and effectively;
- b. Complies with applicable laws, regulations, policies and procedures;
- c. Safeguards funds, property, and other resources against waste, fraud, abuse, unauthorized use or mismanagement;
- d. Avoids conflict of interest;
- e. Makes effective use of human and financial resources;
- f. Maintains access to sufficiently reliable financial and statistical reports to maintain accountability over assets and liabilities; and,
- g. Holds managers and staff accountable for their performance and oversight of resources.

## 828 Management Reporting

Under the Reports Consolidation Act of 2000 (P.L. 106-531), agencies are permitted to submit combined reports in implementing statutory requirements for financial and performance management reporting to improve the efficiency of executive branch performance.

OMB Circular A-123 Reporting pursuant to Section 4. 31 U.S.C. 3512(d)(2)(B) (commonly referred to as Section 4 of the Integrity Act) requires an annual statement on whether the agency's financial management systems conform to government-wide requirements. This statement is reported, pursuant to OMB Circular A-136, OMB Bulletin No. 01-09 Form and Content of Agency Financial Statements and OMB Circular No. A-11, in the Agency's preparation of the Performance and Accountability Report (PAR).

### 828.1 Internal Report

All agency elements must complete their surveys and associated certifications within the timelines and processes established by the OCFO on an annual basis. The OCFO will prepare a report on material weaknesses identified and the status of remediation efforts of previously reported conditions. Previously reported conditions that have been resolved will not be updated after five years following resolution.

The OCFO reviews the financial systems to ensure compliance with OMB A-127. The Office of the Chief Financial Officer will submit the report on internal controls along with a recommendation regarding the agency-wide assurance statement to the Chairman, Broadcasting Board of Governors.

## 828.2 Procedures

The OCFO informs all elements, on an annual basis, of the procedures for Broadcasting's internal control assessments and appropriate reporting requirements. The OCFO may request additional information from elements and managers to satisfy reporting objectives.

## 828.3 Distribution of Reporting

The assurance statements are transmitted to the President; the President of the Senate; the Speaker of the House of Representatives; the Director of OMB; OMB's Office of Federal Financial Management, Management Integrity Branch and the Chairpersons and Ranking Members of the Senate Committee on Governmental Affairs, the House Committee on Government Reform and Oversight, and the relevant authorizing and Appropriations committees and subcommittees.

## 829 The Role of the Office of Inspector General (OIG)

The OIG routinely evaluates the BBG/IBB and grantees' practices, including oversight and internal controls, to determine compliance with applicable laws and regulations. The OIG routinely supports and augments the management internal controls and performance improvement efforts of the Agency. The OCFO will be advised by the OIG if an active part in the review of management internal controls will occur.



International Broadcasting Bureau  
Broadcasting Administrative Manual  
NOTICE

Material within this Broadcasting Administrative Manual (BAM) may no longer be current. To ensure having the most current BAM policy or procedure, please contact the Agency office responsible for the subject matter, e.g., information about performance appraisal, staffing, or compensation should be directed to the Office of Human Resources. For assistance in determining which office to contact, please contact the Analysis and Administration Division.

BAM Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new BAM that have older dates.

## TITLE 8, OFFICE OF SECURITY, POLICY AND PROCEDURAL SECURITY REGULATIONS

### Section 110

#### ROLE OF OFFICE OF SECURITY

##### 111 Role of Security

##### 112 Scope of Responsibility

##### 113 Coordination

##### 114 Employee Responsibility

(see also BAM Title 5-A Section 550, Employee Responsibilities & Conduct)

### Section 110

#### ROLE OF OFFICE OF SECURITY

111. ROLE OF SECURITY - The Office of Security (SEC) is responsible for all matters affecting the security operations of all assigned personnel at overseas and domestic facilities. Specifically, it is responsible for the protection of BBG employees, safeguarding of classified materials and all physical security programs. SEC will coordinate with the Department of State (DoS) for all overseas physical security programs under the Chief of Mission Authority (COM). In addition, the Office of security has physical security experts who will provide onsite advice and assistance at overseas installations on critical security matters of particular concern to the BBG. SEC is also responsible for ensuring that the work force is staffed with individuals who have been investigated and adjudicated, as required principally by Executive Orders 10450, 12968, and 13467 and possess the proper security clearance/approval for their designated positions.

112. SCOPE OF RESPONSIBILITY - The Office of Security is composed of two divisions, the Physical Security Division and the Personnel Security Division.

#### PHYSICAL SECURITY DIVISION

- a. - Maintains the physical security program for the Broadcasting facilities worldwide.
- b. - Performs overseas/domestic security inspections/surveys as necessary.
- c. - Completes projects and contracts for services as necessary.

- d. - Manages the contract security guard programs.
- e. - Ensures the safe handling and the proper security classifications of all sensitive information.
- f. - Provides security briefings and performs document reviews as necessary.
- g. - Provides technical security services, such as technical security countermeasures, maintenance of security equipment and lock work to all Broadcasting elements as needed.
- h. - Manages ID card program.
- i. - Works with the Freedom of Information Act/Privacy Act program officer on all requests involving records within the Office of Security.

#### Investigations/Adjudications Division

##### Investigation Team

- a. - Investigates all applicants and contractors in accordance with Executive Orders.
- b. - Determines an applicant's eligibility for security clearance/approval.
- c. - Conducts update investigations of employees and contractors on a regular basis to ensure their continuing eligibility for a security clearance/approval.
- d. - Investigates matters involving employee misconduct which impact on national security interests, with the exception of those matters falling under the responsibility of the Office of the Inspector General.
- e. - Investigates counterintelligence/counterterrorism matters.
- f.- When necessary, performs defensive briefings/debriefings of personnel traveling overseas.
- g. - Coordinates security activities with other U.S.G. agencies.

##### Adjudication Team

- a. - Responsible for scheduling all investigative cases and is the primary point of contact with the Office of Personnel.
- b. - Schedules all update investigations.
- c. - Schedules and evaluates the results of all name and fingerprint checks performed by the Federal Bureau of Investigation.
- d. - Manages the contract investigator program.
- e. - Reviews all completed investigative reports to ensure thoroughness and accuracy.
- f. - Evaluates all investigative cases to make security clearance determinations.
- g. - Grant security approvals and clearances and confirms employee approval and clearance status to other agencies as needed.
- h. - Based on investigative findings, suspend security clearances, proposes granting, denial, or revocation of security clearance.

113. COORDINATION - The Office of Security is the sole point of contact on security matters within the BBG and with other agencies.

114. EMPLOYEE RESPONSIBILITIES (see BAM Title 5-A, Section 550, Employee Responsibilities and Conduct) - Employees are required to cooperate with the Office of Security with regard to its official inquiries. Employees are also expected to report to Security any information or circumstances which appear to negatively impact on national security matters or security concerns of the agency.

International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

Material within this Manual of Operations and Administration may no longer be current. To ensure having the most current policy or procedure, please contact the Agency office responsible for the subject matter, e.g., information about performance appraisal, staffing, or compensation should be directed to the Office of Human Resources. For assistance in determining which office to contact, please contact Cathy Brown or Renee Tyrance-Gauff of the Analysis and Administration Division on (202) 203-4664 or feel free to email this staff at [cbrown@bbg.gov](mailto:cbrown@bbg.gov) or [crgauff@bbg.gov](mailto:crgauff@bbg.gov).

MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART VIII OFFICE OF SECURITY, 100 POLICY AND PROCEDURAL SECURITY  
REGULATIONS

Revised in MOA  
March 1999  
Section 130

CLASSIFICATION MANAGEMENT HANDBOOK

FOREWORD

This handbook includes step by step guidance for all employees who create, process, or handle classified national security information. Executive Order 12958, Classified National Security Information, effective October 1995, prescribes a uniform system for safeguarding, classifying and declassifying information. The handbook:

- Contains policies and regulations on classification, safeguarding, and declassification
- Serves as the first step of a security education and training program about the Executive Order, and
- Provides marking instructions for documents.

The Executive Order emphasizes a commitment to the principle of open government while continuing to protect information critical to our nation's security.

This handbook is available to original classifiers, authorized declassification authorities, individuals responsible for derivative classification, security managers, unit security officers, security specialists, and all other employees whose duties significantly involve the creation or handling of classified information.

For additional guidance, contact the Office of Security.

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### APPENDIX A. ROSTER OF ORIGINAL CLASSIFICATION AUTHORITIES

#### CLASSIFICATION AND ORIGINAL CLASSIFICATION AUTHORITY

##### 1.0 CLASSIFICATION MANAGEMENT

###### 1.1 BACKGROUND

Executive Order 12958, Classified National Security Information, effective October 16, 1995 replaces Executive Order 12356. It prescribes a uniform system for classifying, safeguarding, and declassifying national security information assigned to keep the American people informed on the activities of government. The Order also protects information critical to our nation's security. Implementing guidance on the provisions of Executive Order 12958 are contained in Information Security Oversight Office (ISOO) directives.

###### 1.2 AUTHORITY

Under the authority delegated in Executive Order 12958, the BBG may exercise and delegate to principle subordinate officials the authority to originally classify national security information as Secret and Confidential. The BBG Chairman has designated the Broadcasting Director as the Senior Official for Information Security. The Director of Security will oversee the program. Each delegation of original classification authority will be recorded, and such authority shall not be redelegated.

###### 1.3 DELEGATED RESPONSIBILITY

The Broadcasting Director will authorize appropriate officials to originally classify national security information as Secret and Confidential. The highest level of classification authority for each position is indicated by (S) for Secret, and (C) for Confidential. The Office of Security will maintain the Roster of Authorized Classifiers, which will reflect the positions having delegated classification authority and the level of such authority. Authorized classifiers who feel they no longer require this authority, will notify the Office of Security to delete their position from the list.

###### 1.4 SENIOR OFFICIAL FOR INFORMATION SECURITY

The Broadcasting Director has the overall responsibility for the Broadcasting information security program, including a security education program, to ensure effective implementation of Executive Order 12598. The Director of Security will oversee the program. These responsibilities include but are not limited to:

Establishing and monitoring policies and procedures to prevent over or under-classification of national security information and protecting classified information from unauthorized disclosure.

Recommends the following:

Proposals for reclassification in accordance with E.O. 12958.

Implementation plans which protect classified information and prevent unauthorized disclosure.

Identification of those officials, by position, delegated Secret and/or Confidential classification authority. The list will be prepared, maintained and published by the Office of Security.

Guidance concerning corrective or disciplinary action in unusually important cases involving unauthorized disclosure.

Reporting to the Director of the Information Security Oversight Office (ISOO) and furnishing reports and information as required under E.O. 12958.

Systematic document review for early downgrading, declassification and public availability.

Reduction of the amount of classified material and the number of persons authorized to classify.

Establishment and implementation of a system for processing, tracking and recording formal classification challenges made by authorized holders.

Guidance on agency development and implementation of an automatic declassification plan.

Training for all original and derivative classification authorities in classification as provided in E.O. 12958 and its implementing directives.

## 2.0 CLASSIFICATION CATEGORIES

To qualify for classification, information must meet two tests: first, it must fall under one of the specified classification criteria listed below (Section 1.5 of Executive Order 12958); second, an official with original classification authority must determine whether the unauthorized disclosure of the information, either by itself or in the context of other information, could reasonably be expected to cause damage to the national security.

Information may not be considered for classification unless it concerns:

(Extracts from E.O. 12958, Section 1.5. Classification Categories)

Sec 1.5 a. Military plans, weapons systems or operations;

Sec 1.5 b. Foreign government information;

Sec 1.5 c. Intelligence activities, sources, methods, or cryptology;

Sec 1.5 d. Foreign relations or foreign activities of the United States, including confidential sources;

Sec 1.5 e. Scientific, technological, or economic matters relating to the national security;

Sec 1.5 f. United States programs for safeguarding nuclear materials or facilities; or

Sec 1.5 g. Vulnerabilities or capabilities of systems, installations, projects or plans relating to the national security.

## 2.1 CLASSIFICATION LEVELS

Information may be classified at one of the following three levels:

TOP SECRET - Shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause exceptionally grave damage to the national security that the original classification authority is able to identify or describe. Broadcasting employees may not originally classify information at the Top Secret level. See Appendix A for Roster of Original Classification Authorities.

SECRET - Shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause serious damage to the national security that the original classification authority is able to identify or describe.

CONFIDENTIAL - Shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause damage to the national security that the original classification authority is able to identify or describe.

Except as otherwise provided by statute, no other terms shall be used to identify United States classified information.

If there is significant doubt about the appropriate level of classification, it shall be classified at the lower level.

## 2.2 CLASSIFICATION STANDARDS

Information may be originally classified under the terms of E.O. 12958 only if all of the following conditions are met:

An original classification authority is classifying the information.

The information is owned by, produced by or for, or is under the control of the United States Government.

The information falls within one or more of the categories of information listed in section 1.5 of the Executive Order.

The original classification authority determines that the unauthorized disclosure of the information reasonably could be expected to result in



damage to the national security and the original classification authority is able to identify or describe the damage.

If there is significant doubt about the need to classify information, it shall not be classified. Classified information shall not be declassified automatically as a result of any unauthorized disclosure of identical or similar information.

## 2.3 RESPONSIBILITY OF CLASSIFIERS

Classifiers are responsible for proper classification and protection of documents which they create. Information is classified in one of two ways - originally and derivatively. Only an Original Classification Authority (OCA), may formally make original classification determinations. Individuals with a security clearance, who are required by their work to restate classified information from an already classified source document, may classify derivatively at the level of their clearance.

Classifiers must determine which information is classified as SECRET or CONFIDENTIAL (depending on the classification authority delegated to that individual), how long it needs to be protected, and properly mark that information.

## 3.0 IDENTIFYING AND MARKING CLASSIFIED INFORMATION

A uniform security classification system requires that standard markings be applied to classified information. Except in extraordinary circumstances or as indicated in this handbook and as indicated in E.O. 12958, the marking of classified information created after October 16, 1995, shall not deviate from the following prescribed formats. If markings cannot be affixed to specific classified information, the originator shall provide holders or recipients of the information with written instructions for protecting the information. Markings shall be uniformly and conspicuously applied to leave no doubt about the classified status of the information, the level of protection required, and duration of classification.

### 3.1 ORIGINAL CLASSIFICATION

#### 3.1.1 IDENTIFICATION OF AUTHORITIES

On the face of each originally classified document shall appear the following:

Classification Authority. The name or personal identifier, and position title of the original classifier shall appear on the Classified By line. For example:

Classified By: David Smith, Chief, Division 5

Agency and Office of Origin. If not otherwise evident, the agency and office of origin shall be identified and placed below the Classified By line. For example:

Classified By: David Smith, Chief, Division 5

Department of Good Works, Office of  
Administration

Reason for Classification. The original classifier shall identify the reason(s) for the decision to classify. The classifier shall include, at a minimum, a brief reference to the pertinent classification category (ies), or the number 1.5 plus the letter(s) that corresponds to that classification category in section 1.5 of the Order. For example:

Reason: 1.5 (b), (c), & (g).

### 3.1.2 OVERALL MARKING

The highest level of classified information contained in a document shall appear in a way that will distinguish it clearly from the information text.

Conspicuously place the overall classification at the top and bottom of the outside of the front cover (if any), on the title page (if any), on the first page, and on the outside of the back cover (if any).

For documents comprised of information classified at more than one level, the overall marking shall be the highest level. For example, if a document contains some information marked SECRET and other information marked CONFIDENTIAL, the overall marking would be SECRET.

### 3.1.3 PORTION MARKING

Each portion of a document, usually a paragraph, but including subjects, titles, graphics and the like, shall be marked to indicate its classification level by placing a parenthetical symbol immediately preceding or following the portion to which it applies.

To indicate the appropriate classification level, the symbols (TS) for Top Secret, (S) for Secret, (C) for Confidential, and (U) for Unclassified shall be used.

Waivers from the portion marking requirements for a specific category of information must be forwarded through the Office of Security prior to submitting to the Director of the Information Security Oversight Office (ISOO), for approval. All requests must include the reasons that the benefits of portion marking are outweighed by other factors. Statements citing administrative burden alone will ordinarily not be viewed as sufficient grounds to support a waiver by the ISOO.

## 3.2 CLASSIFICATION EXTENSIONS

An original classification authority may extend the duration of classification for successive periods not to exceed 10 years at a time. For information contained in records determined to be permanently valuable, multiple extensions shall not exceed 25 years from the date of origin of the information. The Declassify On line shall indicate the date the original declassification instructions have changed. The revised instructions shall be conspicuously applied to the face of the document

and shall include the identity of the person authorizing the extension or other revision. The office of origin shall make reasonable attempts to notify all holders of such information and classification guides shall be updated to reflect such revisions.

An example of an extended duration of classification made on October 16, 2005, and originally marked for declassification 10 years from the date of the decision, may appear as follows:

Classified By: David Smith, Chief, Division 5  
Department of Good Works, Office of  
Administration  
Reason: 1.5(g)  
Declassify On: October 16, 2005  
Classification extended until October 16,  
2015 by: David Jones, Chief, Division 5

### 3.3 MARKING INFORMATION EXEMPTED FROM AUTOMATIC DECLASSIFICATION AT 25 YEARS

When an agency head or senior agency official exempts permanently valuable information from automatic declassification at 25 years, the Declassify On line shall be revised to include the symbol 25X plus a brief reference to the pertinent exemption category (ies) or the number(s) that corresponds to that category (ies) in section 3.4(b) of the Order. Other than when the exemption pertains to the identity of a confidential source, or a human intelligence source, the revised "Declassify On" line shall also include the new date or event for declassification. These categories are:

25X1: Reveal the identity of a confidential human source, or reveal information about the application of an intelligence source or method, or reveal the identity of a human intelligence source when the unauthorized disclosure of that source would clearly and demonstrably damage the national security interests of the United States.

25X2: Reveal information that would assist in the development or use of weapons of mass destruction.

25X3: Reveal information that would impair U.S. cryptologic systems or activities.

25X4: Reveal information that would impair the application of state of the art technology within a U.S. weapon system.

25X5: Reveal actual U.S. military war plans that remain in effect.

25X6 Reveal information that would seriously and demonstrably impair relations between the United States and a foreign government, or seriously and demonstrably undermine ongoing diplomatic activities of the United States.

25X7: Reveal information that would clearly and demonstrably impair the current ability of United States Government officials to protect the

President, Vice President, and other officials for whom protection services, in the interest of national security, are authorized.

25X8: Reveal information that would seriously and demonstrably impair current national security emergency preparedness plans.

25X9: Violate a statute, treaty, or international agreement.

The pertinent portion of the marking might appear as follows:

Declassify On: 25X-State of the art technology within U.S. weapon system.  
October 1, 2010

or

Declassify On: 25X4  
October 1, 2010

#### 4.0 DERIVATIVE CLASSIFICATION

Information classified derivatively on the basis of source documents or classification guides will bear all markings as prescribed in paragraph 3.0 except as provided below. Information for these markings shall be carried forward from the source document or taken from instructions in the appropriate classification guide.

CLASSIFIED BY: The derivative classifier shall concisely identify the source document or the classification guide on this line, including the agency and office of origin. For example:

Classified By: David Smith, Chief, Division 5  
Department of Good Works,  
Office of Administration  
Memo dated October 20, 1995

or

Classified By: CG No.1, Department of Good Works,  
dated October 20, 1995

When a document is classified derivatively on the basis of more than one source document or classification guide, the "Classified By" line shall appear as follows:

Classified By: Multiple Sources

The derivative classifier shall maintain the identification of each source with the file or record copy of the derivatively classified document.

A document derivatively classified on the basis of a source document that is itself marked Multiple Sources shall cite the source documents on its Classified By line rather than the term Multiple Sources. For example:

Classified By: Report entitled, New Weapons,  
dated October 20, 1995,  
Department of Good Works,  
Office of Administration

REASON FOR CLASSIFICATION. The reason for the original classification decision, as reflected in the source document(s) or classification guide, is not required to be transferred in a derivative classification action. If included, however, it shall conform to the standards in Paragraph 3.0 above.

DECLASSIFICATION INSTRUCTIONS. The derivative classifier shall carry forward the Declassify On line from the source document to the derivative document, or the duration instructions from the classification guide.

When a document is classified derivatively on the basis of more than one source document or classification guide, the Declassify On line shall reflect the longest duration of any of its sources.

When a document is classified derivatively from a source document(s) or classification guide that contains the declassification instructions, Originating Agency's Determination Required, or OADR, unless otherwise instructed by the original classifier, the derivative classifier shall carry forward:

The fact that the source document(s) was marked with this instruction; and the date of origin of the source document(s) or classification guide.

An example might appear as follows:

Declassify On: Source marked OADR  
Date of origin: October 20, 1990

This marking will permit the determination of when the classified information is 25 years old and, if permanently valuable, subject it to automatic declassification under section 3.4 of the Order.

#### 4.1 OVERALL MARKING

The derivative classifier shall carry forward the overall marking from the source document or the classification level instruction from the classification guide, and mark the derivative document as provided in paragraph 3.0 above. When a document is classified derivatively on the basis of more than one source document or classification guide, the overall marking shall reflect the highest level of classification of any its sources.

#### 4.2 PORTION MARKING

Each portion of a derivatively classified document shall be marked in accordance with its source, and as provided in paragraph 3.0 above.

#### 5.0 MARKING PROHIBITIONS

Markings other than Top Secret, or Secret and Confidential, shall not be used to identify information as classified national security information. No other term or phrase shall be used in conjunction with these markings, such as Secret Sensitive or Agency Confidential, to identify classified

national security information. The terms Top Secret, "Secret" and Confidential may not be used to identify unclassified executive branch information.

Classifiers will refrain from the use of special markings when they merely restate or emphasize the principles and standards of the Order. At the request of the Director of ISOO, the Director, on behalf of the Chairman of the BBG, shall provide a written explanation for the use of any special markings.

A transmittal document shall indicate on its face the highest classification level of any classified information attached or enclosed. The transmittal shall also include conspicuously on its face the following or similar instructions, as appropriate:

UNCLASSIFIED WHEN CLASSIFIED ENCLOSURE REMOVED  
or  
UPON REMOVAL OF ATTACHMENTS THIS DOCUMENT IS (CLASSIFICATION)

Documents that contain foreign government information shall include either the marking Foreign Government Information, FGI, or a marking that otherwise indicates that the information is of foreign origin. If the fact that information is foreign government information must be concealed, the marking will not be used and the document shall be marked as if it were wholly of U.S. origin.

Working papers containing classified information will be dated when created, marked with the highest classification of any information contained in them, protected at that level, and destroyed when no longer needed. When any of the following apply, working papers will be controlled and marked in the same manner prescribed for a finished document at the same classification level:

Released by the originator outside of the originating activity.

Retained more than 180 days from date of origin.

Filed permanently.

Bulky material, equipment and facilities, etc., will be clearly identified in a manner that leaves no doubt about the classified status of the material, the level of protection required, and the duration of classification. Upon a finding that identification would itself reveal classified information, such identification is not required. Supporting documentation for such a finding must be maintained in the appropriate security facility and in any applicable classification guide.

Information contained in unmarked presidential or related materials preserved in a presidential library or other repository and which pertains to the national defense or foreign relations of the United States and has been maintained and protected as classified information under prior Orders shall continue to be treated as classified information under this Order, and is subject to its provisions regarding classification.

## 6.0 CLASSIFICATION PROHIBITIONS AND LIMITATIONS

Information will not be classified in order to:

Conceal violations of law, inefficiency, or administrative error.

Prevent embarrassment to a person, organization, or agency.

Restrain competition.

Prevent or delay the release of information that does not require protection in the interest of national security.

Basic scientific research information not clearly related to the national security may not be classified.

Information may not be reclassified after it has been declassified and released to the public under proper authority.

Information that has not previously been disclosed to the public under proper authority may be classified or reclassified after an agency has received a request for it under the Freedom of Information Act (5 U.S.C. 552) or the Privacy Act of 1974 (5 U.S.C. 552a), or the mandatory review provisions of section 3.6 of the Order only if such classification meets the requirements of this Order and is accomplished on a document by document basis with the personal participation or under the direction of the Director, or the official designated under 5.6 of the Order. This provision does not apply to classified information contained in records that are more than 25 years old and have been determined to have permanent historical value under title 44, United States Code.

Compilations of items of information which are individually unclassified may be classified if the compiled information reveals an additional association or relationship that:

Meets the standards for classification under the Order and is not otherwise revealed in the individual item of information.

As used in E.O. 12958, "compilation" means an aggregation of pre-existing unclassified items of information.

## 7.0 CLASSIFICATION CHALLENGES

Executive Order 12958 encourages individuals to challenge classification decisions as a means for promoting proper and thoughtful classification actions. As a result of this, Broadcasting procedures will ensure that no retribution or other negative actions are taken against any individual initiating such a challenge. Those authorized holders wishing to challenge the classification status of information should present such challenges to an Original Classification Authority (OCA) who has jurisdiction over the information. Such a formal challenge should be made in writing, but does not have to be specific other than to ask why the information is or is not classified, or is classified at a certain level.

The Office of Security is establishing a system for processing, tracking, and recording formal classification challenges made by authorized holders. The records of challenges will be subject to the attention of the Interagency Security Classification Appeals Panel , which is under the auspices of the Information Security Oversight Office (ISOO). All classification challenges will be kept separate from Freedom of Information Act/Privacy Act requests with a separate record keeping system established to process and record the challenges.

All classification challenges will be reviewed by an OCA with jurisdiction over the challenged information. The OCA will provide a written response to the challenger within 30 days. If the challenger is not satisfied with the response, an impartial official or panel will review the challenger's request (supervisor of the OCA at the next highest level). If the challenge is not processed within 30 days, the OCA will acknowledge the challenge in writing and provide the challenger with a date when the OCA will respond. The acknowledgment must include a statement that if no response is received within 90 days, the challenger has the right to forward the challenge to the Interagency Security Classification Appeals Panel for a decision.

#### 7.1 CLASSIFICATION GUIDES

Originators of classification guides are encouraged to consult the users of guides for input when reviewing or updating guides. Also, users of classification guides are encouraged to notify the originator of the guide when they acquire information that suggests the need for change in the instructions contained in the guide. Classification guides shall be reviewed as circumstances require, but at least once every five years.

Each guide will be approved personally and in writing by an official who has program or supervisory responsibility over the information or is the senior agency official and is authorized to classify information originally at the highest level of classification prescribed in the guide.

#### 7.2 CLASSIFICATION GUIDES SHALL AT A MINIMUM

Identify the subject matter of the classification guide.

Identify the original classification authority by name or personal identifier, and position.

Identify an agency point-of-contact with subject matter expertise.

Provide the date of issuance or date of last review.

State precisely the elements of information to be protected.

State which classification level applies to each element of information and, when useful, specify the elements of information that are unclassified.



State, when applicable, special handling caveats.

Prescribe declassification instructions or the exemption category from automatic declassification for each element of information. When reviewing or updating a guide, the duration of classification prescribed for each element of information shall continue to correspond to the date of the guide's first issuance. When citing the exemption category listed in section 1.6(d) (8) of E.O. 12958, the guide shall also specify the applicable statute, treaty or international agreement. State a concise reason for classification which, at a minimum, cites the applicable classification categories in section 1.5 of the Order.

### 7.3 DISSEMINATION OF CLASSIFICATION GUIDES

Classification guides shall be disseminated as widely as necessary to ensure the proper and uniform derivative classification of information. All classification guides will be submitted through the Office of Security for review and final approval. The Office of Security will maintain a database of all classification guides approved and issued by Broadcasting. The OCA(s) will be responsible for obtaining approval of all classification guides before they are distributed.

### 8.0 DECLASSIFICATION AND DOWNGRADING

Information will be declassified as soon as it no longer meets the standards for classification under Executive Order 12958. It is presumed that information that continues to meet the classification requirements under this Order requires continued protection. In some exceptional cases, however, the need to protect such information may be outweighed by the public interest in disclosure of the information, and in these cases the information will be declassified. When such questions arise they will be referred to the Freedom of Information/Privacy Acts Unit. This office will determine, as an exercise of discretion, whether public interest in disclosure outweighs the damage to national security that might reasonably be expected from disclosure. Executive Order 12958 does not:

Amplify or modify the substantive criteria or procedures for classification; or create any substantive procedural right subject to judicial review.

If the Director of the Information Security Oversight Office determines that information is classified in violation of Executive Order 12958, that official may require the information to be declassified.

### 8.1 AUTOMATIC DECLASSIFICATION

Within five years from the date of Executive Order 12958, all classified information contained in records that (1) are more than 25 years old, and (2) have been determined to have permanent historical value under title 44, United States Code shall be automatically declassified whether or not the records have been reviewed. Subsequently, all classified information in such records will automatically be declassified no longer than 25 years from the date of its original classification, except for information which would:

Reveal the identity of a confidential human source, or reveal information about the application of an intelligence source or method, or reveal the identity of a human intelligence source when the unauthorized disclosure of that source would clearly and demonstrably damage the national security interests of the United States.

Reveal information that would assist in the development or use of weapons of mass destruction.

Reveal information that would impair U.S. cryptologic systems or activities.

Reveal information that would impair the application of state of the art technology within a U.S. weapon system.

Reveal actual U.S. military war plans that remain in effect.

Reveal information that would seriously and demonstrably impair relations between the United States and a foreign government, or seriously and demonstrably undermine ongoing diplomatic activities of the United States.

Reveal information that would clearly and demonstrably impair the current ability of United States Government officials to protect the President, Vice President, and other officials for whom protection services, in the interest of national security, are authorized.

Reveal information that would seriously and demonstrably impair current national security emergency preparedness plans.

Violate a statute, treaty, or international agreement.

## 8.2 SYSTEMATIC DECLASSIFICATION

Systematic declassification pertains to all classified agency records determined under Federal law to have permanent historical value wherever they may be stored. These records may be located or stored in:

The National Archives of the United States (including regional archive branches)

Federal Records Centers

Presidential Libraries

Agency file rooms or repositories

Other agencies

Other approved repositories, including contractor facilities, libraries, etc.

The Archivist will conduct a systematic declassification review program for classified information based upon the recommendations of the Information Security Policy Advisory Council or the degree of researcher interest and the likelihood of declassification upon review. Records will be reviewed in accordance with Executive Order 12958, its implementing directives, and declassification guides that this agency provides to the

Archivist. The Director of the Information Security Oversight Office will ensure that all declassification guides are reviewed for accuracy.

### 8.3 MANDATORY DECLASSIFICATION REVIEW

Broadcasting will declassify information that no longer meets the standards for classification under the Order. A process will be established to provide a means to administratively appeal the denial of a mandatory review request and for notifying the requester of the right to appeal a final decision to the Interagency Security Classification Appeal Panel. Information requested under the Freedom of Information/Privacy Act is released unless with holding is otherwise authorized or warranted under applicable law. Guidance on information requested under the Freedom of Information Act/Privacy Act will be issued throughout Broadcasting.

### 8.4 PROCESSING REQUESTS AND REVIEWS

Broadcasting may refuse to confirm or deny the existence or non-existence of requested information whenever the fact of its existence or non-existence is itself classified under this new Order.

When FOI receives any request for documents in its custody that contain information originally classified by another agency, or comes across such documents in the process of the automatic declassification or systematic review provisions of this order, FOI refers copies of any request and the pertinent documents to the originating agency for processing, and may, after consultation with the originating agency, inform any requester of the referral unless such association is itself classified under this Executive Order.

### 8.5 DECLASSIFICATION DATABASE

The Office of Security in coordination with the Records Management Staff and the FOI will cooperate with the Archivist in his/her efforts in establishing and maintaining a Government-wide database of information that has been declassified.

### 9.0 SAFEGUARDING

A person may have access to classified information provided that: 1) a favorable determination of eligibility has been made; 2) the person has signed an approved nondisclosure agreement; and 3) the person has a need-to-know the information.

Broadcasting will not disclose information originally classified by another agency without its authorization. An official or employee leaving will not remove any classified information from Broadcasting's control.

All Foreign Government Information (FGI) shall be safeguarded and provided a degree of protection at least equivalent to that required by the government or international organization of governments that furnished the information. When adequate to achieve equivalency, these standards may be less restrictive than the safeguarding standards that ordinarily apply to the United States' "Confidential" information, including allowing access to individuals with a need-to-know who have not

otherwise been cleared for access to classified information or executed an approved nondisclosure agreement.

#### 10.0 DISTRIBUTION CONTROLS

The Office of Security maintains control over the distribution of classified information to assure that it is distributed only to organizations or individuals eligible for access who also have a need-to-know the information. Each OCA will maintain a required distribution list that will be reviewed annually by the Office of Security. All recipients will cooperate fully with distributors who are updating distribution lists and shall notify distributors whenever a relevant change in status occurs.

#### 11.0 SECURITY CLASSIFICATION EDUCATION AND TRAINING

The Office of Security conducts annual agency security classification education and training programs. Training programs ensure that all employees who create, process or handle classified national security information have a satisfactory knowledge and understanding about classification, safeguarding and declassification policies and procedures; increase uniformity in the conduct of agency security education and training program; and reduce improper classification, declassification and safeguarding practices.

##### 11.1 INITIAL SECURITY EDUCATION AND TRAINING

The Office of Security conducts training for all cleared agency personnel on basic security policies, principles, and practices. Training is provided in conjunction with the granting of a security clearance, and prior to granting access to classified information.

##### 11.2 SPECIALIZED SECURITY EDUCATION AND TRAINING

Original classifiers, authorized declassification authorities, individuals specifically designated as responsible for derivative classification, security managers, security specialists, and all other personnel whose duties significantly involve the creation and handling of classified information must receive detailed training not later than six months from the date the employee assumes any of the positions listed above. This may be arranged through the Office of Security.

##### 11.3 REFRESHER SECURITY EDUCATION AND TRAINING

The Office of Security will provide refresher training to employees who create, process or handle classified information. Refresher training reinforces classification, safeguarding and declassification policies, principles and procedures covered in the initial and specialized training. Refresher training addresses issues or concerns identified during agency self-inspections.

#### 12.0 SELF-INSPECTIONS

"Self-Inspections" means the internal review and evaluation of individual Broadcasting activities and Broadcasting as a whole with respect to Executive Order 12958 and its implementing directives.

The Office of Security is responsible for Broadcasting's self-inspection program. The means and methods for the conduct of self-inspections include:

A review of relevant security directives, guides and instructions.

Interviews with producers and users of classified information.

A review of access control records.

A review of a sample of classified documents generated by Broadcasting offices.

Evaluation of classifiers' actions to comply with the standards specified in the directive on classification and declassification guides.

Review of the classification challenges program to determine if it meets the standards and requirements under Executive Order 12958.

Evaluation of the effectiveness of the security violation program and procedures to prevent recurrences.

### 13.0 SANCTIONS

Executive Order 12958 directs the Director of Information Security Oversight Office to report violations to the Chairman of the BBG so that corrective steps, if appropriate, may be taken.

All employees, contractors, licensees, certificate holders, and grantees will be subject to appropriate sanctions if they knowingly, willfully and negligently:

Disclose to unauthorized persons information properly classified under this order or predecessor orders.

Classify or continue the classification of information in violation of this order or any implementing directives.

Create or continue a special access program contrary to the requirements to this Order or contravene any other provisions under this Order or its implementing directives.

Sanctions could result in reprimand, suspension without pay, removal, termination of classification authority, loss or denial of access to classified information, or other sanctions in accordance with applicable laws and directives.

### APPENDIX A.

#### ROSTER OF ORIGINAL CLASSIFICATION AUTHORITIES

CLASSIFICATION POSITION TITLE  
AUTHORITY LEVEL

(S) Chairman, BBG  
(S) Director of Broadcasting  
(S) Chief of Staff, BBG  
(S) Chief of Staff, Broadcasting  
(S) Director, Office of Cuba Broadcasting (B/C)  
(S) Director, Office of Security  
(S) Director, Voice of America  
(C) Legal Adviser  
(C) Director, Office of Personnel  
(C) Director, Office of Engineering and Technical Operations  
(C) All Overseas Transmitting Station Managers

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PART VIII OFFICE OF SECURITY, 200 PERSONNEL SECURITY REGULATIONS, 210 GENERAL  
Section 210

General

211 Purpose and Authority

211.1 Authorities

211.2 Other Reference

213 Policy

213.1 Employment and Retention

213.2 Suspension and Removal

213.3 Extended Absence from Duty

213.4 Re-employment

213.5 Purpose of Security Investigations

213.6 Type of Investigation

214 Notice of Personnel Action

Section 210

GENERAL

211 PURPOSE AND AUTHORITY

211.1 Authorities - The personnel security regulations in sections 200- 290 are prescribed for Broadcasting pursuant to the authority contained in the Act of August 26, 1950, 64 Stat. 476, 5 U.S.C. 3571, 7312, 7501, 7512, and 7532, Executive Order No. 10450 of April 27, 1953, as amended by Executive Order No. 10491 of October 15, 1953, Executive Order No. 10531 of May 27, 1954, Executive Order No. 10548 of August 3, 1954, Executive Order No. 10550 of August 6, 1954, Executive Order 12968 of August 4, 1995, National Security Directive 63 of October 21, 1991, Executive Order No. 13467 of June 30, 2008, and 5 C.F.R. 731, 732, 735, 736, and 752.

211.2 Other References - See BAM V-A-820 and V-B-870 for procedures when hiring non-U.S. citizens abroad for use in the United States; and BAM V-A 482 and 3 FAM 629 when American personnel marry aliens.

213 POLICY

213.1 Employment and Retention -Personnel shall be employed and retained in employment only when such employment is clearly consistent with the interest of the national security.

213.2 Suspension and Removal - The use of the suspension and removal procedures shall be limited to cases in which the interests of the national security are involved.

213.3 Extended Absence From Duty - The official responsible for authorizing or approving leave will notify the Office of Security as soon as it is known that an employee will be absent from duty or will not perform services for a period of 90 days or more. Such absence includes annual leave, military leave, sick leave, unexplained leave, leave without pay, or any combination thereof.

213.4 Re-employment - No person whose employment has been terminated by any department or agency under any security or loyalty programs, shall be employed in Broadcasting unless the Director of Security finds that such employment is clearly consistent with the interests of the national security, and the Office of Personnel Management determines that such person is eligible for such employment. The finding of the Director of Security and the determination of the Office of Personnel Management shall be made a part of the personnel record of the person concerned.

213.5 Purpose of Security Investigations - Security investigations conducted pursuant to these regulations shall be designed to develop information as to whether employment or retention in employment of the person being investigated is clearly consistent with the interest of the national security.

213.6 Type of Investigation - Permanent Appointments shall be made only upon completion of a sufficient background investigation.

214 NOTICE OF PERSONNEL ACTION - The Office of Personnel shall forward immediately, to the Office of Personnel Management, copies of all notices of personnel action taken in security cases.



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PART VIII OFFICE OF SECURITY, 200 PERSONNEL SECURITY REGULATIONS  
Section 240

SECURITY DETERMINATIONS FOR ACCESS TO CLASSIFIED INFORMATION

241 Access Eligibility Policy and Procedure

242 Proceedings for Denials or Revocations of Eligibility for Access to  
Classified Information

Section 240

SECURITY DETERMINATIONS FOR ACCESS TO CLASSIFIED INFORMATION

REFERENCE:

A. Executive Order 12968 of August 4, 1995, Access to Classified  
Information.

B. Delegation of Authority to Direct and Administer Broadcasting's  
Security Program, Foreign Affairs Reform and Restructuring Act of 1998,

241 ACCESS ELIGIBILITY POLICY AND PROCEDURE

a. Determinations for eligibility for access to classified information are based on criteria established under reference A. Such determinations are separate from suitability determinations with respect to the hiring or retention of persons for employment or any other personnel actions.

b. The level at which an employee is approved for access to classified information is limited, and relates directly, to the level of classified information for which there is a need for access. Clearance for access to classified information includes access to information classified at a lower level.

c. It is Agency policy that a security clearance (access to classified information) will not be granted to a non-U.S. citizen and not normally granted to a U.S. citizen who claims dual citizenship to the U.S. and any other country. Individuals who officially renounce or attempt to renounce their non-U.S. citizenship (through appropriate channels, e.g., embassy,

consulate, interest section, etc.) and provide acceptable documentation of such action will be consider for clearance.

d. Access to classified information is terminated when an employee no longer has a need for such access. A determination that an employee no longer has a need for access is a discretionary determination made by senior management and is not subject to appeal.

e. Per reference B, the BBG has delegated to the Director, Office of Security, authority to direct and administer all aspects of physical, information and personnel security programs, including those under reference A.

#### 242 PROCEEDINGS FOR DENIALS OR REVOCATIONS OF ELIGIBILITY FOR ACCESS TO CLASSIFIED INFORMATION

242.1 Applicants and employees who do not meet adjudicative standards for access to classified information are:

a. provided as comprehensive and detailed a written explanation of the basis for that conclusion as the national security interests of the United States and other applicable laws permit;

b. provided within 30 days, upon request and to the extent the documents would be provided if requested under the Freedom of Information Act (5 U.S.C. 552) or the Privacy Act (3 U.S.C. 552a), as applicable, any documents, records, and reports upon which a denial or revocation is based;

c. informed of their right to be represented by counsel or other representative at their own expense; to request any documents, records, and reports (as described in the preceding subparagraph) upon which a denial or revocation is based; and to request the entire investigative file, as permitted by the national security and other applicable laws, which, if requested, will be promptly provided prior to the time set for a written reply;

d. provided a reasonable opportunity to provide a written reply, and to request a review of the determination;

e. provided written notice of and reasons for the results of the review, the identity of the deciding Office of Security authority, and written notice of the right to appeal;

f. provided an opportunity to appear personally and to present relevant documents, materials, and information to the adjudicative decision-maker. A written summary or recording of such appearance is made part of the applicant's or employee's security record, and

g. provided an opportunity to appeal in writing to an appeals panel. This panel, designated by the Director of Broadcasting, consists of an element director, the personnel director and the security director. Decisions of the panel are made in writing, and are final.

242.2 When the Director, Office of Security personally certifies that a procedure set forth in this section cannot be made available in a particular case without damaging the national security interests of the United States by revealing classified information, the particular procedure is not available. This certification shall be irrefutable.

242.3 This section does not limit or affect the responsibility and power of the Director of Broadcasting to make determinations of suitability for employment.

a. Nothing in this section requires the procedures prescribed in 242.1 be afforded an applicant where a conditional offer of employment is withdrawn for reasons of suitability or any other reason other than denial of eligibility for access to classified information.

b. Suitability determinations are not to be used for the purpose of denying an applicant or employee the review proceedings of this section where there has been a denial or revocation of eligibility for access to classified information.

#### 242.4 Additional Guidance on Denial or Revocation of Security Clearance

a. When, on the basis of the results of investigation, it is determined that the issuance of a security clearance/approval is not clearly consistent with the interests of the national security, the subject will be so notified by letter. To the extent permitted by security considerations, such letter will provide a specific and detailed explanation of the reasons for the proposed action.

b. The subject will be granted a reasonable period of time (normally 30 days) to reply in writing to such notice of intent. He/she may refute the allegations cited for the proposed action and/or provide additional information that has a bearing on the case. This reply, plus all pertinent investigative material, will be reviewed by the Chief, Investigations/Adjudications Division, who will make the final determination. Should the subject choose not to respond, the decision of the Chief, Investigations/Adjudications Division will be based on the available facts.

c. The final decision of the Office of Security, will be communicated to the subject in writing as promptly as circumstances permit. The letter will specify what action is being taken, the consequences of the action, and what further appeal rights, if any, may be available to the subject. The Office of Security may coordinate with the Office of the General Counsel to ensure that the basis for a clearance denial/revocation is sufficient. GC will coordinate with the Department of Justice as necessary.

#### 242.5 Temporary Suspension of Clearance

When information is developed casting significant doubt on an employee's continued eligibility for access to classified material, it may be necessary to temporarily suspend the individual's security clearance pending resolution of the matter. The Office of Security will issue a notice of temporary clearance suspension citing the grounds for the action to the employee. The employee's supervisor and the Personnel Office will be notified of the suspension and

denial of access to classified material. Every effort will be made to resolve the matter expeditiously. This temporary action does not necessarily require transfer of the employee to other duties.

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PART VIII OFFICE OF SECURITY, 200 PERSONNEL SECURITY REGULATIONS, 250  
RESPONSIBILITIES AND SANCTIONS

Section 250

RESPONSIBILITIES AND SANCTIONS

251 General

252 Responsibilities

253 Types of Behavior to be Reported

254 Sanctions

SECTION 250

RESPONSIBILITIES AND SANCTIONS

REFERENCES:

- A. Executive Order 12968 of August 4, 1995, Access to Classified Information
- B. 12 FAM 260, Security Awareness and Contact Reporting, Section 262
- C. ICD 704, Personnel Security Standards and Procedures Governing Eligibility for Access to Sensitive Compartmented Information
- D. Presidential Decision Directive of August 5, 1993, "Security Awareness and Reporting of Foreign Contacts"

251 GENERAL

Reference A charges the Director with responsibility for providing active oversight of a security program designed to protect classified information. The Director of the Office of Security has the responsibility of overseeing this program. Efficient administration of this program requires that Security be notified immediately of any condition or behavior of an employee that could conceivably bear on his or her security clearance and/or ability to deal with classified or sensitive matters.

To assist the Office of Security in accomplishing this responsibility, all employees are encouraged and expected to report any information that raises doubts as to whether another employee's continued eligibility for access to

classified information is clearly consistent with the interests of national security.

#### 252 RESPONSIBILITIES:

a. The Office of Security has sole responsibility for making determinations concerning eligibility for access to classified information in Broadcasting (see Section 240 of this BAM for details).

b. Employees who are granted eligibility for access to classified information are responsible for:

(1) protecting classified information in their custody from unauthorized disclosure;

(2) reporting all contacts with persons, including foreign nationals, who seek in any way to obtain unauthorized access to classified information (see Section 500);

(3) reporting all violations of security regulations to the Office of Security; and

(4) complying with all security requirements set forth in Executive Order 12968 and this BAM.

c. All employees, whether cleared for access to classified information or not, are responsible for:

(1) securing any classified information that comes into their control and reporting the circumstances to the appropriate security officer as soon as possible, and

(2) reporting any employee behavioral indicators which fall into the category described in paragraph 253 to their supervisors or to the Office of Security.

d. Supervisors, in addition to the above responsibilities, must use their good judgment when deciding whether an employee's behavior is sufficiently serious to require a report to the Office of Security, or the post's regional security office (RSO). If there is any doubt, however, report.

#### 253 TYPES OF BEHAVIOR TO BE REPORTED

General types of behavior which may signal a cause for concern for an employees (mental, emotional, criminal, financial and medical) vulnerabilities or need of assistance, are listed below. All personnel are reminded that such reporting is intended to identify co-workers who may need help with a problem they cannot cope with by themselves. Timely intervention by concerned co-workers may prevent an employee from committing a serious breach of conduct or security, which could ultimately cost the employee a career or security clearance, if not corrected. For this reason, any of the following should be reported:

a. Behavior, activities, associations, or unreported contacts which tend to show that the individual is not reliable or trustworthy.

b. Deliberate misrepresentations, falsifications, vindictive/hostile behavior, theft, fraud, or omissions of material facts.

c. Any criminal conduct, dishonest conduct, or misconduct, use of intoxicants, or illegal drug use.

d. Any illness, including any mental condition, of a nature which in the opinion of competent medical authority may cause a significant defect in judgment or reliability of the employee, with due regard to the transient or continuing effect of the illness and the medical findings in such case. This refers to possible emotional or mental disorders of employees that appear to affect their judgment or conduct, and raise such a reasonable doubt as to their stability that advice should be obtained from (security, personnel and/or medical).

e. Financial misconduct - indicators may include calls at work from creditors, garnishments, bounced or bad checks, repossessions, unfavorable judgments, or other indications of difficulty, negligent or tardy child or spousal support payments, reckless or compulsive spending trends, frequent gambling or evident gambling debt, unexplained or sudden affluence.

f. Mishandling classified information, as evidenced by revealing to unauthorized persons, unauthorized removals including magnetic media, collecting/storing classified outside approved facilities, lax security habits that resist management counseling, e.g., discussing classified on non secure line; not properly securing classified information or areas; working on classified material at home.

#### 254 SANCTIONS

Employees will be subject to appropriate sanctions if they knowingly and willfully grant eligibility for, or allow access to, classified information in violation of Executive Order 12968 or this BAM.

Sanctions may include admonition, reprimand, suspension without pay, removal, and other actions in accordance with applicable laws and regulations.

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PART VIII OFFICE OF SECURITY, 300 PERSONNEL SECURITY REGULATIONS, 310 AUTHORITY AND GENERAL POLICY

Section 310

AUTHORITY AND GENERAL POLICY

310 Authority and General Policy

310.1 Authority

310.2 Other References

311 Policy

Section 310

AUTHORITY AND GENERAL POLICY

310.1 Authority

The personnel security regulations are prescribed pursuant to the authority contained in the Act of August 26, 1950 and Reorganization Plan No. 2 of 1977; 64 Stat. 476, 5 U.S.C. 3571, 7312, 7501, 7512, and 7532; National Security Directive 63; and Executive Orders 12968 and 10450 as amended. See also guidance contained in the Code of Federal Regulations 5 CFR 731, 732, 736, 752, and 754 and the Foreign Affairs Reform and Restructuring Act of 1998.

These authorities grant the Director the right to suspend the employment of any employee and, following appropriate investigation and review, to terminate the employment of the employee whenever it shall be determined such action is necessary or advisable in the interests of the national security of the United States. 5 CFR 731 delegates to the head of each Federal agency authority and responsibility for adjudicating applicant suitability.

310.2 Other References

- Executive Order 12958, dated April 17, 1995, Classified National Security Information

- Executive Order 10865, dated February 20, 1960 relates to persons under contract with the U.S. Government, who are considered as applicants/employees for the purpose of these regulations. DOD's Industrial Security Manual DOD 5220.22 -M provides guidance for security procedures for contractors under the National Industrial Security Program (NISP).



- BAM V-A-820 and V-B-870 for procedures when hiring non-U.S. citizens abroad for use in the U.S.
- 3 FAM 160, Personnel Security.
- 3 FAM 620, Employee Responsibility and Conduct.

### 311 Policy

It is the policy of the Office of Security that a security clearance (access to classified information) will not be granted to a non-U.S. citizen or to a U.S. citizen who claims dual citizenship with the U.S. and another country. The Office of Security will consider for clearance an individual who officially renounces or attempts to renounce, through appropriate channels (embassy, consulate, or interest section, etc.), their non-U.S. citizenship and provides acceptable documentation of such action.

All applicants for employment will be investigated by the Office of Security to determine their eligibility and fitness for holding a security clearance/approval. Whenever investigation leads the Office of Security to make an adverse security determination, the individual will be so informed in writing. The individual will be given the opportunity to respond to the charges and may be assisted in this process by legal counsel or other representative of their choosing.

Employees are entitled to have counsel or other representatives present during any interviews with the Office of Security when the proceedings could result in adverse consequences for the employee.

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PART I ORGANIZATION, 300 ORGANIZATIONAL DEFINITIONS, 340 OFFICE OF SECURITY  
OFFICE OF SECURITY

Section 340

See also BAM Part VIII and BAM Part II, Section 480, Delegation of Authority  
Number 8

The Office of Security is responsible for all matters affecting the security of the BBG (Broadcasting) personnel, domestic facilities and procedures. Specifically, it is responsible for safeguarding classified materials and all physical security concerns domestically. The Department of State provides physical security for overseas facilities. The Broadcasting Office of Security coordinates activities with the Department of State. In addition, the Office of Security has physical security experts who will provide on site advice and assistance at overseas installations on critical security matters of particular concern to Broadcasting. The Office is also responsible for insuring that the Broadcasting work force is staffed with individuals who have been investigated and adjudicated as required by Executive Orders 10450 and 12968 and possess the proper security clearance/approval for their designated positions.

International Broadcasting Bureau  
Broadcasting Administrative Manual

NOTICE

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PART VIII OFFICE OF SECURITY, 400 SECURITY REGULATIONS - CONTRACTS AND SERVICES,  
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Section 410

INVESTIGATIONS SECTION

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Section 410

INVESTIGATIONS

411 PURPOSE of AUTHORITY

411.1 Position Sensitivity

According to requirements specified by the U.S. Office of Personnel Management, all positions are designated in terms of their national security sensitivity and level of security clearance, if any, to ensure appropriate investigative screening under Executive Orders 10450 and 12968. The sensitivity designation is based on an assessment of the degree of damage that an individual occupying a particular position could effect to the national security.

411.2 Security Clearance Levels

Security clearances are granted for access to classified material up to the Confidential, Secret, or Top Secret levels. Although some positions require no

access to classified material, the issuance of security approvals is still required and the provisions of E.O. 10450 will be applied.

#### 411.3 Appropriate Investigative Coverage

The position of the applicant/employee will determine the appropriate type of investigation required for security clearance or approval. Investigative coverage can range from National Agency Checks (NAC), to a NAC plus written inquiries covering former employers and references, to a Single Scope Background Investigation (SSBI). Regardless of what investigation is scheduled, should questionable, unfavorable, or derogatory information develop, coverage will be expanded as necessary to resolve the suitability and security issues/concerns.

#### 411.4 Coordination With Office of Personnel

All applicant/new employee investigations must be requested by the Personnel Office, which will be responsible for ensuring that all required security forms are properly completed and furnished to the Office of Security. Periodic reinvestigations and investigations for cause may be scheduled at the discretion of the Office of Security.

#### 411.5 Periodic Reinvestigation

All employees holding security clearances will be subject to periodic reinvestigation at appropriate intervals. The employee will be notified and furnished new update forms to be completed and returned to the Office of Security. Reinvestigations or special inquiries for cause can be initiated at any time to resolve issues and suitability/security concerns.

#### 411.6 Personal Interview

The subject of any personnel security investigation may be routinely interviewed at the discretion of the Office of Security. An interview will always be scheduled in cases where adverse or discrepant information is developed in order that the subject be given an opportunity to resolve discrepancies and counter allegations.

#### 412 Security Processing of American Citizens At Overseas Posts

Approval for creating/filling such positions (American Family Members [AFM], Part-Time or Intermittent or Temporary [PIT], is the responsibility of the Office of Personnel, but clearance of the candidate must be obtained from the Office of Security as noted in 3 FAM 123. 5-3. The appropriate Regional Security Officer in coordination with responsible officials determine whether or not access to classified material is required.

3 FAM 123. 8-6 specifies forms/data to be submitted for candidates eligible for sponsor-based clearances and those who are not eligible. For the latter, the Office of Security requires only one (1) copy of the SF-86, and the two FBI Fingerprint Charts cited must contain the OPM code number.

Every attempt will be made to expedite clearance for those candidates eligible for sponsor-based clearance upon receipt of the data specified in 3 FAM 123 8-6 d.

412.1 FSNE Security Investigation - see 3 Fam 920, "FSNE Employee Recruitment and Employment".

Investigations of FSNEs are conducted/coordinated by the responsible Regional Security Officer who must certify all such candidates for employment.

#### 413 Security Processing of Domestic Contractors

For any contract which entails access to classified material, all contractor personnel must possess appropriate clearances/approvals. Contractor clearances are normally granted by the Defense Security Service under the terms of the National Industrial Security Program (NISP) administered by the Department of Defense. All such contract clearance needs should be coordinated with the Office of Security. The latter will verify existing clearances through the Defense Security Service coordinating office and, in the absence of existing clearances, may initiate new clearance action at its discretion.

For unclassified contracts in which contract personnel require access to Broadcast facilities, the Office of Security must be notified for scheduling of National Agency Checks (minimum requirement).

##### 413.1 Talent Contractors-Purchase Order Vendors

Detailed security requirements are noted in agreements with Broadcasting Administrative Offices.

#### 414 Marriage to Aliens

All Foreign Service personnel who intend to marry a foreign national must inform the Office of Security in writing at least 120 days prior to the expected date of marriage. See 3 FAM 629 "Employee Marriage, Equivalent Bonds, and Cohabitation" for detailed procedures.

#### 415 Verification of Security Clearances for Overseas Assignment and TDY Travel

In conjunction with the Department of State and all other foreign affairs agencies, it has been established that all personnel assigned overseas or traveling TDY overseas must have their security clearances verified to the appropriate posts. Foreign service personnel generally possess Top Secret clearances and clearance verification is an integral part of the assignment notification process.

For TDY travelers, the verification is not centralized and it is the responsibility of the traveler and the sending office, or post, to ensure, early in the visit coordination process, that the traveler's personal data, including level of security clearance, is clearly cited. This should be done by telegram when the visit is announced, with a copy distributed to the post(s) Regional Security Officer. Clearance verification to an overseas post should be included in visit coordination. Personnel traveling TDY while already assigned overseas, must have their post of residence provide clearance verification.

Failure to provide verification of clearance will result in the visitor either being granted limited building access at post or being required to be escorted.

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## PART VIII OFFICE OF SECURITY, 500 REPORTING FOREIGN CONTACTS, 510 CONTACT REPORTING

### SECTION 510

#### CONTACT REPORTING

##### REFERENCES:

- a. Executive Order 12968 of August 4, 1995, Access to Classified Information
- b. 12 FAM 260, section 262, Security Awareness and Contact Reporting
- c. ICD 704, Personnel Security Standards and Procedures Governing Eligibility for Access to Sensitive Compartmented Information
- d. Presidential Decision Directive of August 5, 1993, "Security Awareness and Reporting of Foreign Contacts"

#### 511 PURPOSE

The purpose of the contact reporting policy is to protect the security of the U.S. and its employees, while ensuring the privacy of employees and their freedom of association. This policy seeks to ensure that security risks to persons or to the U.S. Government are identified at the earliest possible opportunity and deterred, and that protective steps are taken to avoid compromise of U.S. employees and national security interests.

#### 512 POLICY

Reporting contacts under this policy is not accomplished by, nor does it constitute reporting required by 3 FAM 4180, Marriage, Equivalent Bonds and Cohabitation.

##### 512.1 DOMESTIC

This section of the BAM applies domestically to all employees and contractors of the BBG, regardless of nationality. The Office of Security is responsible for administering this program domestically for the BBG.

#### 513 CONTACTS TO BE REPORTED

Broadcasting employees will promptly report contacts with individuals of any nationality, either within or outside the scope of the employee's official activities, whenever the circumstances appear to:

- a. indicate an attempt, intention or reasonable potential to obtain unauthorized access to classified, sensitive, or proprietary information or technology;
- b. indicate the possibility of continued contact with the foreign national for such purposes, or

c. the employee is concerned that he or she may be the target of actual or attempted exploitation by a foreign entity.

#### 514 SPECIAL ACCESS CLEARANCES

Employees with special access clearances are responsible for reporting to their sensitive compartmented information (SCI) security officers all close and continuing contact with foreign nationals, or any contact with representatives or citizens of foreign countries that is considered threatening or suspicious. In addition to the situations described in 513, these employees must also report contact with persons from other countries whenever they show undue or persistent interest in employment, assignment or sensitive national security matters.

#### 515 SANCTIONS

In accordance with E.O. 12968 (reference a), failure to report all contacts under the above described circumstances shall be grounds for appropriate sanctions. Continuous contacts, or failure to report contacts, in the situations described in 513 or 514, could result in the employee's eligibility for continued access to classified and/or sensitive information being withdrawn, and other actions deemed appropriate.

#### 516 LEGAL AUTHORITIES

The requirements of this section of the BAM are based on Title I of Public Law 99-399, the Omnibus Diplomatic Security and Terrorism Act of 1986, as amended, codified at 22 U.S.C., Section 4801 et seq.; Presidential Decision Directive of August 5, 1993 entitled, "Security Awareness and Reporting of Foreign Contacts" (PDDINSC-12) and Executive Order 12968, Access to Classified Information.

#### 517 RESPONSIBILITIES

a. The success of the reporting program is dependent upon the security awareness of every employee and upon his/her understanding of and cooperation with its intent. Employees should be alert to any suspicious activity or approach by individuals of any nationality. If an employee is unsure about the circumstances of a contact, he/she should discuss the situation with the Office of Security, to determine whether filing a report is necessary.

b. When contact reports are filed by employees, Security will review and evaluate the reported information and discuss the incident with the employee, providing counseling, as appropriate. If Security perceives actual or potential security problems relating to an individual of any nationality, they will advise the employee to take appropriate precautions.

c. Supervisors, rating officers, or other employees with first hand knowledge of employee security concerns will comply with the reporting requirements contained in Executive Order 12968, Section 6.2. Failure to do so may result in appropriate sanctions for violating the Order.

#### CONTACT REPORTING FORM

TO :

FROM : (reporting employee name and organization)

DATE :

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Before completing this report, please reflect on each of the following, which MAY be indicative of an intelligence approach. Did your contact:

1. Actively seek a close personal association or unsolicited recurring contacts? Give gifts?

2. Inject a third party into the relationship?
3. Repeatedly appear in "chance encounters," including large social gatherings?
4. Provide or seek political, economic, military. or sensitive information outside of official channels?
5. Solicit biographical information or gossip about other personnel? Disclose such information about himself/herself, or others?
6. Suggest or encourage illegal activity, such as black marketing, unauthorized currency exchanges, etc.?

When answering, use "None" where applicable. Do not use "N/A" or "Not Applicable."

Contact's Name and Nationality:

Title/Position:

Type of Relationship (circle one): Official/Social

Provide as much biographical data on the individual as possible:

When did the contact occur?

Where did it occur?

What was the purpose of the contact/substance of conversation?

Were there any other participants? If so, please name them.

Please describe any significant details or unusual incidents?



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BAM Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new BAM that have older dates.

## TITLE 8, OFFICE OF SECURITY, BUILDING BAR NOTICE IMPLEMENTATION

### SECTION 610

### BAR NOTICE IMPLEMENTATION

#### I. OVERVIEW

This Instruction provides the policy and procedures for the implementation of Bar Notices on Broadcasting Board of Governors (BBG) employees or contractors who separate from the Agency. ***Bar notices are not limited to those who separate from the Agency. Individuals placed on administrative leave pending adverse action may be barred and even non-employees may be barred. A bar notice may be placed against anyone who is deemed to pose a threat to agency personnel or property.***

#### II. PRIMARY RESPONSIBILITIES

- A.** The Director of Security (SEC) is responsible for all security programs.
- B.** The Chief of Physical Security Division is responsible for managing all physical security programs within BBG.
- C.** The General Counsel (GC) is responsible for providing legal advice, counsel, and support to the Agency, for effectively representing the Agency as counsel before Federal, State, and other governmental agencies and courts, and for ensuring the Agency is in compliance with all pertinent laws, rules, and regulations.
- D.** The Director of the Office of Contracts (M/CON) is responsible for the consistent oversight and provision of professional, effective, timely and customer-satisfied acquisition/contract support to the Agency's international multi-media broadcasting programs, in full compliance with applicable Federal laws and regulations to help the Agency successfully accomplish its overall mission.
- E.** The Director of the Office of Human Resources (M/H) is responsible for providing worldwide personnel management policies, programs and services enabling the Agency to carry out its mission and enhancing the well-being of its employees.
- F.** The Chief of the Labor and Employee Relations Division (M/HL) is responsible for advising management in all interactions with its labor unions and advising management on how to correct

poor performance and employee misconduct in an effort to maintain positive employer-employee relationships that contribute to sustained productivity, motivation, and morale.

- G.** Each BBG employee is responsible for complying with the security policies and procedures contained in this Instruction.

### III. POLICY AND PROCEDURES

#### A. Implementation of BBG Facility Bar Notice

1. SEC will implement the Bar Notice Process upon receipt of derogatory information, court case files, or negative security determinations from the BBG staff, GC, M/CON, M/H or M/HL concerning any Full-Time Employee (FTE) or contractor (POV or PSC). ***A bar notice is not automatically generated as a result of the receipt of derogatory information or a negative security determination, but only upon a determination by GC, the Director of HR, the Director of Security, or their designee, that the individual poses a potential threat to Agency personnel or property.***
2. Individuals that have been escorted outside of the facility by Federal Protective Services (FPS), contract guard, or the SEC Special Agents will immediately forfeit their BBG Identification badge (credential) to the Agent or supervisor. This credential will be returned to SEC for processing in the Access Control System and the Employee's Security File (ESF). ***The fact that an individual is escorted from the building does not, in and of itself, generate a bar notice.***
3. Employees and contractors who have been placed under Bar Notice that have not previously surrendered their credential will have their access to BBG facilities removed in the Access Control System, and the Bar Notice will be placed at all BBG Entry Control Points (ECP) in Guard Post Orders.
4. Removal of the employee or contractor's security photo in the Access Control System database will prevent future access to any BBG facility. ***Such an individual may still be signed into the building by anyone with a valid permanent Agency ID card unless a bar notice has been placed.***
5. The Bar Notice will consist of the employee or contractor's name, security photograph, implementation date, and expiration date (if any). Distribution will be limited to Guard Post Orders, BBG Points of Entry, Guard Control, and the ESF.
6. If a barred or banned employee or contractor is required to return to BBG for official business (i.e. legal counsel, employee benefits consultation, union representation, exit processing, etc.), the requesting office will contact the SEC for coordination well in advance. SEC will determine if the request to temporarily "waive" the Bar Notice is valid. In the event the request is approved, the requesting office will coordinate with the SEC to insure that the barred employee or contractor is properly escorted. Upon completion of the official business, the individual will be immediately escorted out of the BBG facility and the Bar Notice will be reinstated.

#### B. BBG Headquarters Facility Security Standards

The BBG facilities within Washington, DC (Wilbur J. Cohen and Mary E. Switzer Federal Buildings) are designated Level IV facilities, as defined in the U.S. Department of Justice's "Vulnerability Assessment of Federal Facilities Report." The physical security standards specified in the Report apply to the aforementioned BBG facilities.

Office space within the BBG facilities is designated as either "restricted" or "unrestricted" space.

1. Restricted space is defined as an area where storage, processing, discussions, and handling of classified material may occur. Upon request, SEC may grant unescorted access to "restricted space" to any authorized person who has a valid national security clearance at the "secret" level or higher. Other personnel requesting access to restricted space must be escorted by an authorized person that has been granted "unescorted access" to the restricted area.
2. Unrestricted space is defined as an area where storage, processing, discussion, and handling of classified material are not authorized. Upon request, the SEC may grant access to "unrestricted areas" to any authorized person(s) that has received a favorable background investigation as determined by the SEC.

#### **C. Access to and within BBG Facilities**

1. Authorized personnel may have access to any entry door within BBG facilities if they have been authorized by their Office Director or Associate Director, and the SEC.
2. To request access to a specific entry door(s), forward your written request to your respective Office Director, Associate Director or designee for approval and coordination.
3. When the Director receives this request, he or she will forward a written request (via e-mail) to SEC's Domestic Security Branch that the request will identify the entry door and the requested hours of access. SEC will coordinate with the receiving work unit to implement the action.
4. SEC will process all requests within forty-eight (48) hours of receipt and will notify the requesting **Office** Director ( ~~delete~~ - of Security) or his or her designee when complete.
5. Hours of access to entry doors within BBG are defined as follows:
  - a. 24/7 - 24 hours a day, seven days a week, holidays included.
  - b. Flex - 6:30 a.m. to 6:30 p.m., five days a week, no holidays or weekends.
  - c. Core - 8:30 a.m. to 5:30 p.m., five days a week, no holidays or weekends.
  - d. Vendor - 7:30 a.m. to 3:30 p.m., five days a week, no holidays or weekends.
  - e. Other – Definable as required.
6. Access to freight elevators is granted on a case-by-case basis. To obtain access, follow the same procedures listed above for requesting access to a door or suite. ***Access to the freight elevators is controlled by the GSA Building Manager***

#### **D. BBG Identification Card (I.D.) or Credential**

1. All people within any BBG facility must possess and wear a valid SEC-issued Identification Badge or visitor pass at all times.
2. All employees must wear the badge on their outer garment on the front of their upper torso with the front of the badge (e.g. picture side) clearly visible.
3. The I.D. Badge must not be altered (e.g., affix stickers, pins, or other items). SEC will make exceptions to the mandatory pass rule for small children and for disabled visitors whose range of movement is severely limited.
4. Guards and SEC personnel will verify that an individual in BBG space without a pass is authorized to be present. Upon verification they will facilitate the issuance of a pass.

5. Employees will be required to “badge in” or sign a register when entering or leaving BBG facilities during security hours (6:30 p.m. – 6:30 a.m., weekdays, 24 hours on weekends and holidays).
6. When “uncleared” people, such as building construction contractors, are required to enter or remain in the building after working hours, the Contracting Officer’s Technical Representative (COTR) authorizing the work must arrange for an escort and obtain SEC concurrence. Such individuals must sign in and sign out on the appropriate register.

#### **IV. MANDATORY REFERENCES**

- A. Department of Justice Vulnerability Assessment of Federal Facilities Report, issued June 28, 1995
- B. Presidential Directive, Subject: Upgrading Security at Federal Facilities, issued June 28, 1995
- C. 41 CFR § 101-20.103, Physical Protection and Building Security

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## TITLE 8, OFFICE OF SECURITY, DOMESTIC PHYSICAL SECURITY PROGRAM

### SECTION 710

#### DOMESTIC PHYSICAL SECURITY PROGRAM

##### 1. OVERVIEW

This instruction provides the policy and procedures for the protection of BBG employees, national security information and property located in BBG facilities.

##### 2. PRIMARY RESPONSIBILITIES

- a. The Director of Security (D/SEC) is responsible for physical security programs at BBG.
- b. The Chief, Physical Security Division (SEC) is responsible for implementing physical security programs at BBG facilities.
- c. The IBB Chief of Staff is responsible for ensuring that SEC is advised (in advance if possible) of any matters affecting the physical security systems in BBG facilities.
- d. BBG Senior Managers are responsible for ensuring staff compliance with the security policies and procedures contained within this instruction.
- e. The Director, Associate Director, or their designated representative within each Bureau is responsible for all safes and door security in his or her Bureau or Office.
- f. Each BBG employee is responsible for complying with the security policies and procedures contained in this instruction.

##### 3. POLICY AND PROCEDURES

###### A. BBG Headquarters Facility Security Standards

The BBG/IBB facility (Cohen and Switzer) is a designated Level IV facility as defined in the Department of Justice Vulnerability Assessment of Federal Facilities Report. The physical security standards specified in the report apply to the headquarters building. **(See Mandatory Reference, [Department of Justice Vulnerability Assessment of Federal Facilities Report](#).)**

Office space within BBG is designated as “restricted” or “unrestricted” space.

1. Restricted space is defined as an area where storage, processing, discussions, and handling of classified material may occur. Upon request, the Office of Security may grant unescorted access to “restricted space” to any authorized person who has a valid national security clearance at the “Secret” level or higher. Other personnel requesting access to restricted space must be

escorted by an authorized person that has been granted “unescorted access” to the restricted area.

2. Unrestricted space is defined as an area where storage, processing, discussion, and handling of classified material are **not authorized**.

Upon request, the Office of Security may grant access to “unrestricted areas” to any authorized person(s) that has received a favorable background investigation as determined by the Office of Security.

## **B. Access to and within BBG Facilities**

1. Authorized personnel may have access to any entry door within BBG headquarters if they have been authorized by their Office Director or Associate Director, and the Office of Security.

2. To request access to a specific entry door(s), forward your written request to your respective Office Director, Associate Director or designee for approval.

3. When the Director receives your request, he or she will forward a written request (via e-mail) to the Office of Security, Domestic Security Branch (SEC) that identifies the entry door and the requested hours of access. SEC will coordinate with the receiving Bureau to implement the action.

4. SEC will process your request within 48 hours of receipt and will notify the requesting Director or designee when complete.

5. Hours of access to entry doors within BBG are defined as follows:

24/7 - 24 hours a day, seven days a week, holidays included.

Flex - 6:30 a.m. to 6:30 p.m., five days a week, no holidays or weekends.

Core - 8:30 a.m. to 5:30 p.m., five days a week, no holidays or weekends.

Vendor - 7:30 a.m. to 3:30 p.m., five days a week, no holidays or weekends.

Other – Definable as dictated.

6. There is a 100% Escort Policy in place for the Cohen Facility. All visitors are required to be under escort by a credentialed full-time employee or authorized contractor.

7. Access to freight elevators is granted on a case-by-case basis. To obtain access, follow the same procedures (above) for requesting access to a door or suite.

## **C. How to Obtain a BBG Identification Card/Pass**

1. Individual BBG/IBB Direct Hires, Personnel Service Contractors, Purchase Order Vendors, and other Government entities including Congress must be sponsored by a BBG/IBB Bureau or Office to obtain an identification card.

2. Coordination by the sponsoring office with the Office of Public Affairs (PA) must be included for congressional personnel before final processing by the Office of Security.

3. To obtain an I.D. card, Bureau Chief's must forward a completed Personal Identification Verification (PIV) Request for BBG Credential Form to the Office of Security (SEC). (**See Mandatory Reference, IBB 1217**) It is the responsibility of the requesting Bureau or Office to determine the access level required by the individual(s). Only valid I-9 documents are accepted with the IBB-1217 (FPS Exception for Foreign-Govt ID).

4. All requests will be reviewed and are subject to approval by the Office of Security. The Office of Security uses the standards described in this instruction to make a decision on each request.

## **D. Authorization to Work in BBG Facilities**

1. Only those individuals who have been the subject of a background investigation and have received a favorable review by SEC are permitted to work in any BBG facility and be issued a BBG I.D. Badge.

2. Only people with a current security clearance verified by SEC are authorized to work within BBG Restricted Areas.

3. **Visitor** passes are not to be requested or used for people to **work** in BBG space unless approved by SEC. Bureau Directors must coordinate with SEC at least two work days in advance

of a visitor's proposed work start time so that SEC has time to determine whether or not authorization for a visitor pass is appropriate. Emergency cases will be handled on a case-by-case basis.

4. People without a security clearance, including Foreign Service National (FSN) and Third Country National (TCN) staff on temporary duty (TDY) to BBG Washington, may be authorized to work in BBG Restricted Areas of the building providing advance approval has been provided by SEC. The Bureau Director or designated representative must submit a request for such authorization to SEC at least one full week in advance of the proposed work date. The coordination must include a security plan on how access by the uncleared person to national security information will be precluded. SEC will base approval on its assessment of the adequacy of the proposed measures.

#### **E. BBG Identification Card/Credential**

1. All people within any BBG facility must possess and wear a valid (SEC) issued Identification badge or visitor pass at all times.

2. All employees must wear the badge on your outer garment on the upper torso front with the front of the badge (picture side) clearly visible.

3. The badge must not be altered (e.g., affix stickers, pins, or other items).

4. SEC will make exceptions to the mandatory pass rule for small children and those visitors attending functions whose range of movement is severely limited.

Guards and SEC personnel will verify that an individual in BBG space without a pass is authorized to be present. Upon verification they will facilitate the issuance of a pass.

5. Employees will be required to badge in or sign a register when entering or leaving the headquarters during security hours (6:30pm – 6:30am, Weekdays, 24 hours on Weekends and Holidays).

6. When uncleared people, such as building construction contractors, are required to enter or remain in the building after working hours, the direct-hire employee authorizing the work must arrange for an escort and obtain SEC concurrence. Such individuals must sign in and out on the appropriate register.

#### **F. Visitors and Guests to BBG Facilities**

1. All visitors and guests requiring access to any BBG facility must present a valid identification with photograph (US drivers license, U.S. Government-issued ID card, passport/visa, State Department building pass, or BBG-issued building pass) to the uniformed guards assigned to BBG before they may enter. Additionally, visitors and guests will be subject to metal detection and package screening before entering BBG unless waived by the Office of Security.

2. BBG employees who escort or request the admittance of an individual are responsible for the individual's compliance with the pass requirements and their prompt departure from BBG immediately following the completion of their business.

3. Only people with a current security background investigation verified by SEC will be given unescorted access to any Restricted Areas. All others must be escorted by cleared BBG employees.

4. All visitors must be escorted at all times by a properly credentialed FTE or CON and must adhere to the BBG Escort Policy in place for the Cohen Facility.

#### **G. Special Events/Temporary Additional Services (TAS)**

1. Events hosted by outside agencies in the Cohen Auditorium are requested through the GSA Building Manager's office located in the Cohen facility. If there are over 50 people or more, the event requester is required to contact the Federal Protective Service (FPS) Contracting Officer's Technical Representative (COTR) and submit a TAS request for additional Guard Support. For events over 50 people, 2 or more additional guards are required to handle the "over and above those normally provided" as stated in the Federal Management Regulation, Chapter 41, Sub Part C, 102-74.540. For events over 200 people, 4 additional guards are required. The FPS COTR

will determine the number of guards and the cost for each event. Requesting agencies are responsible to provide proper funding documentation to the COTR prior to any event.

2. FPS Contracting Office requires full payment five (5) working days prior to the event in order to provide the Contractor sufficient time to schedule additional guards for the event. Guards are required one-half hour prior and one-half hour after the event time scheduled. The FPS COTR will make all determinations on time sensitive events or emergency requests.

#### **H. Closed Circuit Television (CCTV) Surveillance**

1. Throughout all public/common areas within Cohen, to include exterior views of the entire perimeter, underground garage, and all access/egress points, the Office of Security has installed CCTV coverage that is monitored on a full time basis by local contract Guards. This system is also recorded on multi-DVR systems at a pre-determined interval.

2. All Full Time Employees (FTE's) and contractors are briefed in their Initial Security Briefing that all common/public areas are under surveillance by numerous pre-positioned cameras operated and monitored by Security personnel. This system has been installed and operated for the security and safety of all employees, contractors, and visitors to the BBG facility.

3. Any special surveillance requests are directed to the Director of Security or the Physical Security Division Chief.

#### **I. Deliveries to BBG Facilities**

1. Uniformed guards assigned to BBG will inspect all deliveries, including courier mail and packages, parcels, bags, flowers, and equipment before they enter any BBG building. In unusual or emergency circumstances, SEC may impose temporary restrictions to ensure that materials are not introduced into or removed from BBG space.

#### **J. Unauthorized Alteration of Security Systems**

1. Unauthorized modifications (i.e., propping open doors) or other actions adversely affecting the operation of any BBG physical security system will result in recommendations for security, administrative, and/or disciplinary action.

2. Any repair, upgrade, or maintenance of BBG physical security systems must be authorized by SEC to include coordination with the Guard Supervisor.

3. Written authorization from SEC must be obtained before any part of the BBG building, the building's security system, or any security locking device used for the protection of National Security Information is disengaged, modified, or affected.

#### **K. Safe and Door Combination Control**

##### **1. Safe Combinations**

SEC will maintain a master listing of all BBG classified safe combinations.

The Director, Bureau Chief, or designated representative in each Bureau and Independent Office will maintain a list of the security container (safe) combinations in a safe for his or her Bureau/Office. They must ensure that no unauthorized person gains access to these combinations.



## **2. Door Combinations**

SEC will maintain a complete list of BBG entry and private office door combinations. The Director, Bureau Chief, or designated representative in each Bureau and Independent Office has the responsibility for maintaining a list of the door combinations for his or her Bureau/Office. The combinations must be secured in a locked container consistent with the sensitivity of the materials contained in the room.

### **L. Changing Door and Safe Combinations**

1. Only SEC personnel may change door and safe combinations. When an individual having knowledge of a safe combination changes employment with the respective Bureau or Office, the Director, Bureau Chief, or designated representative must notify SEC and arrange to have the combination(s) changed within 72 hours of the employee's departure from the Agency.
2. The Bureau must notify SEC immediately if a Bureau/Office safe combination is **believed to have been** compromised and arrange to have the combination changed.

### **M. Lost and Found**

1. Any unattended property found within the confines of the Wilbur Cohen building will be turned into a security guard when found. If an officer is not in the immediate area, please notify guard control at 202 382-7111 and an officer will be dispatched. All found property will be immediately turned over to a guard supervisor, who will record the item found into a log book located in Guard Control. The Guard Captain will notify BBG/SEC that an item was turned in, date and time, and a short description of the item. SEC will determine if an agency wide announcement is necessary (depending on the value of the item).
2. Property will remain in Guard Control (secured) for a maximum of 30 days.

### **N. Response and Criminal Investigations**

1. Commensurate with all federal leased buildings, the Federal Protective Service (FPS) is the responsible law enforcement authority required to respond to incidents within the confines of BBG HQ. This includes criminal incidents, parking enforcement within GSA-owned parking at Cohen, and criminal investigations. Once Guard Control receives notification that a crime has occurred in Cohen, FPS is notified and dispatched for response. Contract guards contain the area until FPS arrives and takes control of the scene. FPS provides BBG/SEC and the complainant copies of the official incident report.
2. The Metropolitan Police Department (MPD) will assume all response responsibilities outside the perimeter of Cohen sidewalks to include the street. Directly across Independence Avenue, within the Mall, both Capitol Police and US Park Police have jurisdiction authority.

### **O. Photography in Federal Facilities**

1. Photography is strictly prohibited inside the Wilbur Cohen facility without prior approval by BBG/PA or BBG/SEC. This is required in order to protect installed electronic security systems, current security resources and operations, and techniques and procedures utilized by BBG/SEC.
2. VOA Tours and Special Events will establish specific areas that are deemed appropriate for photography prior to beginning their event. All guests will be under proper escort during VOA Tours and Special Events and will be informed of the restrictions on photography inside the Cohen facility.

## **MANDATORY REFERENCES**

- a. **Department of Justice Vulnerability Assessment of Federal Facilities Report**, issued June 28, 1995
- b. **Presidential Directive, Subject: Upgrading Security at Federal Facilities**, issued June 28, 1995
- c. **41 CFR 101-20.103, Physical Protection and Building Security**
- d. **Request for BBG Credential (IBB 1217) PIV Request**
- e. **Federal Management Regulation, Chap 41, Sub Part C, Services and Costs**
- f. **Interagency Security Council (ISC), 2/2005**

## NOTICE

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BAM Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new BAM that have older dates.

## TITLE 8, OFFICE OF SECURITY, OVERSEAS PHYSICAL SECURITY PROGRAM

### SECTION 810

### PHYSICAL SECURITY PROGRAMS (OVERSEAS)

#### OVERVIEW

This section identifies the overseas physical security policy for the protection of BBG/IBB employees, facilities and national security information. The terms and conditions stated within the Memorandum Of Understanding (MOU), dated May 15, 2001, between the Department of State (DOS) and the Broadcasting Board of Governors (BBG) is the authoritative document which defines BBG's security program as it relates to its overseas operations.

#### PRIMARY RESPONSIBILITIES

- a. The DOS is responsible for the physical, technical and procedural security of BBG facilities overseas.
- b. The BBG Security Director will serve as POC in Washington, DC, for all overseas security related issues between the BBG and DS Headquarters.
- c. The BBG Office of Security (SEC) has primary responsibility for interpreting, supplementing, and developing physical security policy and for oversight of BBG/IBB office physical security enhancements.
- d. Bureaus and Missions are responsible for notifying SEC when any action is contemplated that will affect agency use of office space.
- e. BBG Senior Managers (Governors, Administrators, and Station Managers) are responsible for ensuring that all employees and contractors coming under their authority are aware of and follow the IBB security policies and procedures contained in this OI.
- f. Unit Security Officers (USOs) are responsible for coordinating security activities within their respective IBB site or BBG/IBB Bureau.
- g. All BBG/IBB employees and contractors are responsible for complying with Agency security policies and procedures as reflected in this OI .

#### PHYSICAL, TECHNICAL AND PROCEDURAL SECURITY ISSUES

- a. DS has the responsibility for developing and issuing physical, technical, and procedural security standards, and identifying approved security equipment, in consultation with BBG and other federal agencies. Existing security standards may be modified, in consultation with the DOS whenever improved deterrents are identified.

## **SURVEYS**

- a. DOS will be responsible for conducting physical, technical, and procedural security surveys of all BBG overseas. RSOs conducting the surveys will make recommendations based upon established security standards and advise the senior BBG official at post of any weaknesses or deficiencies noted in the course of such surveys.

## **SECURITY PROGRAM INSPECTIONS**

- a. BBG may conduct periodic inspections of its facilities.

## **MANDATORY REFERENCES**

- a. **DOS/BBG MOU dated May 15, 2001**

International Broadcasting Bureau  
Manual of Operations & Administration

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MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART IX- PROCUREMENT, 100 GENERAL  
Section 110

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Section 110

INTRODUCTION

111 SCOPE

This section describes the arrangement of the acquisition relationship to other regulations, authorities, applicability, exclusions, deviations, and implementation.

## 112 PURPOSE

MOA IX implements and supplements the Federal Acquisition Regulation (FAR), Federal statutes, and directives of regulatory agencies. The FAR, Title 48, Chapter 1, Code of Federal Regulations (CFR), Broadcasting Acquisition Regulation (BAR), Title 48, Chapter 19 CFR (see paragraph 115 below), OMB Circulars, and MOA IX comprise the principal regulations with which all domestic procurements must comply.

## 113 AUTHORITY AND APPLICABILITY

113.1 Authority - Broadcasting acquisition policies and procedures are prescribed by the Director, International Broadcasting pursuant to the authority of the Foreign Affairs Reform and Restructuring Act of 1998; Reorganization Plan No. 2 of 1977; the Federal Property and Administrative Services Act of 1949, as amended; The Foreign Affairs Reform and Restructuring Act of 1998 enacted as part of P.L. 105-277; and other authorities applicable to a specific section or paragraph are cited therein. (See Chapter 200 for assistance program authorities, policies, and procedures.)

113.2 Applicability - The policies and procedures in MOA IX apply to all purchases, contracts, grants, cooperative agreements, and other agreements and acquisitions made by purchasing or contracting activities to procure supplies and services for the direct benefit of the Government or as in the case of assistance programs to provide funds or property to an outside organization to promote a public purpose.

## 114 EXCLUSIONS

Certain policies and procedures within the scope of Part IX will not be issued in the MOA when any of the criteria listed below apply. They will be issued as Circulars.

- a. Policies or procedures expected to be effective for less than one year;
- b. Classified subject matter:
- c. Policies and procedures in effect on an experimental or provisional basis for a reasonable period; or
- d. Policies and procedures which pertain to other activities in Broadcasting as well as to contracting and procurement if immediate issuance in the MOA is not feasible.

## 115 PUBLICATION

Broadcasting acquisition regulations that have a significant effect beyond the internal operating procedures or have a significant cost to or

administrative impact on offerors are published in the Federal Register and in cumulative form as Title 48, Chapter 19, Code of Federal Regulations (CFR).

#### 116 SENIOR PROCUREMENT EXECUTIVE (SPE)

116.1 Definition - The Director, Office of Contracts serves as the Senior Procurement Executive for Broadcasting.

116.2 Authority - The Senior Procurement Executive is delegated authority by the Director of International Broadcasting. This Delegation is contained in Delegation Order No. 99-10, dated October 1, 1999 (MOA II-280). The Procurement Executive is permitted to redelegate appropriate authority to other officers. The authority redelegated will be exercised under the Procurement Executive's general direction and control.

#### 116.3 Responsibilities

a. Overall - The Senior Procurement Executive is responsible for ensuring that all procurements, grants, and assistance agreements are made in accordance with applicable laws, rules, and regulations, and only by authorized warranted contracting officers.

b. Regulations and Procedures - The Procurement Executive is responsible for issuing Broadcasting's procurement regulations. This responsibility includes participating jointly with GC interagency committees to develop domestic procurement regulations and on joint committees to develop regulations on overseas procurement.

#### 117 IMPLEMENTATION

In addition to publishing MOA material of interest to business concerns in the Federal Register (see paragraph 115 above), other related material may also be published to provide a logical and comprehensive statement of policies and procedures i.e., grant program announcements. MOA IX material that is primarily for internal guidance will not be published in the Federal Register. Responsibility for distributing acquisition regulations is as follows:

a. The officer in charge of a purchasing or contracting activity is responsible for making available Broadcasting acquisition regulations to all activity personnel having related responsibilities.

b. The Office of Contracts is responsible for distributing the Broadcasting Acquisition Regulations (BAR) and revisions to the FAR in accordance with an established distribution list.

c. The Office of Contracts is responsible for distributing the MOA Part IX issuances and other regulatory and procedural material that may be issued by other Government departments to appropriate Broadcasting elements.

#### 118 DEVIATIONS ( FAR 1.4)

The use of any policy, procedure, form, or contract clause inconsistent with, or which varies from, those prescribed in this section, the FAR, or the Broadcasting Acquisition Regulation (BAR) is considered a deviation for which prior approval shall be obtained. (See paragraph 133.4).

118.1 Submitting Request - Submit requests for prior approval of deviations from Part IX or the FAR to the Senior Procurement Executive. Include in the request reference to the appropriate section of the regulation, indicate the nature of the proposed deviation, justify the proposed exception, and specify whether the request applies to an individual case or class of cases.

118.2 Proposed Deviation - The Senior Procurement Executive may authorize proposed deviations when, in the Senior Procurement Executive's judgment, such deviations are necessary to effectively perform Broadcasting operations, provided that:

a. Proposed deviations are cleared with the Office of the General Counsel (GC).

b. Individual deviations affecting only one procurement do not conflict with a statutory requirement.

c. Class deviations affecting more than one contracting action will be considered on an expedited basis jointly by the Senior Procurement Executive and the Civilian Agency Acquisition Council (CAA Council) unless, in the judgment of the Procurement Executive, circumstances preclude such joint effort, in which case the Procurement Executive will notify the FAR Secretariat of the deviation.

118.3 Expiration - Approved deviations that affect classes expire three years from date of approval, except when inconsistent with a specific provision in the approval of a deviation or unless the approval is rescinded earlier. Authority to continue a deviation after this period may be requested in accordance with paragraph 118.1.

118.4 Control - The control number for the deviation is assigned by the Office of Contracts. It will consist of a series number, fiscal year, and a regulation reference. The control number recorded on the document authorizing the deviation shall be cited in all references to the deviation. Separate registers are maintained by the Office of Contracts for all deviations granted. Approved deviations shall be recorded by indicating the appropriate section of the regulations, the nature of the deviations, and whether the deviation applies to an individual case or class of cases.



International Broadcasting Bureau  
Manual of Operations & Administration

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MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART IX- PROCUREMENT, 100 GENERAL  
Section 120  
DEFINITION OF TERMS

120 Terms

- a. Senior Procurement Executive
- b. Authorized Representative of the Contracting Officer
- c. Field Authorized Representative of the Contracting Officer
- d. Contracting Activity
- e. Director
- f. Government
- g. Local Purchase
- h. Overseas Establishment
- i. Purchasing Activity

Section 120

DEFINITION OF TERMS

120 TERMS

- a. Procurement Executive means the Director, Office of Contracts.
- b. Authorized Representative of the Contracting Officer (abbreviated "AR/CO") means an official designated by the contracting officer to act on his behalf regarding any matter or phase of performance under a contract within the limits of their authority as delegated in writing by the contracting officer.
- c. Field Authorized Representative of the Contracting Officer (abbreviated "FAR/CO") means an official designated by the contracting officer to act on behalf of the AR/CO in the field regarding any matter or phase of performance under a contract within the limits of their authority as delegated in writing by the contracting officer.

d. Contracting Activity means the Office of Contracts. The term "procuring activity" shall be interpreted to mean "contracting activity".

e. Director means the Director of International Broadcasting, and the term "authorized representative" means any, person(s) working in Broadcasting (other than a Contracting Officer) authorized to act for the Director.

f. Government means the United States Government and shall be deemed to include any department or organizational component thereof, including Broadcasting.

g. Local Purchase means the authorized purchase of supplies and services from commercial sources by a purchasing or contracting activity for its own use or that of any element it supports. Local purchase is not limited to the immediate geographical area in which the purchasing activity is located.

h. Overseas Establishment means a transmitting station, correspondent bureau, or affiliate office.

i. Purchasing Activity means an office within Broadcasting that has one or more simplified acquisitions contracting officer(s) exercising limited redelegations of contracting officer authority up to the SA open market dollar threshold of \$100,000. The term Simplified Acquisitions Office shall be interpreted to mean purchasing activity.

International Broadcasting Bureau  
Broadcasting Administrative Manual

NOTICE

This section of the Broadcasting Administrative Manual (BAM) was last updated May 4, 2016. However, some material within this section of the BAM was not updated at that time. Any material that pre-dates May 4, 2016 may no longer be current. For questions regarding the most current policy or procedure, please contact one of the Agency's Policy Officers: Daniel Rosenholtz at (202) 203-4811, [drosenholtz@bbg.gov](mailto:drosenholtz@bbg.gov); or Tonya Summerville at (202) 203-4180, [tsummerville@bbg.gov](mailto:tsummerville@bbg.gov).

PART IX- PROCUREMENT, 100 GENERAL  
Section 130

GENERAL POLICIES

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## Section 130

### GENERAL POLICIES

#### 131 METHODS OF CONTRACTING

131.1 Competition - No matter which method of contracting is utilized (i.e., sealed bidding, negotiation, etc.), Broadcasting's objective is to solicit competitive offers (bids, proposals, quotations) from as many qualified sources as necessary to maximize full and open competition consistent with procuring the types of supplies and services required.

131.2 Sealed Bidding - Refer to FAR Part 14 for specific guidance on using this method of contracting.

131.3 Negotiation - Refer to FAR Part 15 for specific guidance on using this method of contracting.

#### 132 CONTRACTING SOURCES

132.1 Government - Pursuant to FAR Part 8, Procurement Offices are required to give full consideration to procurement from required Government sources prior to purchasing elsewhere. Information concerning such sources, including the regulations and schedules for acquiring

supplies and services from such sources, may be obtained from the Office of Contracts (CON).

Competition Advocate - As required by Section 20 of the Office of Federal Procurement Policy Act, the head of each executive agency shall designate a competition advocate for the agency and for each procuring activity of the agency. The competition advocates shall:

a. Be in positions other than that of the senior procurement executive;

b. Be provided with staff or assistance (e.g., specialists in engineering, technical operations, contract administration, financial management, supply management, and utilization of small business concerns), as may be necessary to carry out the advocate's duties and responsibilities.

c. Duties and Responsibilities:

Promoting the acquisition of commercial items, promoting full and open competition, challenging requirements that are not stated in terms of functions to be performed, challenging barriers to the acquisition of commercial items and full and open competition such as unnecessarily burdensome contract clauses.

Review the contracting operations of the agency and identify and report to the procurement executive on opportunities and actions taken to acquire commercial items to meet the needs of the agency; opportunities and actions taken to achieve full and open competition in the contracting operations of the agency; actions taken to challenge requirements that are not stated in terms of functions to be performed; new initiatives required to increase competition.

Source

Reference

Government Excess

Property FPMR101-43.3, FAR 8.1

GSA Stock

Items 101-26.3

Federal Supply Schedule

Contracts 101-26.4 FAR 8.4

GSA Procurement

Program 101-26.5 FAR 8.7

Federal Prison Schedule of Industries, Inc.

Products Made in Penal and Correction Institutions (UNICOR), FAR 8.6

Committee for Purchase from the Blind and Other Severely Handicapped  
(i.e. NIB, NISH)

Procurement list of supplies and services made by the Committee, FAR 8.7

Government Printing Office

## Government Printing and Binding Regulation, FAR 8.8

132.2 Noncompetitive Sources - To ensure that BBG procurements conform to the policy of maximizing full and open competition, all proposed noncompetitive procurements shall be fully justified. Noncompetitive procurements exceeding \$100,000 must be approved in writing by a contracting official one level above the contracting officer and such procurements of \$1 million or more must be approved by the Senior Procurement Executive and the Competition Advocate.

### 132.3 Contracts Between Broadcasting and Government Employees or Their Family Members

a. The Senior Procurement Executive may authorize an exception to the policy in FAR Subpart 3.601. The exception shall be supported by a written Findings and Determination explaining the compelling reason why such exception must be granted. A contract with an employee for services may result in violation of the dual salary compensation statutes (5 U.S.C. 5533). Nothing in this paragraph is intended to render inapplicable the conflict of interest prohibition set out in 18 U.S.C. 208.

b. Contracts with the spouses, children, parents, brothers, sisters, aunts, uncles, or in-laws of current Broadcasting employees could give the appearance of nepotism. This type of contract requires the advance written approval of the Senior Procurement Executive, in addition to the approval of the Director for Management. See MOA V-A 850.

132.4 Contracts with Ex-Employees of Broadcasting or Their Family Members - To avoid the conflict of interest of providing the same or similar service under contract which was previously provided under employment, contracts with ex-employees of Broadcasting, or with firms in which ex-employees or their family members are known to have a controlling interest, may be entered into in the two years following separation from employment only with the written approval of the Director for Management. A written justification shall be made a part of the file. The justification must address the issue of conflict of interest and demonstrate that it does not exist or that in spite of its existence that Broadcasting's ability to meet its mission would be seriously harmed without the award.

132.5 Procuring Parts - Any part, sub-assembly, or component for equipment that is required for replenishing stock, repair, or replacement must be procured so as to assure safe, dependable, and effective operation of the equipment. When possible, to procure such parts without endangering this assurance, procure them on a competitive basis where they are fully identified and can be obtained from a number of known sources. However, where this assurance can be had only if parts are procured from the original manufacturer of the equipment or its supplier, restrict the procurement to these services and document the procurement file.

## 133 REQUIRED APPROVALS

133.1 Approvals - When required, approvals shall be obtained at the earliest stage possible in the procurement process. All approvals shall be in writing, dated, and made a part of the procurement file.

133.2 Liquidated Damages Clause - Obtain prior written approval of the Senior Procurement Executive before using a Liquidated Damages clause in a contract. The numerical amounts (i.e., dollars per day, etc.) stated in the Liquidated Damages clause must be supported by a written worksheet that documents the exact method used in computing the dollar rate. This worksheet must be part of the procurement file.

133.3 Deviations from Regulations - Obtain prior approval of the Senior Procurement Executive for any deviation from the Federal Acquisition Regulation. Submit requests for approval in accordance with MOA 119.1.

133.4 Forms - Obtain prior approval of the Senior Procurement Executive of any departure from the established content, printing, specifications or conditions for use of forms used in procurement or assistance programs. Include in the request for approval a description of the change or reason for the cancellation and, in the case of a new form, the purpose and savings anticipated. Forms for use solely by a Purchasing Activity are exempted from this requirement.

#### 133.5 Contract Actions Over \$5,000,000

a. Prior to the award of any contract or modification (including delivery or task orders, see FAR Subpart 2.101) exceeding \$5,000,000 the contracting officer shall obtain the written approval of the Director of International Broadcasting. The Contracting Officer shall forward to the IBB Director through the requesting Office, the file of each proposed contract action exceeding \$5,000,000, together with a transmittal memorandum and a narrative summary of significant data, actions and events related to the proposed contract action. The memorandum shall contain the prior approvals, certifications, verifications, opinions, etc. of the following: (i) approval by the head of the requesting office that the supplies/services are needed; (ii) certification by the Financial Management Office (FMO) that sufficient appropriated funds are available; and (iii) opinion of the General Counsel, that the proposed contract action complies with law and regulation.

b. The Contracting Officer shall not take final action to enter into a contract action over \$5,000,000 until written approval is received from the Office of the Director.

c. Delivery orders over \$5,000,000 which are issued against Broadcasting's requirements or indefinite quantity type contracts (provided the maximum ordering limit under the contract is not exceeded) and Inter-Agency agreements are excluded from the above approval procedures.

d. In determining the amount for approval purposes the following applies:

(1) For contract modifications, amount shall be based on the aggregate of increases and decreases. (See example in FAR 15.804-2(a)(1)(ii).)

(2) For requirements or indefinite quantity contracts, the amount shall be based on the estimated quantity.

(3) For options, the amount shall include all evaluated options.

133.6 Class Small Business Set-Aside Determinations - The Senior Procurement Executive shall approve determinations that supplies or services can be reasonably required from small businesses either on a total basis or a partial basis pursuant to FAR Subpart 19.502.

133.7 Notices of Intent to Terminate a Contractor for Default - Notices of intent to terminate for default contracts awarded to contractors that received a Certificate of Competency or SBA loan guarantee shall be approved by the Procurement Executive.

133.8 Solicitations for Information or Planning Purposes - The determination by a Contracting Officer that a solicitation for information or planning purposes is justified shall be approved only by the Senior Procurement Executive.

133.9 Paid Advertisements - Authority to approve the publication of paid advertisements in newspapers or other publications is delegated to the Senior Procurement Executive.

#### 134 SPECIFICATIONS, STANDARDS, AND PURCHASE DESCRIPTIONS

134.1 Specifications - It is Broadcasting's policy to consider use of Commercial Item Descriptions, Federal Specifications, Interim Federal Specifications, Military Specifications, and Broadcasting's Specifications in the order named. Requisitions shall specify and describe requirements in accordance with FAR Part 10 and FPMR Part 101-29.

a. Federal Specifications are promulgated by the General Services Administration (GSA). They are contained in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions (CID).

b. Availability of GSA Index of Federal Specifications, Standards and Commercial Item Descriptions - The Index (FPMR 101-29.219) is issued annually, with monthly cumulative supplements. The index contains general information on the use and ordering of Federal Specifications, Standards and CIDs. If any specification, standard or CID is used, copies should be on file in the office issuing the solicitation so they may be examined by interested offerors.

c. Broadcasting Specifications - If a Broadcasting element prepares a specification of interest primarily for Broadcasting, and the item is one that can be expected to be procured from time to time, the requisitioning office shall submit the specification to the Senior Procurement Executive for written official adoption and processing as a Broadcasting specification.



134.2 Standards - Are used to establish engineering or technical limitations and applications for materials, processes, methods, designees, practices, or related criteria to achieve the highest degree of uniformity in materials, products, or interchangeability of parts used in those products. Standards may be used in specifications, solicitations, and contracts.

a. ADP/Telecommunication Standards - Include specific software hardware standards developed by the Office of Computing Services (Z). When processing these type items, the requisitioner shall coordinate with Z to assure that the latest standard is being used.

134.3 Supplementary Information - When a required Federal Specification or Standard is used, supplementary descriptive information that is consistent with the specification or standard is permissible.

134.4 Purchase Descriptions - The written descriptions must be clear, accurate, and non-restrictive, and set forth all the essential form, fit, and function requirements of the item. Descriptions may not specify products peculiar to one manufacturer, producer, or distributor; unless the requisitioning office determines that the features of such products are essential and that other products lacking such features will not meet minimum requirements and so states in writing. The description must accompany the purchase request (i.e., requisition).

a. Technical or Performance Descriptions - Use these types of written descriptions in preference to "brand name or equal" descriptions. They shall describe the needs clearly and accurately and may include, as appropriate, service requirements, technical or performance details, warranty requirements, sample requirements, packaging, packing, and marking specifications, industry specifications and standards promulgated by technical, professional, or engineering societies, and associations that are widely used in commercial/industrial practice and that are readily available to suppliers.

b. Brand Name Products or Equal - The contracting officer shall use a "brand name or equal" description only when the characteristics of the item cannot otherwise be adequately described. "Brand name or equal" descriptions may not be used to obtain a specific product to the exclusion of similar products of at least equal quality and performance that meet actual minimum needs. If a "brand name or equal" description is used, the brand name model specified should be that which most closely meets the salient characteristics desired by the Government (Comp. Gen. B-163105). The Contracting Officer shall document the file with the basis for such description. The information shall be provided by the requisitioning office.

(1) Equal Products - The solicitation shall inform suppliers that offers of products substantially the same and equal in all significant and material respects to the brand name will be considered on an equal basis with the products named in the solicitation.

(2) Simplified Acquisitions - The same policies and procedures prescribed for contractual procurements shall be used to the extent practical in simplified acquisitions.

134.5 Deviations - If the needs of Broadcasting are not adequately covered by an existing Federal Specification, Standard or CID, pursuant to FAR Subpart 10.007, a deviation may be authorized by the Senior Procurement Executive. The requesting office shall submit for the Senior Procurement Executive's review a justification that demonstrates that competent review has been made and existing specifications have been found not to meet Broadcasting's need.

The Office of Contracts (CON) shall report the authorized deviations listed below to GSA.

(1) Major deviations such as the entrance of a new item and its identification into Broadcasting's supply system.

(2) A repeated deviation.

The report shall include recommendations for changes in the specification and a description of the deviation authorized and the justification.

135 RESPONSIBLE PROSPECTIVE CONTRACTOR [Reserved, See [IX BAM 9100](#)]

#### 136 ADDITIONAL POLICIES AND PROCEDURES

136.1 Affirmative Action in Support of Women's Business Enterprise - It is the policy of Broadcasting in implementing Executive Order 12138, May 18, 1979, that all purchasing and contracting activities take affirmative action to place awards with women-owned businesses. See FAR Subpart 19.9.

a. Simplified Acquisitions - Purchasing activities shall be proactive in identifying small, and/or minority, businesses which are also women-owned, and shall include those sources when requesting quotations.

b. Contracts - Special care shall be taken to identify women-owned businesses when establishing Bidder's Mailing Lists. If rotation of a bidder's list is used to decrease the number of firms solicited, the contracting officer shall ensure that all women-owned small businesses on the list are included in the firms to be solicited. When awards over \$100,000 are made to women-owned businesses, the contracting officer shall ensure that the Individual Contract Action Report, SF-279, is correctly coded.

136.2 Rental in Lieu of Purchase - If a situation arises in which Broadcasting's equipment requirements may be more economically filled by rental than purchase, the Contracting Officer's decision to rent, rather than purchase, shall be made on a case-by-case basis. In each case, consideration shall include the following criteria:

a. Whether the requirement is of short duration and whether the purchase would be costlier than rental;

b. Whether the equipment would become obsolete in a short time and whether replacement would be necessary; and

c. Whether the equipment is special/technical equipment, and whether the lessor would provide the maintenance and repair services at a lower cost than would otherwise be available.

#### 136.3 Publicizing Procurement Actions, FAR Part 5 (See IX BAM 520)

a. Commerce Business Daily (CBD) Synopses [Reserved, See IX BAM 520]

b. Soliciting Procurement Information - The following actions may be considered informal steps in the acquisition process and be used with the approval of the Office of Contracts (CON).

(1) Letter of Interest - A letter may be sent by the Office of Contracts to potential sources asking whether they are interested in performing work in a particular area and/or submitting responses for a particular procurement. Since the letter is a solicitation of interest only, it shall not ask for detailed cost or technical information. The contracting officer may authorize technical offices to perform this function. The initiator of the letter shall consult with and advise the Contracting Officer to prevent unauthorized disclosure of procurement information. Synopsis is not required for a letter of interest. For certain types of procurements, such as specialized technical equipment, prequalification of bidders or offerors may be necessary (See FAR Subpart 9.2.). The initiator shall in such instances limit letters of interest to concerns of proven competence that have previously performed in a timely and efficient manner or whose eminence in their field is accepted by industry.

(2) Public Advertisements - Authority to approve the publication of paid advertisements in newspapers or other publications is delegated to the Senior Procurement Executive.

(3) Presolicitation Notice - A presolicitation notice may be used as a preliminary step in sealed bid and negotiation. (See FAR 14.205-4(c), Standard Form 1417, and FAR 36.302.)

(4) Informal Communications - Many Broadcasting officials have contacts with representatives of industry. At these times discussions may turn to any number of procurement related subjects that may be of interest to the Government, such as new manufacturing techniques, processes, and equipment. Government officials shall, in such cases, refrain from providing any information on a specific or prospective procurement that might give the recipient an unfair advantage over other potential sources for the procurement. Information on specific proposed procurements shall only be released to all prospective contractors at the same time.

136.4 Non-Collusive Bids and Proposals - Determinations pursuant to FAR Subpart 3.103-2(b)(2) require the concurrence of the Office of the General Counsel (GC). In order to support a determination of non-collusion, contractor statements required by paragraph (c) of a Certificate of Independent Price Determination must clearly indicate that

the disclosure was not made for the purpose of restricting competition. If a certification is suspected of being false or there is evidence of collusion, the matter shall be reported to the Attorney General in accordance with FAR Subpart 3.3.

#### 136.5 Decisions Under the Contract Disputes Act

- a. The Contracting Officer shall review all pertinent facts and obtain advice and assistance of GC prior to rendering a written decision.
- b. The final decision shall include a statement of facts that will enable the contractor to understand both the decision and the basis therefore.
- c. The decision will also include a paragraph as required by FAR Subpart 33.211 which shall identify the Armed Services Board of Contract Appeals and include the address of the board. The contractor's copy of the decision shall be sent by certified mail, with return receipt requested.
- d. The Contracting Officer's final decision shall be approved by GC prior to the Contracting Officer's informing the affected contractor.

136.6 Payments - The Office of Contracts shall normally provide that invoices be submitted directly to the Dept. of State Accounts Payable Division (M/CFVM). The Contracting Officer/Specialist shall forward the invoice together with all related paperwork (i.e., receiving reports, approvals by Contracting Officers and/or Authorized Representatives of the Contracting Officer (AR/CO, etc.) promptly to the paying office (M/CFVM) so as not to delay payment. However, the Contracting Officer/Specialist shall ensure the proper inspection and acceptance of the contract deliverable has been completed before the requisitioning office submits the invoices to the paying office.

136.7 Replacement Contracts - Funds obligated in a prior fiscal year and remaining unexpended under a contract terminated as a result of default by the contractor are available for execution of a replacement contract provided that: (1) the replacement contract is awarded within a reasonable time, (2) the need existing at the time of the original contract continues to exist up to the execution of the replacement contract, and (3) the replacement contract is substantially similar in scope and size to the original contract. See Comp. Gen. B-198074 (7/15/81).

#### 136.8 Unsolicited Proposals - (FAR Subpart 15.5)

a. Scope - This section prescribes the policies and procedures for submission, receipt, evaluation, and acceptance or rejection of unsolicited proposals.

##### b. Definitions

(1) Minimum requirements - as used in this section means, only those features that are essential to meeting the Government's need.

(2) Coordinating office - as used in this section means, the IBB Office of Contracts (CON).

c. Advance Guidance - Potential offerors shall be encouraged to make preliminary contacts, as provided in FAR Subpart 15.504 with the appropriate Contracting Officer before expending extensive effort on a detailed unsolicited proposal or submitting proprietary data.

d. Procedures

(1) As the designated contact point to coordinate the receipt and handling of unsolicited proposals, the IBB Office of Contracts (CON) shall promptly acknowledge receipt of unsolicited proposals by letter.

(2) The Office of Contracts (CON) shall forward unsolicited proposal packages to the appropriate Contracting Officer for processing.

(3) The Office of Contracts (CON) shall determine which offices within Broadcasting are most likely to have an interest in the unsolicited proposal. A copy of the proposal package shall be forwarded to each office with instructions for evaluation and an established schedule for review.

(4) Offices receiving unsolicited proposals for evaluation shall conduct the evaluation in accordance with this Section, FAR Subpart 15.5, and any additional guidance provided by the Office of Contracts (CON).

(6) Offices shall complete the evaluation and submit their recommended action along with all copies of the unsolicited proposal to the Office of Contracts (CON). Offices shall notify the Office of Contracts (CON) of their recommended action within 14 calendar days after receipt of the proposal package.

(a) If the proposal is to be accepted, the evaluator shall provide a funded requisition and a written justification for awarding a contract without providing for full and open competition in accordance with the requirements of FAR Subpart 15.507.

(b) If the proposal is rejected, the evaluator shall provide the reasons for rejection to the Office of Contracts (CON) within five work days of receipt of the proposal. The Office of Contracts (CON) will be responsible for notifying the offeror in writing of the rejection of the unsolicited proposal.

(7) No part of an unsolicited proposal shall be duplicated or circulated outside of the evaluation office. Each unsolicited proposal shall be closely safeguarded to prevent disclosure of any restricted data. The Office of Contracts (CON) may duplicate unsolicited proposals to facilitate evaluation by more than one technical evaluation office.

136.9 Releasing Procurement Information - Pursuant to the Freedom of Information Act (5 U.S.C. 552) disclosure is the general rule, not the exception. All individuals have equal rights of access to information. The burden is on the Government to justify withholding a document.

Individuals improperly denied access to documents have a right to seek injunctive relief. MOA Part III-Section 524 outlines the BBG's procedure for disclosing information and records in accordance with the provisions of Public Law 90-23.

### 137 STANDARDS OF CONDUCT

The business ethics of all personnel charged with the administration and expenditure of Government funds must be above reproach and suspicion in all respects and at all times. Transactions involving expenditure of public funds must protect the interest of the Government and be such that the individual would not hesitate to make a full disclosure thereof. The maintenance of the highest standards of honesty, integrity, impartiality, and conduct by employees is essential to assure proper performance of Broadcasting's business. The avoidance of misconduct and conflicts of interest on the part of employees is indispensable to the maintenance of these standards.

137.1 Personal Interest in Contracts and Assistance Agreements - No employee of Broadcasting should have a real or apparent conflict of interest concerning specific procurement or assistance programs. This includes the award and administration of purchase/delivery orders, contracts, grants, and cooperative agreements. Conflicts of interest or at least the appearance of such, may occur when the employees or their family members have an interest in any business venture selling to Broadcasting or are recipients of a grant or cooperative agreement awarded by Broadcasting. Conflicts of interest may also occur when goods or services are purchased from the family members or relatives of employees. When it is not possible to purchase the goods or services from another source and/or a conflict or apparent conflict exists, the nature of the conflict shall be disclosed in writing to the BBG Office of the General Counsel (GC), who shall rule on the conflict. No further action may be taken on the proposed procurement unless GC has ruled favorably and the action is approved by the Senior Procurement Executive.

137.2 Report of Improper Activity or Fraud - Report immediately to the Office of Security (S) and/or the Dept. of State Office of Inspector General (OIG) any activity by a contractor, prospective contractor, employee of the Government, or any other person that appears to reflect improper behavior, fraud, or criminal conduct in connection with a specific procurement or assistance activity.

### 138 ADVANCE PROCUREMENT PLANNING SYSTEM (APPS)

Policy Letter 81-1 of the Office of Federal Procurement Policy requires each agency to establish an Advance Procurement Planning System (APPS).

138.1 Definition - "Major system" means, any project or system (regardless of the actual number of contracts involved) if the total cost of the project or system is expected to exceed \$25 million.

138.2 Policy - An Advance Procurement Plan is required for the following types of acquisitions and shall be received in the Office of Contracts by November 1 of each year.

- a. All procurements where the total cost is expected to exceed \$1,000,000.
- b. Exceptions for Task Orders exceeding \$1 million dollars on existing Task Order Contracts may be granted by the Procurement Executive.
- c. All "Major System Acquisitions" are also subject to the policies and procedures of OMB Circular A-109 and FAR Part 34.

#### 138.3 Plan Development

a. The Senior Procurement Executive is designated as the official responsible for the integration and unification of the management process for Major Systems Acquisitions, and to monitor implementation of the policies and practices set forth in Circular A-109.

b. Procurements Estimated in Excess of \$1,000,000 - The Senior Procurement Executive shall be included as an ex officio member of committees considering budget matters when procurements estimated in excess of \$1,000,000 are involved. Those decisions involving procurement will not be approved unless sufficient time is available to prepare solicitations, obtain and evaluate bids or proposals, audit (if necessary), negotiate, and make the contract award in a completely proper and orderly manner.

c. Major Systems Procurements - A written management/program objective Plan shall be developed. A Project Manager shall be selected by the IBB Director or his/her designee. The Project Manager shall prepare a Project Plan which shall include:

(1) An Executive Summary.

(2) An analysis of the need, including current deficiencies in meeting Broadcasting's mission, and the objective of the project.

(3) A discussion of the alternatives considered and cost effectiveness.

(4) Non-procurement factors involved, such as impact on other Broadcasting elements (i.e., space requirements, equipment usage, supply purchases, etc.).

(5) OMB Circular A-76 Policies for Acquiring Commercial or Industrial Products and Services for Government Use, dated June 13, 1977, if applicable.

(6) Life cycle cost estimates and basis for the estimates.

(7) Total project schedule, including built-in review points (milestones).

#### 138.4 Approvals

a. Procurements Estimated in Excess of \$5,000,000 - Requisitions for procurements estimated in excess of \$5,000,000 shall be personally approved in writing by the IBB Director or his/her designee, who shall receive such approval delegation in writing. An essential element in each approval package by the IBB Director or his/her designee shall be a procurement schedule which shall be jointly developed by the requesting office and the Contracting Officer.

b. Major Systems Procurements - The Project Manager shall provide a briefing of the Project Plan for the IBB Director of Broadcasting and appropriate staff before funds are sought. Written approval of the plan shall be obtained from the IBB Director before funds are committed for any Major Systems Acquisition.

138.5 Revisions to Plans - Revisions to Plans for procurements required due to budget changes, emergencies, or changes in program direction shall be subject to the same approval clearance requirements as the initial project approval.

138.6 Resolution of Disagreements - If there is disagreement between procurement, budget, and/or project offices as to method of procurement, the project schedule, or procurement schedule, or sources: - the matter shall be referred to the Director of International Broadcasting or his/her designee for resolution.

#### 139 PROTESTS AGAINST AWARD (FAR 33)

139.1 General - It is the policy of Broadcasting to consider all protests or objections to the award of a contract whether received before or after award. Protests or objections will be processed on a priority basis to avoid undue delay in the procurement and to insure fair treatment of the protester. Upon receipt of any protest or objection to an award, the Contracting Officer shall notify the Procurement Executive. Procedures are as follows:

a. When a protest is received and the Contracting Officer deems it desirable, he/she may request GAO, through GC, to render a decision on the protest before award is made. If the Contracting Officer knows that a protest has been filed directly with GAO, a determination to make an award in accordance with FAR Subpart 33.103 must first be approved by the Senior Procurement Executive. If award is to be made before a GAO decision is received, GC clearance shall be obtained and a Notice of Intent to make the award is furnished to the GAO. In such circumstances, formal or informal advice on the current status of the case shall be obtained from the GAO prior to making the award.

b. Resolution of a protest may make other bidders/offerors eligible for award. In appropriate cases, notice of a protest and the basis therefore should be given bidders/offerors and other persons involved or affected by the protest. Such persons will be advised that they may submit their views and relevant information within a period of not more than one week. If the protest has been lodged with GAO, they shall be advised that a copy of their submission should also be furnished directly to the GAO.



c. Reports required to be furnished to the GAO or protesters will be prepared for the signature of the Senior Procurement Executive upon clearance by GC.

139.2 Protests Before Award - The Contracting Officer shall attempt to resolve oral protests orally. If this fails, the Contracting Officer shall require that the protest be confirmed in writing within a specified period of time. In such cases, he/she must notify the protester that the award will be withheld until then. If the written protest is not received on time, the oral protest may be disregarded and the award made in the usual manner unless, upon investigation, the Contracting Officer finds that remedial action is required; in that event such action will be taken.

139.3 Protests After Award - Protests received after award will be given immediate consideration and processed as expeditiously as possible. The Contracting Officer shall provide notice of the protest to the Senior Procurement Executive, a copy of the written protest will be given to GC, and GC will be requested to review it and make recommendations.

(1) Upon receipt of a written protest, an attempt will be made to resolve the protest on an informal basis. If unsuccessful, the contractor will be advised of the protest and the reasons therefore. Steps will then be taken to ascertain:

(a) The stage of performance under the contract;

(b) Whether the delay in receiving supplies or services would be prejudicial to Broadcasting's interests; and

(c) The possibility of ordering a delay in performance pending investigation of the protest.

(2) If it appears likely an award may be invalidated and delay in receiving supplies or services is not prejudicial to the Government's interests, consideration should be given to a mutual agreement to suspend performance on a no-cost basis. Any such suspension will be referred to GC before formal action is taken.

EXHIBIT 130A

MEMORANDUM FOR:

THROUGH: [Director of Requesting Office]  
(Sequentially) [General Counsel]  
[Budget Officer]  
[Office Director of Requesting Office]

FROM: Office of Contracts - [Senior Procurement Executive]

SUBJECT: Proposed Competitive Award1 - Contract 2200-Q0241990

The Office of Contracts proposes to award contract [insert number]  
(Summary attached) to the All Purpose Corp. for Broadcasting's annual

contract for everything we need at Broadcasting locations in the Washington area. The estimated annual expenditure is over \$5,000,000. We request that, based upon your review of the accompanying contract file and the representations in the attached Summary, that you sign and date where indicated below. The file must be returned to the Office of Contracts (CON) by [insert date] in order to make award within the price acceptance period.

#### VERIFICATIONS

I verify that this acquisition effort is needed to satisfy a valid requirement, and that it is technically sufficient to protect the Government's interest.

[Director of Requesting Office] Date

I verify that funds are available for obligation under this contract and that the appropriate fund code is cited.

Financial Management Office Date

#### LEGAL OPINION

Based upon the representations contained in the summary and a review of the accompanying contract documentation, it is my opinion that this acquisition generally conforms with applicable laws and regulations and is legally sufficient to protect the Government's interest.

General Counsel Date

#### CLEARANCES

Office Director Date

NOTE1: Indicate whether competitive or non-competitive. If non-competitive insert Competition Advocate, before BBG General Counsel as a verification clearance level. The Competition Advocate is the Director Of Management.

Broadcasting Board of Governors  
Broadcasting Administrative Manual

NOTICE

This section of the Broadcasting Administrative Manual (BAM) was last updated May 27, 2016. However, some material within this section of the BAM was not updated at that time. Any material that pre-dates May 27, 2016 may no longer be current. For questions regarding the most current policy or procedure, please contact one of the Agency's Policy Officers: Daniel Rosenholtz at (202) 203-4811, [drosenholtz@bbg.gov](mailto:drosenholtz@bbg.gov); or Tonya Summerville at (202) 203-4180, [tsummerville@bbg.gov](mailto:tsummerville@bbg.gov).

PART IX- PROCUREMENT, 100 GENERAL  
Section 140

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## Section 140

### PROCUREMENT AUTHORITIES, RESPONSIBILITIES, AND PROCEDURES

#### 141.1 Contracting Authority and Responsibilities (FAR 1.602-1)

a. Requirements To Be Met Before Entering Into Contracts - In addition to the requirements of FAR Subpart 1.602-1, Contracting Officers shall ensure that all internal policies and procedures, are complied with prior to entering into any contract.

b. Executing Procurement Documents - Contracts, modifications, amendments, or supplements thereto may be executed only by officials delegated such authority by the Senior Procurement Executive. In addition to the official's signature, all procurement documents shall contain the actual date of signing. The office issuing such documents shall maintain a record of both the signature date and the date when the document was released to the contractor.

#### 141.2 Justification for Other Than Full and Open Competition (FAR Subpart 6.303) [Reserved, See IX BAM 630]

#### 141.3 Funding

a. Solicitations - Prior to the solicitation of offers, and prior to the award of any contract, the Contracting Officer shall ensure that sufficient funds are available for the proposed procurement . Such assurance shall be in the form of an approved requisition certified by a duly appointed Administrative or Budget Officer.

b. Indefinite Quantity Contracts - When an indefinite quantity contract requires Broadcasting to order a minimum quantity during the period of the contract, funds will be obligated in an amount equal to the minimum

requirement. (SF-26, Award/Contract, will be used for this purpose.) When orders are placed against the contract:

(1) They may cite the funding of the basic contract if available and placed by the Office of Contracts.

(2) They shall provide additional funds to cover the work thereunder if placed by other than the Office of Contracts.

c. Cost-Reimbursement Contracts - If the amount of a contract is predicated upon allowable costs incurred in the performance of the contract, an obligation in the amount of the estimated cost, including fees, shall be established at the time of award.

d. Contracts Conditioned Upon Availability of Funds - No contract shall be executed unless it is authorized by law or is under an appropriation adequate for its fulfillment (41 U.S.C. 11). The general rule relative to obligating funds by contract is that the contract must be made within the fiscal year or other period for which appropriations are funded. In order to accomplish procurements promptly at the beginning of a new fiscal year, it may be necessary to initiate a procurement chargeable to the new fiscal year funds prior to the availability of such funds. In such cases, the contract will provide for the contingency of funds being appropriated from which payment for contract purposes may be made (FAR Clause 52.232-19).

141.4 Ratifying Unauthorized Commitments - The Senior Procurement Executive may at his/her discretion ratify an unauthorized commitment if all the elements listed in FAR Subpart 1.602-3(b) are met. However, this does not guarantee that the Senior Procurement Executive will ratify an unauthorized commitment. The employee responsible for making the unauthorized commitment may be held personally liable for the amount of the unauthorized commitment and/or maybe be subject to administrative action.

#### 141.5 Reporting Identical Bids (FAR Subpart 3.3)

If Broadcasting has some reason to believe that identical bids resulted from collusion, a report shall be submitted to the Office of the Attorney General.

a. Preparing and Submitting Reports (FAR Subpart 3.303(e)) - The Contracting Officer shall prepare a report with supporting documentation for review by the Senior Procurement Executive within 20 calendar days following the discovery of identical bids. The report with supporting documentation will then be forwarded to the BBG Office of the General Counsel (GC) for review and submission to the Office of the Attorney General.

b. Distributing Reports - Two copies of the report, a copy of the Invitation for Bids, and a certified copy of the Abstract of Bids are for the Office of the Attorney General, U.S. Department of Justice, Washington, D.C. 20530, Attention: Assistant Attorney General, Antitrust

Division; one copy is for GC; and the Office of Contracts retains one copy.

141.6 Transportation - Transportation factors are important considerations in awarding and administering contracts. Requiring activities should consider these factors before submitting purchase requests. Contracting officers and contract administrators may secure traffic management advice and assistance, as well as information about other factors, from the Office of Transportation of the General Service Administration as identified in 41 CFR 101-40.101-1.

a. Place of Delivery - Unless there are valid reasons to the contrary, when procuring supplies from domestic sources, the Contracting Officer shall specify delivery within the United States regardless of ultimate destination.

(1) Supplies for Domestic Use - All contracts for supplies for domestic use shall specify delivery F.O.B. destination, within consignee's premises, as defined in FAR Subpart 47.303-7, unless a specific exemption has been granted, on a case- by-case basis by the Office of Contracts.

(2) Supplies for Overseas Use - Contracts for supplies for overseas use shall specify delivery to one of the following domestic designations under the conditions stated:

(a) United States Dispatch Agent - Supplies (i.e. printing) procured export packed for routine shipment to overseas locations shall be shipped through the United States Dispatch Agent (USDA) located nearest to a port having regular service to the overseas destination.

(i) Terms of Delivery - Procurements for shipment through a USDA will specify delivery, F.A.S. Vessel, Port of Shipment, as defined in FAR Subpart 47.303-9.

(ii) Shipping Instructions - The procurement document shall provide the contractor with the procedure for obtaining shipping and marking instructions from the USDA.

(b) Warehouse, Brooklyn, New York - Supplies for delivery to the Warehouse for assembling and export packing of shipments or for storage and subsequent shipment overseas shall be consigned to:

BBG - Broadcasting  
Federal Office Building  
29th Street Near Second Avenue  
Loading Door No. 15  
Brooklyn, New York 11232

(i) Terms of Delivery Procurements for delivery to the Warehouse shall always specify delivery F.O.B. Destination; unless exempted in writing by the Office of Contracts.

(ii) Address Codes - For procurements consigned to the Warehouse, shall include in the address, immediately after the word "Broadcasting," the letter codes "A" and/or "D," when applicable, to denote:

"A" Items to be AIR SHIPPED to post.

"D" Discount involved, receiving report must not be delayed.

b. Terms of Delivery - Generally, solicitations for supplies to be purchased for delivery within the United States shall specify one of following terms dependent upon the place of delivery (see a. above):

F.O.B. Destination, Within Consignee's Premises

F.A.S. Vessel, Port of Shipment

These terms provide that supplies will be delivered to the specified address or Port of Shipment and all transportation charges paid by the contractor.

(1) When the above terms are used, the solicitation will specify that offers of other terms will be rejected as non-responsive.

(2) If the Contracting Officer determines in writing that it would be more advantageous to the Government to acquire supplies, F.O.B. Point of Origin, the contractor shall be requested to prepay the transportation charges and add them to the contractor's invoice as a separate item. Invoices containing prepaid transportation charges should be accompanied by a paid transportation receipt, if available. (See FAR Subpart 47.104-2.) Transportation charges in excess of \$100 must be accompanied by a receipt. (See FAR Subpart 42.1403.)

c. Mode of Transportation - Solicitations should not normally specify a particular method or type of transportation or a particular carrier for delivery of procurement items. If special types of equipment or limited facilities for delivery and receipt of materials at destination permit the use of only limited equipment, such delivery requirements shall be included in the solicitation and made part of the contract.

141.7 Procurement Records and Files - Purchasing activities will establish and maintain official records of all their procurement actions. Registers and files will be organized and maintained in accordance with this paragraph. The head of each activity will ensure that all files are complete, current, and reviewed from time to time to ensure that required action is taken and that final disposition is made in accordance with MOA III.

a. Contract Case Files and Reports - The Contracting Officer maintains the Office's automated procurement tracking system data base and solicitation files. All contract case files are stored in this data base. Upon receipt of a requisition, the Office of Contracts shall obtain a case file number from the automated data base in numerical sequence, if one has not been previously assigned. Each transaction in excess of

\$25,000 is separately reported to the Federal Procurement Data Center (FPDC) on a SF-279, "Individual Contract Action Report".

b. Purchasing Activity Registers - Each Purchasing Activity maintains a Purchase Delivery/Order Register, or equivalent type of register, for recording all procurement documents which it issues. The register will be used to control all purchasing documents issued. They also are used to record information and statistics for compiling and preparing the report summaries appearing on the reverse of register forms.

c. File Folders - Use letter-sized folders, square cut, with prong fasteners, for contractual documents except construction contracts, and for those use pressboard binders. Use folders, square cut, for all other procurement files. Label folders to identify their contents by number and, as appropriate, contractor name or fiscal year series.

(5) Optional - Orders issued in a fiscal year series (Note: When a split award is made, label Invitation for Bid (IFB) folder to reflect the largest contract awarded.)

Strict compliance with these instructions will facilitate identification and orderly retirement of files.

d. Arrangement of File Material - File procurement documents and related papers in the order prescribed below. Take care to include all applicable material and to ensure that it is properly fastened to the appropriate side of the folder. Discard non-record papers, envelopes, and extra copies, and remove them from the file when there is no longer a need for them.

(1) Contracts, (other than construction) Grants, and Cooperative Agreements (Assistance Awards) -

(a) Right Side of Folder (tab side) - File from the bottom up in the following order:

(1) Original requisition and attachments or facsimiles that show the location of originals.

(2) Signed original of the Justification for Other than Full and Open Competition (JOFOC), when required.

(3) Findings and Determinations, when required.

(4) Contracting Office original copy of signed document.

(5) Number 2, signed copy, of Award/Contract, SF-26, when required.

(6) Report of Contract Award that shows -

(7) Contractor's name and address.

(8) Contract distribution and date.



- (9) Appropriation and accounting data.
- (10) Estimated and minimum cost of open-end contracts.
- (11) Statement supporting award to other than the low bidder.
- (12) Requisition or other document requiring modification action.
- (13) Amendment of Solicitation/Modification of Contract, SF-30, signed copy.
- (14) Receiving Report, reverse of SF-26, or Receiving and Inspection Report, OF-127.

(b) Left Side of Folder - File from the bottom up all pertinent material in chronological order of receipt, including:

- (1) Correspondence, copies of proposals.
- (2) Records of negotiations and conferences, cost estimates.
- (3) Approved final versions of contract and modifications with required clearances.
- (4) Copy of synopsis to Commerce Business Daily for announcement of proposed procurements.
- (5) Copy of Bidders Mailing List completed to show bidders and nonbidders.
- (6) Abstract of bids.
- (7) Copy of synopsis to Commerce Business Daily for announcement of award.
- (8) Letter that transmits Equal Employment Opportunity and Walsh-Healey Public Contracts Act posters to contractors.
- (9) Record of contract administration.
- (10) Performance evaluation report.

(2) Contracts, Construction - The following uniform contract filing system was established for use with the six (6) section file folders. The contract file should usually contain the records listed below, if applicable. Documents shall be filed in chronological order.

- (a) Section No. 1 - Contract Modifications (Label side of folder)

Acquisition Planning Information  
Requisition/Purchase Request for Contract  
Justification for Other Than Full and Open Competition (JOFOC)  
Independent Government Cost Estimate  
Preaward Clearances

Determinations and Findings  
Original of the Signed Contract/ Contract Modifications, including documents supporting modifications (consistent with this section documentation)

Section No. 2 - Preaward Documentation

Set-Aside Decision  
GC Clearance Draft  
CBD Synopsis  
Solicitation Mailing List  
Abstract of Bids/Proposals  
Contractor's Cost Proposal  
Record of Negotiations (if appropriate)  
Preaward Survey Reports  
EEO Clearances  
Small Business Subcontracting Plans  
Transmittal Letter(s) for Contract  
SF-99, "FPDS - Individual Contract Action Report (Over \$10,000)"  
Contractor's Correspondence w/Broadcasting Prior to Award  
"Report of the Award of Contract"  
Documentation/Correspondence Related to Contract Modifications (consistent with this section documentation)

(c) Section No. 3 - Contract Administration

Minutes of Post Award Conferences  
Minutes of Periodic Progress Meetings  
Site Visit Reports  
Consent to Subcontracting  
Approval of Equipment Purchase  
AR/CO Letter  
Notice to Proceed and Stop Orders  
Follow-ups on Delinquencies  
Show Cause/Cure Notices  
Security Visit Requests  
Request/Approval for Release Classified Documents  
GFP Reports/Disposition Records  
General post-award correspondence with contractors  
Telegrams to/from overseas posts

(d) Section No. 4 - Payments

Progress Payments (Invoices)  
Receiving Reports  
Insurance policies or certificates  
Bonds  
Record of Completion, Release of Claims or Receipts.  
Final Audit Report (Cost type contracts)

(e) Section No. 5 - Progress Reports

Progress Reports, Technical and Financial  
Payroll Records

(f) Section No. 6 - Miscellaneous

Protests after Award

FOIA Requests

Memorandum for File (Other than record of negotiations)

Notice to Unsuccessful Offerors and Record of Debriefing

Information Related to Location of Unsuccessful Offers/Proposals

(3) Solicitation for Offers (IFB/RFP Invitation for Bid and Request for Proposal) - When multiple contracts or orders result from a single solicitation, designate one file the Master File for those papers and documents unnecessary in the administration of the contracts awarded. The name of the Master File and its location and copies of documents from the Master File necessary for the administration of the contract must be in each contract file.

a. The file assigned the solicitation number should contain:

(1) Copy of solicitation.

(2) Copy of the synopsis to the Commerce Business Daily.

(3) Requests for solicitation bid sets.

(4) Abstract of bids.

(5) Bidders Mailing List coded to identify bidders and nonbidders.

(6) Rejected bids and no bids, originals only (all other copies and envelopes should be destroyed promptly after awards are made).

(7) Correspondence relating to the solicitation including return of late bids.

b. When no award is made, title the folder "NO AWARD," in addition to the solicitation number. The file should contain:

(1) Original requisition or certified "true copy".

(2) Bidders Mailing List properly coded to show bidders and nonbidders.

(3) Copy of solicitation.

(4) Copy of synopsis to the Commerce Business Daily.

(5) Abstract of bids.

(6) All correspondence relating to the solicitation.

(7) A memorandum to the file explaining the reason for the cancellation of the action or the rejection of all bids.

(4) Purchase and Delivery Orders - File Simplified Acquisitions order files in numerical sequence by fiscal year. Each order file should contain:

- a. Requisition or other document requesting procurement action.
- b. Purchase office copy of order, No. 2, including attachments (signed).
- c. Receiving Report copy of order, No. 6, (signed).
- d. Request for Quotations, SF-18, or Record of Telephone Solicitations, as appropriate.
- e. All correspondence, clearances, and approvals.

#### 142 POST-AWARD COMPLIANCE REVIEWS

142.1 Primary Responsibilities for Post-Award Compliance Reviews - The Senior Procurement Executive (SPE) is responsible for conducting post-award compliance reviews to ensure that all BBG acquisitions are awarded and administered in accordance with applicable law and regulation. The SPE may delegate some or all of this responsibility to the Chief of the Office of Contracts Policy Branch or other staff within the Office of Contracts. The SPE, or designee, will determine which contracts are to be reviewed. Contracting Officers responsible for selected contracts will submit contract files to the Office of Contracts for review as soon as practicable. However, submitting hard-copy documents is not necessary if the SPE or designee, can access all relevant documentation in the Contracting Officer's electronic contract file.

#### 142.2 Scope of Post-Award Compliance Reviews

- a. Post-award compliance reviews are not limited to any specific type of acquisition, type of material or service procured, or any dollar amount.
- b. Post-award compliance reviews will indicate whether Contracting Officers are:
  - (1) Purchasing only items authorized to be purchased;
  - (2) Determining and documenting price reasonableness in the contract file;
  - (3) Maintaining the standards of conduct prescribed in IX BAM 137;
  - (4) Utilizing required sources of supplies and services in compliance with FAR Part 8;
  - (6) Splitting or reducing the Agency's requirements to avoid procedures required for acquisitions above dollar thresholds set by the FAR or BBG policy, or dollar limitations in the Contracting Officer's warrant;
  - (7) Improperly delegating their responsibility to others;

(8) Exceeding the scope or limitations of their authority, including but not limited to any dollar limitations in the Contracting Officer's warrant or Re-delegation of Authority to use a Government purchase card;

(9) Reporting procurement actions to the Federal Procurement Data System - Next Generation;

(10) Complying with requirements for establishing, maintaining, and disposing of contract files pursuant to FAR Subpart 4.8;

(11) Including documentation in the contract file, which complies with the FAR and specifies a legal basis whenever procuring Agency requirements without providing for full and open competition. This documentation may include, but is not limited to, a reviewed and approved Justification and Approval (J&A) that complies with FAR Part 6 for all procurements described in FAR 6.001, a limited source justification when limiting competition for procurements under FAR Part 8, or other documentation compliant with FAR Part 13 for non-competitive procurements made using simplified acquisition procedures; and

(12) Complying with all other applicable policies and procedures.

142.3 Results of Post-award Compliance Reviews - Any findings or observations will be provided to the appropriate Contracting Officer, the Contracting Officer's supervisor, and the Senior Procurement Executive to address and correct identified weaknesses. Findings and observations may also be provided to the Acquisition Career Manager to recommend additional training.

143 CONTRACTING OFFICERS [Reserved, See IX BAM 165]

144 SIMPLIFIED ACQUISITIONS PURCHASING ACTIVITIES [Reserved, See IX BAM 165]

145 PREPURCHASE APPROVALS AND CLEARANCES

145.1 Approvals - Obtain approvals for procurement actions prior to solicitation of bids or offers.

a. Information Required - Include the following information in support of each request.

(1) Description of supplies or services required and justification therefore.

(2) The estimated cost of the proposed action and a statement that funds are available.

(3) An outline of the procurement plan that includes delivery requirements, date of issuing solicitation, date of award of contract, method of procurement and type of contract proposed, sources to be solicited, and any special requirements to be incorporated in the contract.

(4) Any proposed deviation from standard or approved forms or clauses prescribed in the FAR with justification to support such deviation, and

(5) A draft of the determinations and findings required by the pertinent section of the law involved.

b. Non-Office of Contracts Approvals - If there is a question regarding the necessity of contract approvals outside of the Office of Contracts, the Senior Procurement Executive will resolve the matter.

145.2 Review and Clearances - A review of proposed contracts or special purchases is required whenever it is necessary to assure that administrative, technical, fiscal, legal, and regulatory requirements will be met. Actions subject to review by an authority higher than the contracting or purchasing officer will not be entered into nor will an award be made prior to obtaining the required approval or clearance.

a. Review - Obtain the required approval or clearance prior to entering into actions or making awards that are subject to review by an authority higher than the contracting or purchasing officer.

b. Assistance - The Office of Contracts, GC, the technical divisions of Broadcasting, the Office of Inspector General (OIG) are available for assistance and guidance at all steps in the procurement process to assure compliance with the requirements stated above or as may be necessary to facilitate a specific procurement.

c. Legal Clearances - All contractual documents (except purchase orders) are subject to review and clearance by GC and, when appropriate, shall be submitted to GC in draft form. Obtain clearance by the assigned counsel prior to issuing Invitations for Bids, Requests for Proposals, executing a negotiated contract, or modifying a solicitation or contract that will cost over \$1,000,000. Administrative modifications, as a general rule, do not require a legal review or clearance. A Contracting Officer should seek the advice of his/her supervisor if there is a question. Contracting Officers shall ensure that all pertinent papers, including prepurchase approvals, as appropriate, are attached to the draft procurement packages that are determined as necessary to be forwarded to GC for review and clearance. See Exhibit 140 B for types of documents that may require legal review and clearance.

Obtain legal advice and assistance of the assigned legal counsel whenever:

(1) A non-standard clause is to be used in a solicitation or contract.

(2) A contract is to be prepared on other than a Standard or approved form.

(3) A reply is to be made to a contractor regarding a dispute, claim, or interpretation of a contract or contract clause.

(4) A lawyer representing a prospective contractor is to be present at a precontract briefing, discussion, or negotiations, in which case a member of GC should attend.

(5) A question of legality or compliance with regulations arises in connection with a contemplated procurement, the type of a contract to be used, and the preparation of contractual documents.

(6) Patents or rights are involved in a procurement.

(7) Whenever the General Counsel determines legal assistance is necessary.

d. Audit - The services of an auditor shall be requested when the circumstances of the procurement warrant it. Some of the conditions under which use of advisory audit services should be considered are:

(1) Whenever defective cost or pricing data are suspected in connection with cost-reimbursable procurements.

(2) When there is insufficient knowledge of the contractor's accounting policies or cost systems.

(3) When contract performance will extend over a long period of time.

(4) Whenever advance or progress payments are involved in a cost-reimbursable contract.

146 ADVANCE NOTICES OF AWARD - All advance notices of award must be in writing over the signature of the Contracting Officer except as may otherwise be authorized by this paragraph. Whenever an advance notice of award is issued, it should be followed as soon as possible by the formal contract document. Advance notices of award may vary, but will contain all the essential elements necessary to identify the award - identification of the solicitation, description of item or service, price, delivery requirements, and procurement document number assigned. The notice should clearly reflect the terms of the ensuring contract.

146.1 When Issued - Advance notice of award may be issued by contracting officers under any of the following circumstances:

a. A bid or offer will expire before the formal document can be released.

b. Delivery or performance is so urgent that requirements cannot wait the processing of a formal document.

c. The work to be performed is of an urgent nature and it is essential to authorize the contract in order to proceed with all preliminaries in connection with starting the work involved.

d. Other compelling circumstances exist; however, only with approval of the Senior Procurement Executive.

146.2 Telegraphic Notices - When justified, the Procurement Executive may authorize the issuance of telegraphic notices. Such notices will include a statement that written confirmation will follow. Confirmation will be issued without delay.

146.3 Oral Notices - Do not use except when the exigencies of the situation will not permit delay or security regulations preclude telegraphic notice. These notices will include a statement that written confirmation will follow. However, it is not routine policy to use "confirming orders."

147 PROCUREMENT REQUESTS - Procurement action is not normally taken until an approved procurement request, containing a written certification that funds are available, is received by the Procurement Activity. However, a Procurement Activity may take necessary action up to the point of contract award prior to the receipt of the procurement request certifying to the availability of funds when -

- a. Such action is necessary to meet critical program schedules.
- b. It is confirmed that the program has been authorized and funds will be available prior to the time an award is to be made.
- c. The head of the Simplified Acquisitions Unit authorizes the issuances of an invitation for bids, a request for proposals, or a request for quotations.

147.1 Requisitions - Submit procurement requests on a standard requisition form (Request for Supplies/Services). The document must be signed by a properly authorized official attesting to the propriety of the procurement and by a budget or administrative official authorized to certify that funds are available to cover the entire cost of procurement. Signature Cards of both officials, attesting to their authority, must be on file in the procurement office. (See Paragraph 147.2 below).

a. Item Descriptions - Each requisition must contain sufficient information or detailed description to assure full and open competition in the marketplace. The contract specialist or purchasing agent assigned the request will review its contents to ensure that it complies with FAR Part 10 instructions and MOA IX-134.1. Uncertain requirements or inconsistencies in a procurement request will be brought to the attention of the initiating official and clarification requested prior to taking procurement action.

b. Cost Estimates - The requesting office shall furnish an estimated cost of the procurement with each requisition. Estimates shall include the cost of packaging and packing, and transportation charges. Former procurement records, GSA and dealer catalogs or price lists, and Federal Supply Schedules will be helpful in estimating costs. Prospective supply sources shall not be solicited for prices in order to obtain cost estimates.

c. Independent Government Cost Estimates - All open-market requisitions that are funded for over \$250,000 shall include an attached independent



government cost estimate, that will be the basis for the amount of the funded requisition.

d. Delivery Time - The time required to process requisitions, prepare and issue solicitations, conduct negotiations, evaluate bids, and investigate and assure the responsibility of a prospective contractor is an essential factor in estimating procurement time-lag. Normally procurements will require a minimum of 60-90 calendar days between the receipt of a requisition and the issuance of an award. This includes approximately four weeks for solicitation preparation and legal clearance, 30 days for solicitation, and three weeks for evaluation and award. Requisitioning offices must request realistic delivery schedules and justify those of urgent or unrealistic nature. Requisitioning officers should ensure they receive a copy of the proposed estimated procurement milestone schedule from the assigned contracting specialists.

e. Funds Availability - The procurement request shall contain a certification by an authorized official that funds are available in the amount of the estimated cost of the procurement (see b above).

(1) When the actual cost of the procurement exceeds the funds made available by \$2,500 or less, the procurement may be awarded prior to obtaining certification for the additional funds, except in the last month of a fiscal year when all excess costs will require additional funds certification.

(2) When the actual cost of the procurement exceeds the funds made available by more than \$2,500 (at any time during the fiscal year), a certification of availability for the additional amount must be obtained prior to release of the procurement document.

f. Submission - The office submitting a purchase request can influence the degree of competition obtainable which will have a material effect upon prices. A requisition should be submitted to the contracting or purchasing activity office in sufficient time to allow -

(1) A reasonable period for preparing solicitations.

(2) Preparation of proposals by offerors.

(3) Evaluation of proposals by technical and cost/price analysts.

(4) Contract negotiation, preparation, and execution.

(5) Adequate contractor or vendor performance time.

Delays in submitting requisitions cause unrealistic delivery time and uneconomical prices. Avoid submitting requisitions on an urgent basis since they generally increase costs and restrict competition.

g. Procurement Milestone Schedule - The assigned contracting specialist will ensure that the appropriate milestone schedule form is completed and returned to the requisitioner within 5 business days after receipt of a complete procurement request package.

h. Procurement Lead Times and Cut-Off Dates - (See MOA IX 147.3(b).)

147.2 Signature Cards - Prepare a Signature Card, prescribed for use in verifying the authenticity of a person's signature and his or her authority to request procurement action or certify to the availability of funds, and forward a copy to each appropriate contracting or purchasing activity. Each Contracting and Purchasing Activity will establish and maintain a current and complete file of signature cards for -

a. Officials authorized to request procurement action.

b. Officials authorized to certify funds availability.

c. Officials authorized by a redelegation of authority to sign procurement documents.

147.3 Yearend Procurement - It is the policy of Broadcasting not to engage in excessive yearend spending except for unforeseeable exigencies, or other justifiable reasons. Requisitions submitted at the close of the fiscal year shall reflect actual requirements and must not be used as a means of consuming unused appropriation balances.

a. Responsibilities - Every officer controlling funds will take necessary action to prevent accelerated or unreasonable spending at the close of the fiscal year. Requisitioning offices are to keep orders for supplies and services to the minimum required to carry out only essential and approved programs. They are to order only those supplies or services required to meet a bona fide need arising in the fiscal year chargeable or to replace stock consumed in that fiscal year.

b. Procurement Lead Times and Cut-Off Dates - It is Federal law and procurement policy that all procurements be made competitively. There are exceptions to the rule, but the exceptions are not automatic, and they must be fully justified and legally sufficient. Opportunities must be set-aside for small and disadvantaged businesses. There are different and additional requirements for certain procurements over \$100,000 and \$500,000 that impact on the time required to make an award, and these requirements may be cumulative. It is as essential that sufficient time is allocated for each step at the end of a Fiscal Year, as it is at its beginning. Policy Letter 81-1 from the Office of Federal Procurement Policy requires agencies to establish lead times and cut-off dates to assure that these objectives and requirements are met by allowing sufficient time to prepare solicitations, obtain and evaluate bids or proposals, audit, negotiate and make contract awards in an orderly manner, and obligate funds prior to the close of a fiscal year. Therefore:

(1) Requisitions for contract actions expected to be in excess of \$100,000 (\$1,000,000 for construction) which are to be awarded by the end of the fiscal year must be received by the Office of Contracts, by June 1 of each year. This cut-off will apply even to those procurements that cannot be fully funded by that date. If a reasonable assumption can be made that funds will become available by the end of the fiscal year, the

requisition must initiate procurement action by June 1 of each year to allow sufficient time for internal administration processing and full and open competition. A written Statement of Work (SOW) and/or specifications adequate to solicit competition must accompany the requisition.

(2) Urgent or emergency requirements will be accepted at any time, provided that a written explanation of urgency is provided and signed by the Office Director. Acceptance of the justification prior to August 1 will be made by the Senior Procurement Executive. (Note: Absence of advanced planning/programming or funding approval will not be an acceptable explanation for urgency.)

(3) Requests for noncompetitive (sole source) procurements of any amount will be accepted only with written/signed justification. The same time deadlines will apply to noncompetitive as to competitive procurements. Noncompetitive procurements in the last quarter of the fiscal year must be approved as a program necessity by the Director of the requesting office. In addition, noncompetitive procurements during the last quarter which are between \$100,000 and \$1,000,000 must be approved by the Senior Procurement Executive.

c. Valid Fiscal Year Obligations - At the end of a fiscal year, to be recorded as a valid obligation, a fully signed purchase order, contract, grant, or cooperative agreement must be mailed prior to midnight September 30. This means deposited in the United States Postal Service system, not interoffice mail pickup. In exceptional circumstances, telegrams may be used if a valid offer and acceptance are created. See 35 Comp. Gen. 319 (12/2/55).

147.4 Numbering Procurement and Assistance Documents - The numbering of procurement documents, as prescribed in this paragraph, is for identifying and controlling the documents. The numbers assigned to documents that involve funds will also be used as obligation numbers by the Financial Management Office. Number all documents regardless of the amount of the procurement.

a. Contracts - Numbers for all contracts for the procurement of supplies or services will be provided sequentially and automatically as part of the case file number assigned to the requisition by the Office of Contracts automated procurement tracking system.

(1) Prefix each contract number with the symbol BB. The completed number will consist of the symbol, the four (4) digit allotment number from the requisition, a capital letter indicating the type of instrument (see below), the last digit of the fiscal year, the contracting activity procurement code, and the last four 4-digits of the case file number .

(i) C - CONTRACTS - including Letter Contracts and Lease Contracts, but excluding Indefinite Quantity or Requirements Type Contracts.

(ii) Q - INDEFINITE QUANTITY REQUIREMENTS TYPE CONTRACTS/BASIC ORDERING AGREEMENTS.

(iii) G - GRANTS/ COOPERATIVE AGREEMENTS

(iv) P - PURCHASE/ DELIVERY ORDERS

(v) S - SOLICITATIONS

indicates either "Invitation for Bid," "Request for Proposals," or "Request for Quotations." This letter code is for solicitations only and therefore appears only on documents that are not forwarded to the Financial Management Office.

(2) Supplemental agreements, modifications and change orders will bear the same number as the basic document plus further identification to indicate the change number.

b. Grants and Cooperative Agreements - Number grants and cooperative agreements as follows:

(1) Prefix each grant number with the symbol BB. The two letter office symbol of the requesting office (i.e. VOA, TV, the initials of the contracting officer, letter "G" indicating type of instrument, the last digit of the fiscal year, the contracting activity procurement code, and a four (4) digit sequentially number provided from the automated grant register. .)

c. Solicitations - Number Solicitation, Offer, and Award, SF-33, in the same series and manner as contracts.

d. Orders - Offices delegated authority to enter into procurement transactions (except the Office of Contracts, see para 147.4a) will number all procurement orders in accordance with the following mandatory, uniform numbering system. Procurement orders as used in this paragraph are defined as Purchase and Delivery Orders, OF-347; Multiuse Standard Requisitioning/Issue System Documents, SF-344; Orders for Professional (Talent) Services, and such forms as may be required by other Government agencies from which materials or services are procured.

(1) All orders shall be seven characters in length. The first character from the left shall be the last digit of the applicable fiscal year. The second and third characters shall be the Purchasing Activity's procurement code. The next four characters will be the sequential order number assigned by each issuing office. Offices shall start each fiscal year with number 0001. The number shall not exceed 9999 for any fiscal year. All seven character positions must be filled. A correct number would be 023-0012. An incorrect number would be 023-12. The third and fourth characters should be separated by a dash to be easier to read, even though the computer will ignore the dash.

(2) For offices that might issue more than 9,999 orders during a fiscal year or that need to make other internal uses of the purchase order numbering system, an alphabetic character may be substituted for the number in position four. If this exception is to be used, please contact the Office of Contracts before making this substitution.

e. Procurement (Activity) Codes - Each activity redelegated authority to issue purchase orders, delivery orders, grants, cooperative agreements, or contracts will be assigned a procurement code for such purposes. The Office of Contracts is responsible for assigning procurement codes used in the document numbers to identify the procurement activity. Address request for codes, with a reference to the pertinent Redelegation of Authority, to the Office of Contracts.

(1) Procurement code lists are maintained and distributed by the Office of Contracts. Report promptly all changes in organizations or authorities affecting procurement codes.

147.5 Contracting Officer's Signature - The Contracting Officer signs on behalf of the Government, over his or her typed or stamped name and official title. In the case of negotiated contracts, the contracting officer signs after the contractor, except where otherwise required by the particular contract or by the circumstances of the procurement. In all instances the date of signing must be shown.

a. Reproducible Masters - The Contracting Officer may sign a reproducible master of a unilateral contractual document; however, the copy intended to serve as the original will be stamped in capital letters "DUPLICATE ORIGINAL".

#### 148 SERVICE CONTRACTS

##### 148.1 Service Contracts -

a. Definition - A service contract is one which requires the contractor to furnish to the Government the time and effort of his or her personnel, rather than (or in addition to) an end product. In the following sections the terms "contract" and "contractor" also includes purchases orders and purchase order vendors.

(1) Typical categories of service contracts include procurement of the following:

(a) Maintenance, overhaul, repair, servicing, rehabilitation, modernization, or modification of systems and equipment.

(b) Advisory and assistance services (all types of professional services).

(c) Surveys and data collection, processing and analysis

(d) Operation of Government-owned equipment, facilities, or systems.

(e) Engineering and technical services.

(f) Training and education.

(g) Construction.

(h) Custodial, Janitorial and Guard Services.

(i) Language training.

(j) Talent Vendors.

b. Service Contract Act of 1965 -

(1) The Service Contract Act of 1965 (see FAR Subpart 22.10) embraces two general requirements with respect to service contracts entered into by Federal Agencies:

(a) Regardless of contract amount, no contractor or subcontractor holding a Federal service contract shall pay any of his or her employees less than the minimum wage specified in section 6(a)(1) of the Fair Labor Standards Act (29 U.S.C. 206).

(b) Federal Service contracts in excess of \$2,500 shall contain the provisions required by the Act with respect to such matters as minimum wages, including fringe benefits, to be paid the various classes of service employees engaged in the performance of the contract, safe and sanitary working conditions, and notification to employees of the compensation required under the Act.

(2) In compliance with the above requirements, it is necessary that all contracts include either of the clauses set forth in FAR Subparts 22.1005 or 22.1006 and obtain wage determinations pursuant to FAR Subpart 22.1008 for every contract which has as its principal purpose the furnishing of services through the use of service employees.

(3) The President signed amendments to the Service Contract Act, effective October 13, 1976, to clarify the Congressional intent of the term "service employee" as defined in the Act. These clarifications have in effect made it clear that "white collar" and "blue collar" workers are subject to the Act and that Federal Service contracts utilizing white collar workers (such as clerical, computer, technical, and most engineering contracts) are subject to the Act.

(4) Exemption - It is Broadcasting policy that the requirement to obtain Labor Department wage determinations is not applicable to Talent Vendor services obtained either under contracts or purchase orders under \$25,000.

148.2 Personal and Non-Personal Service Contracts -

a. Service contracts may be classified as either "personal" or "non-personal". These two terms refer to the relationship between an individual or those employees of a contractor who perform the services and the Government agency which procures these services.

b. Contracts for personal services are those contracts where, either under the terms of the contract or in the method of its performance and administration, the Government has the right to (or does in fact) supervise or direct the method by which the work is performed in a manner which creates an employer-employee relationship between the Government

and contractor personnel. See Paragraph 148.7 for further criteria in determining whether such an employer-employee relationship exists.

148.3 Policy on Contracting for Personal Services - Applicable statutes and Government-wide regulations provide that requirements for personal services generally shall be satisfied only by appointing individuals through personnel procedures. These statutes and directives may not be circumvented by means of contracting for personal services unless specifically authorized by statute. Normally, contracts which substantially result in the creation of employer-employee relationships between contractor personnel and the government are proscribed by law and Broadcasting policy (see Comptroller General decision B-186700 Jan. 1977).

#### 148.4 Specific Authority for Personal Service Contracts -

a. Broadcasting has authority to enter into personal services contracts under 22 U.S.C. 1471, as implemented by the annual Appropriation Act, for employment of persons on a temporary basis (the total Appropriation for any one fiscal year can not exceed \$20,000), and also, under 22 U.S.C. 1474, for aliens abroad (and within the United States, when employment in the United States of all such aliens is related to translation and narration of colloquial speech in a foreign language or the preparation and production of foreign language programs, but only when suitably qualified United States citizens are not available). (MOA V-A, Section 800.)

b. Under 5 USC 3109 as implemented by the annual Appropriation Act Broadcasting may procure by contract the temporary (not in excess of one year) or intermittent services of experts and consultants. As a rule, the temporary or intermittent employment of individuals as experts or consultants will be obtained by means of personnel action rather than by contract and by non-personal service contract. (For further guidance on use of expert and consulting services see par. 148.9 and MOA V-A 820 and 830.)

c. Personal service contracts issued pursuant to the special authority in paragraph a. above are subject to FTE ceilings (except for aliens abroad under 22 U.S.C. 1474 which are not subject to FTE ceilings) and other personnel laws, regulations, and limitations governing the types and nature of work to be accomplished. Although Broadcasting has these special authorities, it is policy to limit their use to the absolute minimum. In any case in which the use of a personal service contract is contemplated, the advice of the Senior Procurement Executive must be obtained, and a written finding and determination justifying the procurement shall be prepared for his or her signature and maintained with the contract file.

d. Personal or professional service contracts, when authorized and approved, are to be negotiated pursuant to 41 USC 252(c)(4); FAR Part 15.

#### 148.5 Guidelines for Recognizing Non-Personal Services -

a. The essential element present in all non-personal service contracts is that in the performance and administration of the contract there is established the status of an independent contractor. Under this concept the contractor has latitude for independent judgment, and all compensation which the contractor expects to receive includes profit, overhead, and any fringe benefits, such as annual leave, sick leave, holidays, social security, accident and health insurance, etc.

b. Non-personal service contracts may not provide for supervision by the AR/CO. Non-personal service contracts may provide that the services will be performed as assigned, requested, or scheduled by the AR/CO, and they should be administered accordingly.

c. Basic criteria for non-personal service contracts are:

- (1) The absence of an established employer-employee arrangement.
- (2) No immediate or continuing supervision by the Government.
- (3) The services are, by nature, considered to be non-personal and/or obtained on a job, unit of work, or end-product basis, not on a time basis except where time and materials or labor hours contracts are authorized pursuant to FAR Subpart 16.601.
- (4) Performance is judged by acceptable results, not by supervision.
- (5) The contractor exercises independent judgment.
- (6) Payment is made on the basis of a negotiated price or fee, and contractor is responsible for payment of workers performing the services.
- (7) The contractor is not entitled to regular employment benefits.
- (8) The contractor normally works his or her own hours unless the nature of the work, such as maintenance and operation of Government-owned facilities, requires specific hours.
- (9) Services are normally off Government premises using contractor's equipment and facilities.

d. Examples of Non-Personal Service Contracts -

(1) Contracts for technical assistance work requiring specialized equipment and trained personnel unavailable to the Government, but not involving the exercise of discretion on behalf of the Government, where the contractor performs work adequately described in the contract free of Government supervision such as:

(a) Construction and maintenance, overhaul, installation, repair, rehabilitation, modernization or modification of systems and equipment.

(b) Engineering services.

(c) News photography and wire services.



(d) Sound recording services.

(e) Exhibit fabrication and rehabilitation.

(2) Contracts with an individual for delivery of lectures, programs, reports, scripts without Government supervision, on specific dates, and on specialized subjects. Examples are:

(a) Talent Vendors, translators, announcers, writers, broadcasters.

(b) Advisory and assistance.

(c) Professional services of all types.

The types of contracts listed above must be administered strictly on the basis of obtaining the services involved on a job, unit of work, or end-product basis, at established rates per job, unit, or product where capability and production is the guide.

(3) Contracts for services where the contract provides for specific tasks to be performed in specific places, free of Government direction, supervision, and control over the fixed price for the work to be performed such as:

(a) Maintenance and operation of facilities.

(b) Janitorial and custodial services.

(c) Packing and crating.

(d) Guard services.

(4) Research and development contracts providing for a level of effort as long as the work is performed by the contractor independently of Government supervision and control.

#### 148.6 Administration of Talent Vendor and Professional Services Contracts

a. Many of these contracts, although written as non-personal service contracts, can be administered in such a manner as to be considered illegal personal service contracts. The following aspects of each contract must be scrupulously administered:

(1) Contract personnel must not be utilized in a trainee or probationary capacity to fill upcoming staff positions.

(2) Contracts must not be repeatedly extended for long term periods without careful reevaluation of need and present circumstances.

(3) Contract personnel must not be assigned duties and work not included in the written contract.

(4) Payments made must be for specific services under the contract and be based on acceptable units performed or delivered, on a job, unit of work, or end product basis, at established rates. Payments shall not be provided on a time basis.

(5) Pay schedules must be based on realistic prices prevailing on the open market and generally not based on Civil Service General Schedule wages.

b. Indefinite quantity contracts should be used whenever professional or talent vendor services are to be used on a regular or recurring basis and should be considered for the following types of services: writing film, radio, and TV scripts; announcing or voicing radio or TV scripts or programs; narrating films; conducting and taping interviews for films, radio, and TV; musical performance (voice and instrument); producing and conducting radio and TV programs; professional photographic services; professional translating or editing services. In these categories, an open-end contract should be executed to establish the terms and conditions of delivery or performance, the rights involved, and the rates per unit of delivery or performance. Payment should be made for the number of units delivered or performed at the established rates. Services that are required only occasionally or on a one-time basis should be obtained on a lump-sum definite-delivery contract or purchase order. (See FAR Subpart 16.5 for further guidance on use of open-end, indefinite delivery type contracts.)

c. Additional guidance on use of talent vendors is provided in the VOA Handbook for Talent Vendors.

d. For security regulations pertaining to persons who furnish services under contract or purchase order see MOA Part VIII-430.

#### 148.7 Guidelines for Recognizing Personal Services -

a. The test to be applied in determining whether an employer-employee relationship exists is one which demonstrates that the inherent nature of the services, or the manner in which they are provided, reasonably requires, directly or indirectly, supervision of contract employees by Government personnel. (See FAR Subpart 37.104 for additional guidelines.)

148.8 Contracting Officer Determination and Approval - Whenever there is doubt as to whether an employer-employee relationship will be involved in performance of a prospective contract or doubt exists regarding any of the guidelines in paragraph 148.7, gathering the information and data on which to base the determination shall be a joint effort between contracting and program personnel. The Contracting Officer shall request the advice and approval of the Senior Procurement Executive, the Office of the General Counsel and the Office of Personnel before processing any request to procure the services. Prior to issuance of any solicitation in such cases, the contracting officer shall determine in writing that the services to be procured will be non-personal in nature.

148.9 Contracted Advisory and Assistance Services - Obtaining contracted advisory and assistance services (CAAS) from either individuals or

organizations is subject to the controls and guidelines set forth in OMB Circular A-120, "Guidelines For the Use of Advisory and Assistance Services," dated January 4, 1988. (Copies are available from the Office of Contracts. This Circular supersedes OMB Circular A-120, "Guidelines for the Use of Consulting Services," dated April 4, 1980. The provisions of this Circular apply to advisory and assistance services acquired from non-governmental sources by procurement contract, personnel appointment, and advisory committee membership. However, only advisory and assistance services acquired by procurement contract are addressed in this MOA. FAR, Subpart 37.2 provides additional guidance on the same subject.

CAAS means those services used to support or improve Broadcasting's policy development, management and administrative decision-making, or to improve operational management, or administrative systems. Such services may take the form of information, advice, opinions, alternatives, conclusions, recommendations, and direct assistance. Categories of services which fall within the scope of this Circular are: individual experts and consultants; studies, analyses, and evaluations; management and professional support services; and engineering and technical assistance services. As a general rule, for services which fall within these categories to be considered CAAS, they must provide direct input into the decision-making, policy development, or management systems. In addition, CAAS arrangements cannot be used to fulfill requirements which are the direct responsibility of Broadcasting officials.

a. Preaward and Postaward Responsibilities, Approvals, and Requirements for Contracted Advisory and Assistance Services -

(1) Responsibilities - The Requisitioning Office is responsible for furnishing to the contracting or purchasing office, as appropriate, written supporting documentation to justify the need for CAAS. This written justification must provide a statement of need and will certify that such services do not unnecessarily duplicate any previously performed work or services. This justification shall accompany the purchase request. The Contracting Officer, as appropriate, shall make the determination as to whether a requested solicitation or procurement action, regardless of dollar value, is for CAAS. Whenever there is uncertainty as to whether the purchase request is for CAAS, the contracting or purchasing officer shall refer the request to the Procurement Executive for determination. Such determination shall be final. If the officer determines that a request for services is a request for CAAS, even though the requesting office may disagree, then the officer shall require documentation justifying the need for CAAS as described above. Upon completion of the contract, a written evaluation assessing the utility of the deliverables and/or performance of the contractor shall be provided to the contracting or purchasing officer for inclusion into the contract file.

(2) Approval - Written approval of the need for the use of all types of CAAS arrangements covered by this Circular shall be obtained by the contracting or purchasing officer and, as appropriate, from the Senior Procurement Executive. The Office Director is the senior official responsible for review and approval of all CAAS based on the policy and guidance contained in this Circular. The Office of Contracts is also

responsible for maintaining a list of all advisory and assistance services acquired by procurement contract, personnel appointment, or advisory committee membership.

(3) Requirements - Prior to the issuance of any solicitation or procurement action for CAAS, the contracting or purchasing officer, as appropriate, shall obtain the approval required under paragraph a.(2) above and insure that the applicable provisions of this Circular have been adhered to and that documentation required by the Circular is complete and included in the official contract or purchase order file. For CAAS awards over \$25,000, the contracting officer shall insure that they are properly identified as CAAS contracts on the Individual Contract Action Report, SF 279, for input into the Federal Procurement Data System.

b. Excluded Services - Following is a listing of categories of services which do not fall within the scope of this Circular. This is not an all inclusive listing. It is a sampling of the type of services which Broadcasting contracts for on a continuing basis.

- Architectural and engineering services of construction and construction management services.

- Routine maintenance of equipment.

- Engineering studies related to specific physical or performance characteristics of existing or proposed systems.

For a complete listing of excluded and exempted services refer to the Circular.

#### 149 SOLICITATION MAILING LISTS

149.1 Establishing Lists - Solicitation Mailing Lists are established and maintained by the Office of Contracts for use by all procurement activities. A list will be established for each four digit Standard Industrial Classification (SIC) Code of supply or service.

a. Eligible and Qualified Bidders/Offerers - Lists will include all eligible and qualified bidders/offers who have made application to be placed on a list or whom the contracting activity or requirement office considers eligible and qualified to furnish the items of a particular procurement. The Contracting Officer shall request all unlisted firms, added to a mailing list for a particular procurement, complete a Solicitation Mailing List Application, SF-129. (An SF-129 will be attached to the solicitation package.)

b. Notices to Solicitation Mailing Lists Applicants - After receiving and processing the application for placement on a list, the Office of Contracts shall notify the new prospective bidder in writing that the bidder/offer has been added to the Solicitation Mailing List.

149.2 Availability of Lists - Copies of Lists may be obtained from the Office of Contracts. All Purchasing Activities and requirement offices should use the Lists to the maximum extent possible.

149.3 Coding Solicitation Mailing Lists - Upon award of a contract, the Contracting Officer shall code the solicitation mailing list to reflect bidder/offer response and to indicate action to be taken by the Office of Contracts when recording responses on specific lists. Codes for this purpose are as follows:

CODE

- 0 - No response
- 1 - Responded, submitted bid/offer
- 2 - Responded, no bid/offer submitted

149.4 Responsibility for Lists - While the preparation and maintenance of Lists is the responsibility of the Office of Contracts, contracting and purchasing activities are required to initiate action to have Lists changed to meet their current needs.

149.5 Removing Names From List - In addition to removing names from a Bidders Mailing List for failure to respond to three consecutive solicitations, the Office of Contracts will remove the name of those firms who requested retention on a List but who failed to bid for five consecutive times. Such firms may obtain bidding sets for specific procurements thereafter either by written request or by calling the contracting officer issuing the solicitation.

149.6 Reinstatement on List - Firms described above may be reinstated when it is determined by the Office of Contracts that solicitation forms will be used as intended and not for the purpose of obtaining information on an automatic basis.

149.7 Releasing Solicitation Mailing Lists - When solicitations for bids/offers have been issued, prospective subcontractors, material suppliers, and others having a bona fide interest in such information may be furnished, upon request, with a copy of the bidders mailing list, unless issuance of the list is determined not to be in the Government's interest. However, after the date set for receipt of proposals, lists of offerors participating in negotiated procurements may not be released until after award. Bidders/offerors or their authorized representatives will also be permitted to examine the abstract of bid/offer file maintained in the Office of Contracts or may be furnished the information requested in accordance with MOA IX-138 and 22 CFR 503.4 through 503.8.

Exhibit 140A - Prepurchase Approvals

Type of Action Approving Authority

Contract for property or services the Director character, ingredients, or components thereof are such that the purchase or contract should not be publicly disclosed.

Contract for technical equipment necessary Director in special situations or in particular localities to assure standardization and interchangeability of parts when in the public interest.

Contracts for experimental, developmental, or research work, or for manufacture or furnishing of property for experimentation, development, research, or test.

Contracts over \$1,000,000 Director, or his/her designee

Contracts not in excess of \$1,000,000 Senior Procurement Executive

Cost, cost-plus-fixed-fee or incentive Senior Procurement type contracts. Executive Contract providing for advance payments. Senior Procurement Executive

Contract for architectural-engineering Senior Procurement services. Executive Negotiation of a contract after sealed Senior Procurement bidding for property or services Executive upon a determination that bid prices there- fore are not reasonable or not independently arrived at in open competition.

Personal service contracts not covered by Senior Procurement applicable personnel regulations. Executive (see MOA V-A-830).

Any proposed negotiated procurement for over Senior Procurement \$100,000 when a sole source Executive solicitation is to be employed regardless of the negotiation authority to be used.

Any procurement for consulting services Senior Procurement see MOA IX-148.9) Executive

Any proposed major procurement for Director which the total cost of the project or system (regardless of the number of con- tracts involved) is expected to exceed \$10,000,000 (see MOA IX139.3b.)

Exhibit 140B - Legal Clearance

Type of Document Exclusions

1. Solicitations Procurement actions when the Invitations for Bids, (FAR 14) amount involved, actual or Requests for Proposals, (FAR 15) estimated, is below \$500,000
2. Architect-Engineer Contracts (FAR 36.6) "
3. Negotiated Orders (e.g., Job Orders, Task Letters) issued pursuant to: Basic Ordering Agreements (FAR 16.7) " "Task Order Contracts," "Master Contracts," etc. "
4. Miscellaneous Acquisition Instruments (e.g., "narrative contracts," license agreements, lease agreements, ratifications) "
5. Cancellations (FAR 17.1) "

6. Contract Modifications (FAR 43) Bilateral " Unilateral " (See below for options) Terminations (FAR 49) Convenience " Default None

7. Letter Contracts (mailed or telegraphic) and superseding Definitive Contracts (FAR 16.603) None

8. Delivery Orders Unilateral Orders (e.g., Delivery Orders) issued under Indefinite-Delivery Contracts (FAR 16.5) and Federal Supply Schedules (FAR 8.4) regardless of amount

9. Exercise of Options Unilateral exercise of priced options evaluated at the time of initial award (FAR 17.2) regardless of amount

10. Assistance Agreements None

11. Other

Replies to congressional inquiries None

Replies to contractor claims

Replies to Comptroller General inquiries or decisions

12. Regulations

Broadcasting Acquisition Regulation

Manual of Operations and Administration Part IX None

Sample copies of Milestone Schedules -( negotiated and A/E procedures) are available in the Office of Contracts. A sample Advanced Procurement Planning Schedule is also available in the Office of Contracts.

International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

Material within this Manual of Operations and Administration may no longer be current. To ensure having the most current policy or procedure, please contact the Agency office responsible for the subject matter, e.g., information about performance appraisal, staffing, or compensation should be directed to the Office of Human Resources. For assistance in determining which office to contact, please contact Cathy Brown or Renee Tyrance-Gauff of the Analysis and Administration Division on (202) 203-4664 or feel free to email this staff at [cabrown@bbg.gov](mailto:cabrown@bbg.gov) or [crgauff@bbg.gov](mailto:crgauff@bbg.gov).

MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART IX- PROCUREMENT, 100 GENERAL  
Section 150

CONTRACT PROVISIONS, CLAUSES, AND AGREEMENTS

151 Liquidated Damages

151.1 Policy

151.2 Procedures

152 Time of Delivery or Performance

152.1 General

152.2 Clauses

153 Warranties

153.1 Purpose

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153.3 Warranties Clauses

153.4 Variation in Quantity

153.5 Variation in Quantity Clauses

154 Covenant Against Contingent Fees

154.1 Purpose

154.2 Applicability

154.3 Reporting Possible Improper Influence

154.4 Representations and Agreements

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155 Options

155.1 General

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## 156 Novation Agreements and Change of Name Agreements

### 156.1 General

## 157 Clause Handbook

### 157.1 General

## 158 Drug-Free Workplace

### 158.1 Policy

### 158.2 Agency Procedures

### 158.3 Requirements for Small Purchases

## Section 150

## CONTRACT PROVISIONS, CLAUSES, AND AGREEMENTS

### 151 LIQUIDATED DAMAGES (FAR 12.2)

151.1 Policy - Liquidated damages provisions should not be used in supply or service contracts, other than construction, unless:

a. it can reasonably be expected that any delay in delivery or performance will cause the organization to suffer substantial damages; and

b. the extent or amount of such damages would be difficult or impossible to ascertain or prove.

### 151.2 Procedures

a. Approval - Determinations to use liquidated damages provisions must be in writing and approved by the Procurement Executive. Such determinations will take into consideration all essential facts available from the requisitioning office and the criteria set forth in FAR 12.202 and this paragraph.

b. Rate of Damages - The rate of damages to be assessed for delay must be reasonable in relation to the requirements and cost of the contract. Consider rates on a case-by-case basis. No fixed formula may be used which would result in the rate's becoming a penalty and, as such, unenforceable. Rates should generally be expressed in terms of dollars per day.

(1) Statement of Reasonableness of Rate - The contracting officer will prepare a statement for the file that will include information as to the reasonableness of the rate of assessment in relation to the contract price and a summary of the action taken to mitigate the cost of the damages.

(2) Provisions for Stipulating Rates - Listed below are examples of provisions that may be used in solicitations when the contract is to be subject to liquidated damages.

(a) If the successful bidder fails to make delivery or complete performance within the time specified there will be deducted from due

payment liquidated damages and not as a penalty, an amount equal to % of the bid price for the undelivered portion of the contract for each calendar day of delay. Delivery time will be calculated in terms of calendar days, including Sundays and holidays, after the date of receipt of award by the bidder or other formal notice to proceed.

(b) After receipt of award by the bidder, if there is failure to complete delivery by the time specified in the contract, the sum of \$ per undelivered unit will be deducted from payment as liquidated damages and not as a penalty for each calendar day. Delivery time will be calculated in terms of calendar days, including Sundays and holidays, after the date of receipt of award by the bidder or other formal notice to proceed.

c. Enforcement - When liquidated damages provisions are used, they will be strictly enforced. It is the contractor's responsibility to give notice of delays and to provide evidence to support any claim for remission of damages or extension of contract time.

d. Recommendations for Remission - Recommendations to the Comptroller General for the remission of damages for delay are prepared by the contracting officer for the signature of the Director of Administration after clearance of the recommendations in draft by the Procurement Executive. No request for remission of liquidated damages will be transmitted to the Comptroller General until all administrative remedies and all alternative remedial action available to the contractor under the contract have been taken. All recommendations for remission of liquidated damages are forwarded to the General Counsel for clearance and transmission to the Comptroller General.

## 152 TIME OF DELIVERY OR PERFORMANCE (FAR PART 12)

152.1 General - The time for delivery or performance is an essential element of a contract and must be clearly and accurately stated. Design schedules to meet the requirements of the particular procurement, but also take into consideration all relevant factors and possible restriction of competition should be stated. Contracting officers will question any delivery or performance requirement that appears unrealistic, and, if necessary, initiate action to make adjustments with due regard to the factors listed in FAR 12.102.

### a. Liquidated Damages Provision

Where timely delivery or performance is unusually important, liquidated damages provisions may be used as provided in paragraph 151.

b. Other Provisions - When the delivery schedule is to be stated in terms of a specific calendar date or based on the date of contract, solicitations will include one of the provisions prescribed in FAR 12.103.

152.2 Clauses (FAR 12.104) - Unless inapplicable to meet the needs of a particular procurement, use the clauses in FAR 12.104 in all solicitations and state the delivery time in terms of calendar days.

a. "Required" - Use the time of delivery clause "REQUIRED" only when early delivery is essential to program requirements and the requisitioning office so states in its request.

b. "Desired" - Use the time of delivery clause "DESIRED" in solicitations when early delivery is desirable but not an essential factor in the procurement.

#### 153 WARRANTIES (FAR 46.7)

153.1 Purpose - A warranty clause gives Broadcasting a contractual right to make a claim for the deficiency of supplies or services furnished without regard to any other contract provision pertaining to acceptance by Broadcasting. A warranty clause provides for additional time after acceptance in which to assert a right of correction of the defects, re-performance, an equitable adjustment in contract price, or other remedies. The value of a warranty clause depends upon the circumstances and the factors which influence its use.

#### 153.2 Policy

a. Use warranty clauses only when they can be enforced and the potential increase in price is outweighed by the protection afforded Broadcasting.

b. Do not use a warranty clause in cost-reimbursement type contracts when other contract clauses are sufficient to protect the interests of Broadcasting.

c. Any warranty clause included in a contract will not limit or be limited by any rights afforded Broadcasting by any other clause of the contract.

153.3 Clauses (FAR 46.710) - If appropriate and approved by the Director of Contracts, use the clauses in FAR 46.710 in solicitations and contracts and state the length of the warranty in calendar days.

153.4 Variation In Quantity (FAR 12.4) - To the extent that a variation is caused by the conditions specified in the FAR 12.4(a) that quantity may be accepted only to the extent specified in the schedule. State permissible variations as a percentage and they may be an increase, decrease, or a combination of both. There should be no standard percentage or variation. Each procurement for which an overrun or under-run is permissible should be based upon the commercial practices of the pertinent industry. The percentage should be no larger than is necessary to afford a contractor reasonable protection. In no event will the permissible variation exceed plus or minus 10 percent. Examples of products in which variations in quantity may occur because commercial practices are paper, printed products, wire cable or large quantities of items normally commercially bulk packed such as light bulbs. only to the extent specified in the schedule. (see paragraph 221b(3).)

153.5 Clauses (FAR 12.403) - Use the clauses in FAR 12.403 in all solicitation and contracts.

#### 154 COVENANT AGAINST CONTINGENT FEES (FAR 3.4)

154.1 Purpose (FAR 3.4) - This paragraph describes the use of "covenant against contingent fees" clause and the representation and agreement required of bidders and prospective contractors. Use the clause prescribed in FAR 3.404 to obtain the warranty required by 41 U.S.C. 254. The purpose of the clause is to prevent the use of improper influence in obtaining Broadcasting contracts and to eliminate arrangements which encourage the payment of inequitable and exorbitant fees that bear no reasonable relationship to the services performed, and to prevent resultant unwarranted expenditure of Broadcasting funds.

#### 154.2 Applicability (FAR 3.403)

The covenant applies to all contracts. It must be included in every contract over the simplified acquisition limit.

154.3 Reporting Possible Improper Influence (FAR 3.408-2) - If there is any suspicion that improper influence has been used to induce or tend to induce consideration or action by any Broadcasting employee or officer with respect to any contract on any basis other than the merits of the matter, report such suspicion to the General Counsel in the same manner as outlined in MOA IX-190.

154.4 Representations and Agreements (FAR 3.405) - Contracting officers are to ensure that each successful bidder or prospective contractor has furnished a representation and agreement to the conveyance with his/her bid or offer.

a. Exceptions (FAR 3.404) - Representations and agreements need not be required for the following:

. . . Sealed bid contracts that do not exceed \$25,000.

. . . The contract amount is not expected to exceed simplified acquisitions limitation.

. . . Contracts for services performed by the contractor in person under Government supervision and paid on a time basis, Personal Services Contract.

. . . Contracts for utility services with rates set by regulation bodies.

. . . Contracts awarded in foreign countries.

b. Failure or Refusal To Furnish Representation and Agreement - The contract specialist in the Office of Contracts will submit (1) the name of the successful bidder or prospective contractor who fails to furnish the representation and agreement after having been afforded the opportunity to do so and (2) all available information relating thereto. The Office of Contracts will investigate the reasons for refusal and take such action as may be appropriate.

c. Affirmative Representations - When the required representation is in the affirmative, the successful bidder or prospective contractor is

required to submit a completed SF-119 Contractor's Statement of Contingent or Other Fees.

d. Failure or Refusal to Furnish SF-119 (FAR 3.407) - Submit the case file and the name of the successful bidder or prospective contractor who refuses to furnish a completed SF-119 (or a statement in lieu thereof) to the Office of Contracts for appropriate action. If the contract has been awarded or offer accepted, consideration may be given to terminating the contract and to the contractor's future eligibility as a bidder or contractor. Document the contractor's record to reflect any adverse action.

154.5 Preserving Records (FAR 3.410) Make a copy of the executed representation and a completed SF-119, or statement in lieu thereof, together with all other pertinent data including that of action taken with respect to affirmative representations, a part of the contract file.

#### 155 OPTIONS (FAR 17.2)

155.1 General - This paragraph applies to contracts for supplies and services other than construction, A-E, ADP/Telecommunications, (ADP/T), research and development (R&D), but does not preclude the use of appropriate option provisions in construction, A-E, ADP/T, or R&D contracts.

155.2 Definition - As used in this paragraph, an option clause is a provision in a contract under which, for a specific time, Broadcasting may unilaterally elect to purchase additional quantities of the supplies or services called for in the contract or may elect to extend the period of performance of the contract.

155.3 Applicability - Option clauses may be included in contracts where increased requirements within the contract period are foreseeable or where performance beyond the original performance period may be in the best interest of Broadcasting. Do not use an option to renew unless there is continuing need to meet the requirements of the office. Funds for each fiscal year must be consistently appropriated and it will be necessary to formally modify the original contract to notify the contractor of the availability of funds therefore.

155.4 Clauses (FAR 17.208) - Unless inapplicable to meet the needs of a particular procurement, use the clauses and provisions in FAR 17.208 in all solicitations and contracts where inclusion of an option is appropriate.

155.5 Exercising Option - The exercise of an option requires the contracting officer's written notification to the contractor within the time period specified in the contract. Before exercising the right of Broadcasting to modify the contract, the contracting officer will determine.

. . . That funds are available for the new period.

. . . The requirement fulfills an existing need.

. . . Exercising the option is the most advantageous method of fulfilling the requirement.

. . . The option was in the form of a synopsis if required.

155.6 Documenting the File - Write a memorandum to the file or prepare a Findings and Determination (D&F), when appropriate, that documents the decision to exercise an option and the circumstances leading to the decision. The contracting officer will sign the memorandum or D&F.

#### 156 NOVATION AGREEMENTS AND CHANGE OF NAME AGREEMENTS (FAR 42.12)

156.1 General - The contracting officer will follow the current procedures specified in FAR 42.12.

#### 157 CLAUSE HANDBOOK

157.1 General - The contracting officer will review the current edition of the Federal Acquisition Regulation (FAR) and Office of Contracts Clause Handbook before finalizing the solicitation and/or contract, to ensure all Broadcasting specific clauses and provisions are incorporated as necessary.

#### 158 DRUG-FREE WORKPLACE (FAR 23.5)

158.1 Policy - The Drug-Free Workplace Act of 1988 (P.L. 100-690) requires contractors to certify, prior to the award of any contract \$25,000 and over, performed in whole or any part in the U.S., its territories, or its possessions, that they will maintain a drug-free workplace by (1) notifying employees that drug abuse in the workplace is prohibited, (2) establishing a drug-free awareness program, (3) requiring each employee to notify the employer of any criminal drug statute conviction occurring in the workplace, and requiring the contractor to so notify the Government, (4) requiring the imposition of sanctions or remedial measures for an employee convicted of drug abuse violations in the workplace and (5) requiring the contractor to continue, in good faith, on-going compliance with the above requirements. The Act is also applicable to contracts with individuals regardless of the dollar value. Individuals must certify that he/she will not engage in unlawful conduct related to controlled substances in the workplace.

158.2 Procedures - Contracting officers shall insert the provision at 52.223-5, "Certification Regarding a Drug-Free Workplace (MAR 1989)," in Section K of all solicitations to which the Act applies. The clause at 52.223-6 "Drug-Free Workplace (MAR 1989)," shall be inserted in Section I of all solicitations to which the Act applies.

158.3 Requirement for Simplified Acquisitions - Telephone solicitation of a vendor's quotations does not constitute an oral order and the Government is not obligated until a written order is received and acted upon. By including a statement, in the written terms and conditions attached to the written order, which states that the vendor agrees to certify to be drug-free during performance of the order, we give the

vendor the proper pre-performance notice to permit the vendor the personal choice of allowing the certification to take place or return the order unfulfilled. It is not Broadcasting's practice to use oral orders and therefore the use of "Confirming Orders," which in effect acknowledge the existence of an oral order, is not a normally acceptable practice.

(See MOA IX- 146.3.) The use of a "Confirming Order," which precludes the vendor having the pre-performance choice of certifying or refusing acceptance of the order should be avoided. The certification in some manner, oral written, or by acceptance of the offered terms and conditions must precede the contract performance. Therefore, when a telephone solicitation is made the vendor does not have to certify via telephone regarding the drug-free workplace certification. The Form "Supplemental Terms and Conditions," serves as a certification upon the vendor's acceptance of the resulting purchase order. However, for non-telephone solicitations the vendor should be requested to sign the written certification form prior to award. Use form "Certification Regarding Drug-Free Workplace Requirements -- Contractors Who Are Individuals," for this purpose.

Year 2000 Compliance Clause must be added - Information technology being purchased accurately processes date/time data (including, but not limited to, calculating, comparing, and sequencing) from, into, and between the twentieth and twenty-first centuries, and the years 1999 and 2000 and leap year calculations, to the extent that other information technology, used in combination with the information technology acquired, properly exchanges date/time data with it.

International Broadcasting Bureau  
Broadcasting Administrative Manual

NOTICE

This section of the Broadcasting Administrative Manual (BAM) was last updated September 29, 2016. However, some material within this section of the BAM was not updated at that time. Any material that pre-dates September 29, 2016 may no longer be current. For questions regarding current policy or procedure, please contact one of the Agency's Policy Officers: Daniel Rosenholtz at (202) 203-4811, [drosenholtz@bbg.gov](mailto:drosenholtz@bbg.gov); or Tonya Summerville at (202) 203-4180, [tsummerville@bbg.gov](mailto:tsummerville@bbg.gov).

PART IX- PROCUREMENT, 100 GENERAL  
Section 160

DEBARMENT SUSPENSION AND INELGIBILITY UNDER 22 C.F.R 513

161 Scope

162 Administrative Debarment or Suspension of Parties

162.1 Procurement Programs (FAR 9.402)

162.2 Nonprocurement Programs

163 Procedures

163.1 [RESERVED]

163.2 [RESERVED]

163.3 Suspension

163.4 Reports

163.5 Removing Debarments or Suspensions

163.6 Hearings

163.7 [RESERVED]

163.8 Exclusions

Section 160

DEBARMENT SUSPENSION AND INELIGIBILITY UNDER 22 C.F.R 513

161 SCOPE - This Section prescribes the procedures for debarring or suspending parties for cause and for placing such parties in ineligibility status which will exclude or disqualify them from participation in all BBG procurement and nonprocurement programs (i.e., contracts, grants, and cooperative agreements).



## 162 ADMINISTRATIVE DEBARMENT OR SUSPENSION OF PARTIES

162.1 Procurement Programs (FAR 9.402) - See [IX BAM 940](#).

### 162.2 Nonprocurement Programs

a. Executive Order (E.O.) 12549, 51 Fed. Reg. 6370, provides that, to the extent permitted by law, Executive departments and agencies shall participate in a system for debarment and suspension of participants from programs and activities involving Federal financial and nonfinancial assistance and benefits. Debarment or suspension of a participant in a program by one agency shall have Government-wide effect. The Code of Federal Regulations, Title 22, Part 513 is the regulation implementing E.O. 12549.

b. The Senior Procurement Executive (SPE) is authorized, subject to 22 CFR § 513, Government Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-free Workplace (Grants), and this Section, to debar or suspend a party when it is determined to be in the public interest. Determinations to impose a debarment or suspension are coordinated with the BBG General Counsel (BBG/GC).

c. Certification Forms - Grantee organizations must complete agency forms "Certification Regarding Debarment, Suspension, and other Responsibility Matters for Primary Covered Transactions," and "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion for Lower-Tier Covered Transactions," to ensure compliance with the relevant regulations and this Section of the BAM.

## 163 PROCEDURES

163.1 [RESERVED]

163.2 [RESERVED]

163.3 Suspension - It is the policy of BBG to suspend parties only after an exhaustive investigation of the causes and a determination that suspension is in the best interest of the Government.

163.4 Reports - Heads of purchasing activities are responsible for promptly submitting to the Suspending and Debarring Official complete and accurate reports recommending debarment or suspension UNDER 22 C.F.R Part 513. Give a complete statement of the pertinent facts and indicate alleged criminal conduct, fraudulent activity, or suspicion thereof. Back-up the report by appropriate exhibits and include all known affiliates and the nature of the affiliation, a description of the grant or cooperative agreement amounts paid the awardee and amount due. Include a recommendation as to the period and scope of debarment or suspension. Coordinate the recommendation with assigned counsel.

a. Debarment - Include with recommendations for debarment under 22 C.F.R. §§ 513.300-513.325, a Notice of Proposed Debarment prepared for submission to the party in accordance with 22 C.F.R. § 513.312.

b. Suspension - Submit with recommendations for suspension of a party for causes and under the conditions described in or 22 C.F.R. §§ 513.400-513.420 (Nonprocurement), a Notice of Suspension prepared in accordance with 22 C.F.R. § 513.411.

163.5 Reducing Debarments or Suspensions - The Debarring Official may extend or reduce the proposed period or extent of debarments initiated by BBG in accordance with 22 C.F.R. § 513.320 (Nonprocurement). The Suspending Official may modify the period of suspension in accordance with 22 C.F.R. §§ 513.405, 513.415 and 513.420 (Nonprocurement).

163.6 Hearings - An opportunity to contest debarment or suspension will be given any party that BBG proposes to debar or suspend in accordance with 22 C.F.R. §§ 513.313 and 513.412 (Nonprocurement), if the party that is being proposed for debarment submits material facts that the Debarring Official determines to justify conduct of such a public hearing. Such parties may submit information in opposition to the proposed action either in person or in writing. All rebuttals shall be addressed to the Debarring or Suspending Official.

163.7 [RESERVED]

163.8 Exclusions - The BBG will: maintain a list of individuals/entities that are excluded from Federal procurement and nonprocurement programs; update that list regularly and periodically in accordance with internal procedures; and update the System for Award Management Exclusions accordingly. The BBG shall take action to scrutinize prospective business partners to help ensure that the BBG does not solicit offers from, award contracts, grants, cooperative agreements, or other prohibited arrangements, or consent to subcontracts with any individual or entity that is listed in the System for Award Management Exclusions or is otherwise ineligible to receive Federal awards or assistance.

**Title:** IX BAM 163 - Contracting Officer's Warrant System and Federal Acquisition Certification in Contracting Program

**Policy Tracking #:** CON-14-07

**Effective Date:** 01/20/2015

**Originating Office:** Contracts, x7843, [bbgconpolicy@bbg.gov](mailto:bbgconpolicy@bbg.gov)

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**(a) PURPOSE:** This policy implements the BBG Contracting Officer's Warrant System (COWS), the Federal Acquisition Certification in Contracting (FAC-C) Legacy Program and the refreshed FAC-C Program (FAC-C (R)). It replaces BAM Title IX, Section 143.3 and rescinds all prior guidance related to the warranting of Contracting Officers.

**(b) AUTHORITY AND SCOPE:**

(1) Scope. This policy applies to all Contracting Officers (CO) employed by all offices or divisions of the Federal Government supervised by the Broadcasting Board of Governors (collectively "the Agency").

(2) Authorities.

(i) [Federal Acquisition Regulation \(FAR\) Subpart 1.6](#), Career Development, Contracting Authority, and Responsibilities;

(ii) [OFPP Policy Letter 05-01 of 4/15/05](#), Developing and Managing the Acquisition Workforce;

(iii) [OMB Memorandum of 1/20/2006 and revised 12/2008](#), The Federal Acquisition Certification in Contracting Program;

(iv) [OFPP Policy Memorandum of 9/3/2013](#), Increasing Efficiencies in the Training, Development, and Management of the Acquisition Workforce; and

(v) [OFPP Memorandum of 5/7/2014](#), Revisions to the Federal Acquisition Certification in Contracting (FAC-C).

**(c) POLICY:**

(1) In accordance with [FAR 1.603-1](#), the [OMB Memorandum of 1/20/2006 revised 12/2008](#), and the [OMB Memorandum of 5/7/2014](#), the Agency is establishing a Federal Contracting Certification for Contracting Officers as well as a Contracting Officer's Warrant System (COWS). This policy, as well as Attachments A, B-1, B-2, B-3, C, D, & E, describes:

(i) the FAC-C Legacy and the FAC-C (R) certification requirements for COs;

(ii) contracting officer warrant levels;

(iii) selection, appointment, and termination of appointments of contracting officers, as required by FAR 1.603; and

(iv) core education, training, and experience requirements for contracting professionals performing acquisition functions at the Agency.

(2) The FAC-C Legacy and the FAC-C (R) Programs will run concurrently until October 1, 2015, at which point the FAC-C (R) will replace the FAC-C Legacy Program.

Implementation of the FAC-C (Refresh) program is being transitioned in over the following months in order to give contracting professionals flexibility in attaining their FAC-C.

(3) The terms warrant, certificate of appointment, and appointment are used interchangeably throughout this document.

**(d) PROCEDURES AND PRIMARY RESPONSIBILITIES:**

(1) Senior Procurement Executive (SPE) responsibilities. The SPE is responsible for developing the Contracting Officer (CO) workforce. The SPE is also responsible maintaining a CO certification program, a procurement career management program, and a system to ensure the development of a competent, professional workforce to the support the accomplishment of the Agency's mission. This includes selection, appointment, and termination of appointment of COs.

(2) Acquisition Career Manager (ACM) responsibilities. The ACM is responsible for administering and managing the Agency's CO certification program, including tracking CO training requirements by individual, and ensuring that the Agency's acquisition workforce meets the requirements in [OFPP Policy Letter 05-01 dated 4/15/05](#) and [OMB Memorandum dated 5/7/2014](#), and other responsibilities assigned to Agency Acquisition Career Managers in [OFPP Policy Letter 05-01 dated 4/15/05](#).

(3) CO responsibilities.

(i) Per [FAR 1.602-2](#), COs are responsible for performing all necessary actions for effective contracting, ensuring compliance with the terms of the contract, and safeguarding the interests of the United States in all contractual relationships. Additionally, COs shall:

(A) ensure timely and accurate submission of contract action reports to FPDS-NG;

(B) ensure that the requirements of FAR 1.602-1(b) have been met and that sufficient funds are available for obligation;

(C) comply with the terms and conditions of the CO's warrant and any specified limitations;

(D) ensure contractors receive impartial, fair, and equitable treatment; and

(E) request and consider the advice of specialists in audit, law, engineering, information security, transportation, and other fields, as appropriate.

(ii) Per FAR 7.503(c)(12)(v), the CO must be a Federal Government employee or locally employed staff (LE staff), such as a Foreign Service national (FSN), third-country nationals, and U.S. citizen hired as LE staff. *Contractors, e.g. personal services contractors, are not eligible to be designated as COs.*

(4) Education Requirements.

(i) Education Requirements for GS-1102 Personnel. CO education requirements are set by General Schedule (GS) 1102, Contracting Qualification Standard for non-DOD acquisition workforce positions (AWP), developed by OFPP in consultation with Office of Personnel Management (OPM). These standards (“the Qualification Standards”) outline educational requirements, experience, exceptions, and waivers for contract specialists. As a result of the Qualification Standards, Agency personnel that occupy GS-1102 positions grades 5 through 12 are required to have either 24-semester hours of business related education or a baccalaureate (four (4) year) degree, from an accredited institution. GS-1102 positions grades 13 and above must have both 24 semester hours of business-related education *AND* a baccalaureate (four (4) year) degree, from an accredited institution. These educational requirements must be met for certification at the next GS level. See Attachment A for the standards as extracted verbatim from OPM’s website. For an updated version of this document, refer to <http://www.opm.gov/policy-data-oversight/classification-qualifications/general-schedule-qualification-standards/1100/contracting-series-1102/>.

(ii) Exception for GS-1102 Agency Personnel in Grades 5-12. Agency personnel that occupy GS-1102 positions will be treated as if they have met the standard for positions they have occupied since January 1, 2000. Employees who occupied GS-1102 positions at grades 5 through 12 will be considered to meet the educational requirements for other GS-1102 positions up to and including those classified at GS-12. This includes positions at other agencies and promotions up through grade 12. However, Agency personnel must meet specialized experience requirements when seeking another position. This exception does not apply if there was a break in service after January 1, 2000.

(iii) Exception for GS-1102 Agency Personnel in Grades 13 and Above. Agency personnel in GS-1102 positions at grades 13 and above will be treated as if they have met the standard for positions they occupied on January 1, 2000. This also applies to positions at the same grade in the same agency or other agencies if the specialized experience requirements are met. However, Agency personnel will have to meet the educational requirements and specialized experience requirements in order to qualify for promotion to a higher grade, unless granted a waiver as set forth in (6) below. This exception does not apply if there was a break in service after January 1, 2000.

(5) Experience Requirements.

(i) The experience requirements are generally based on the GS-1102 Qualification Standard. Experience may be time spent on the job in a contracting related job assignment, either in the private or public sector, which reflects the accumulation of knowledge, skills, and abilities during years of increasingly more responsible work assignments. Members of the Agency's contracting workforce should not only obtain the right number of years of experience, but also the breadth and depth of experience required to strengthen their skills and capabilities. This can be done through developmental opportunities and on-the-job experience. Sample developmental opportunities are outlined in the OMB Memorandum of 5/7/2014 and can be found on the Federal Acquisition Institute's (FAI's) website. In addition, BBG's contracting professionals can use DOD's On-the-Job training tool to document demonstrated work experiences in the contracting career field. The tool is available at <https://acc.dau.mil/CommunityBrowser.aspx?id=398979&lang=en-US>.

(ii) There is no exception to the experience requirement in the Qualification Standards, and Agency personnel requesting a warrant or certification must provide evidence of their experience in writing on their request for warrant or certification application. Satisfaction of experience requirements from one certification level may be applied to the satisfaction of experience requirements of a higher certification level.

(6) GS-1102 Qualification Standard Waivers.

(i) For a specific vacant position at grade 13 and above, the GS-1102 Qualification Standard includes a provision that permits the SPE to waive mandatory requirements. The SPE may consider waiving these requirements in unusual situations when a highly qualified candidate does not meet the GS-1102 Qualification Standards, such as the mandatory procurement training for FAC-C, FAC-C (R), a four (4)-year bachelor's degree requirement from an accredited institution, and twenty-four (24) semester hours in specified business courses.

(ii) To meet the conditions of OFPP Policy Letter 05-01 and the GS-1102 Qualification Standard, the SPE, on a non-delegable basis, shall sign a certification detailing the basis for a decision to waive some or all of the requirement(s). The certification must detail how the candidate shows potential for advancement to levels of greater responsibility and authority based on demonstrated analytical and decision making capabilities, job performance, qualifying experience, the impact on the Agency if the SPE does not issue a waiver to the candidate, etc.

(iii) The waiver is not transferable to another agency and does not apply towards the requirement for FAC-C certification.

(7) GS-1102 Training Requirements.

(i) This Agency, like all civilian agencies and DOD, is required to follow uniform core training requirements. To ensure consistency in the quality of training provided to the AWF, the Agency follows the course equivalency determinations accepted by Defense

Acquisition University (DAU) to ensure that core training is comparable across the AWF and qualifies for certification. Electives and other specialized courses do not generally require a course equivalency determination.

(ii) The GS-1102 training requirements are the same as the mandatory training requirements for FAC-C Legacy and FAC-C (R). They have been established to assure that job related knowledge, skills, and competencies are acquired by contracting professionals as they progress from entry level procurement positions to highly skilled contracting officers. The current training requirements are detailed in Attachment B-1, B-2, and B-3.

(iii) The SPE may waive the training requirements for an individual for GS-13 positions and above, based on that person's demonstrated analytical and decision making capabilities, job performance, and qualifying experience. See paragraph (6) above for additional information about the SPE's authority to waive mandatory requirements in the Qualification Standard.

(8) Federal Acquisition Institute Training Application System (FAITAS). COs shall use FAITAS to register for training courses and related career development opportunities at no charge. COs are also required to manage their certification and supporting documentation for quality assurance purposes in FAITAS. This includes recording their education, training, and experience. All Agency contracting professionals must register in the FAITAS system. The Agency will utilize the system to manage the Agency's contracting professional staff. This resource is available at <https://www.atrrs.army.mil/faitas/External/Login>.

(9) Federal Acquisition Certifications in Contracting Program.

(i) The Federal Acquisition Certification in Contracting program (FAC-C Legacy) and FAC-C (R) establishes core competencies that are considered essential for successful contracting, education and experience requirements, training, continuous learning to maintain skills currency and developmental activities for contracting professionals government-wide in civilian agencies.

(ii) The refreshed FAC-C program implemented under OMB's Memorandum dated 5/7/2014 is effective on 10/1/2014. This program will run concurrently with the FAC-C Legacy program until 10/1/2015. Then, the refreshed FAC-C program will replace the FAC-C Legacy program. During this transition period, contracting professionals will be able to complete some of the certification requirements using the FAC-C Legacy or FAC-C (R). Completion of Legacy Courses will satisfy training requirement for the indicated FAC-C Level if certification steps were already in process on 10/1/2014. Contracting professionals can continue to use the FAC-C Legacy Program on the current certification level until 9/30/2015. FAC-C holders certified under the previous FAC-C will be grandfathered in at their current level of certification, provided their continuous learning requirements are met. Current FAC-C holders may be required to take additional courses or meet course pre-requisites for courses at a FAC-C level at which they are already certified. For example, current FAC-C Level 1 holders must take the following courses before starting their FAC-C Level II training: FAC-023 – Basic Contracting for GSA



Schedules, FAC 031 – Small Business Programs, CLC 057 – Performance Based Payments, CLC 058 – Introduction to Contract Pricing and CLC 170 – Fundamentals of Cost/Price Analysis. See the attached transition options in Attachment B-3.

(iii) All GS-1102 COs with a warrant, and other contracting professionals that occupy positions in the 1102 job series, must be certified at an appropriate level within two (2) years, or no later than September 30, 2016. Also, any contracting professional issued an unlimited warrant after October 1, 2014 must be Level III certified. All individuals with warrants must meet the FAC-C program requirements at an appropriate level to support their warrant.

(iv) In exceptional situations and for compelling reasons, the SPE may waive the FAC-C training requirements for warranting purposes, by granting a non-transferable waiver, when the SPE determines this is in the best interest of the Agency. The supervisor of the requesting CO shall submit the waiver request to the SPE. Each waiver request shall include a description of: the CO's training, education, or experience deficiency; the estimated time requirement to meet the FAC-C requirements; and the impact on the Agency if the waiver is not granted. The ACM, or designee, shall maintain a record of all supporting documentation for the waiver.

(v) The SPE has determined that non-1102 COs are outside the scope of the FAC-C and FAC-R programs. Therefore, their participation in these programs are highly recommended, but not required to obtain a new warrant. These individuals' warrant limits will be at or below the simplified acquisition threshold.

(10) GS-1102 CO Certification and Warrant Levels.

(i) The [OMB Memorandums dated 1/20/2006 and 5/7/2014](#), identifies three levels of certification for all COs with varying requirements for education, training, and experience and the requirements are cumulative, (i.e., an individual must meet the requirements of each previous certification level). The FAC-C levels are not associated with warrant limits; however, the Agency is tying warrant levels to certification levels for 1102s as follows:

(A) *Level I CO (Junior)* is for simplified and formal acquisitions of commercial and non-commercial items above the micro-purchase threshold up to \$500,000. One (1) – two (2) years of contracting experience is required;

(B) *Level II CO (Intermediate)* is for formal contract vehicles of moderate to high complexity up to \$5,000,000. Two (2) years of hands-on contracting experience is required conducting progressively more complex acquisitions under Federal Acquisition Regulation (FAR) procedures and full comprehension of required contracting duties; and

(C) *Level III CO (Senior)* is for complex contract vehicles under FAR procedures and full comprehension of required contracting duties up to *unlimited* authority. Four (4) – five (5) years of extensive contracting work experience is required on conducting complex acquisitions and full comprehension of required contracting duties.



(ii) The detailed requirements, e.g., training, for the Agency's FAC-C is cited in Attachments B-1, B-2, and B-3.

(11) Non-GS-1102 Certification Warrant Levels. The Agency has identified additional warranting requirements that are not associated with the FAC-C / FAC-C (R), and which are explained in Attachments B-1 and B-2. Since these warrant levels are Agency-specific; they are not transferable to other agencies.

(i) *Micro-purchase CO* is for simplified acquisitions below the micro-purchase threshold for orders against Agency Indefinite Delivery/Indefinite Quantity (IDIQ) contracts and GSA Federal Supply Schedule (FSS) contracts. No experience is required;

(ii) *Simplified Acquisition Procedures (SAP) I CO* is for simplified acquisitions above the micro-purchase threshold up to \$25,000. Six (6) months of hands-on simplified acquisitions contracting experience is required; and

(iii) *SAP II CO* is for simplified acquisitions above the micro-purchase threshold up to \$150,000. One (1) year of hands-on simplified acquisitions contracting experience is required.

(12) CO Certification Requirements. Effective immediately, in order for an individual to serve as a CO Level I, II, or III, he or she must meet the core education, training, experience, and continuous learning requirements for the appropriate level, explained in Attachments A, B-1, B-2, and B-3. Level I, II and III certifications can be used outside of the Agency, provided the CO meets the appropriate education requirements and completes [FAI-approved, DAU, DAU-equivalent courses, or through fulfillment courses](#).

(13) FAC-C Certification process.

(i) To receive CO certification, an individual seeking certification ("the applicant") must prepare the application included in Attachment C. Then, the applicant must submit the application to his/her supervisor for signature. The applicant's supervisor will then forward the signed application to the ACM, or his/her designee, for verification and assessment of the application. The applicant's supervisor should take this opportunity to assess the skills and competencies of the applicant and develop a plan for enhancing or adding to the applicant's competencies, if appropriate. The applicant will receive a written confirmation of his/her CO certification from the SPE or his/her designee. Then, the applicant must request a FAI FAC-C certification within fourteen (14) calendar days from receipt of the processed application electronically through the FAITAS by creating and submitting a new certification request in the system to the Super ACM that includes the following:

(A) The FAC-C certification signed by the ACM;

(B) Education documentation and training certificates for the Level requested, if needed; and

(C) Experience information (e.g., résumé) that is applicable to the FAC-C Level requested in the system.

(ii) Upon receiving a FAC-C certificate from FAITAS, the applicant shall immediately provide a copy to the ACM for inclusion in the Agency's FAC-C files at email address [bbgconpolicy@bbg.gov](mailto:bbgconpolicy@bbg.gov).

(iii) The issuance of the FAC-C certificate at a specific level is a one-time process. The certificate represents completion of Government-wide standards and each Executive agency shall accept the certificate as proof of competency for the certified level.

(14) Appointment and Warrant Authority.

(i) Appointing Official for COs. The SPE is the Agency's appointing official for COs. Prior to redelegating warrant authority, the SPE shall ensure that the applicant, or applicant's supervisor, demonstrates a valid organizational need for the requested authority. Factors such as volume of actions, complexity of work, value of the acquisitions to be assigned and the applicant's experience and organizational structure shall be considered by the SPE when determining whether to grant a warrant request. The SPE shall also assure the applicant has demonstrated an ability to apply applicable procurement laws, regulations, policies, and sound business judgment.

(ii) Selection and Appointment of COs. All warrants shall be issued on Standard Form (SF) 1402, Certificate of Appointment and shall indicate the CO's name, the warrant level and dollar threshold, any other limitations, and shall be signed by the SPE. Additional limitations on the scope of the warrant authority may be placed on a separate document, such as "Redelegation of Procurement Authority" (RPA), which will be referenced on the warrant. The SPE shall ensure the nominated CO meet the minimum requirements of Attachments B-1, B-2, and B-3, has a valid FAC-C certification, if required and meets any specialized training required. All warrants are serially numbered. Once the warrant is issued, it must be displayed openly to the public and Agency personnel in the vicinity of the CO's work area. To the extent incorporation by reference is used (e.g., RPA), copies of the referenced document shall be made readily available to the public upon request. A list of individuals who have been appointed as COs and the limits of their authority is available from the Office of Contracts (CON).

(iii) Proper Documentation Requirements. Consistent with FAR 1.603-2, the SPE shall determine the proper documentation required when the requested appointment and authority will not exceed the micro-purchase threshold.

(iv) Warrant request process. Warrant requests shall be sent to the ACM using the forms provided at Attachments D and E. Warrant limits, educational requirements, experience, and continuing learning requirements are listed in Attachment B-1, B-2, and B-3. A copy of the FAC-C Certification must be attached to requests for Level I, II, and III. The CO nominee will receive a written confirmation of his/her CO warrant from the SPE or his/her designee.

(v) Interim appointments. If it is essential to appoint an individual as a CO who does not yet fully meet the FAC-C or Agency's COWS requirements for the signature authority sought, the SPE may make an interim appointment for up to eighteen (18) months. *If an extension of time has been granted, but the individual does not complete the certification requirements by the extended date, the SPE's approval for the interim appointment will automatically terminate on that date.*

(vi) Expiration of appointments. All warrants shall expire no longer than two years from the date issued to align with the eighty (80) continuous learning points requirement. When a CO's warrant expires, a new warrant must be requested in writing by the CO's supervisor using the forms at Attachment D and E. Expired warrants must be destroyed by the CO immediately upon expiration of the warrant.

(vii) Termination of appointments. The SPE will terminate CO warrants in writing unless the appointment contains other provisions such as automatic expiration. The SPE may terminate warrants at his/her discretion for reasons such as failure to maintain skills currency, mission changes, CO reassignment or departure, unsatisfactory performance, or violation of ethics/standards of conduct.

(viii) *Warrants will be issued to individuals serving in positions requiring such authority and do not follow an individual from position to position.*

(ix) A Warranted CO shall be notified in writing of the effective date of the termination. The notification shall provide enough time and sufficient instructions to ensure that unauthorized obligations are not made. No termination shall operate retroactively. Upon termination, the original SF1402 must be returned to the ACM for placement in the official CO warrant file maintained by the CON Policy Branch.

(15) Waiver Requirement for Certification for Warranting Purposes. The SPE may waive the requirement for obtaining a certification for warranting purposes, in writing, on a case-by-case basis, but only if granting the waiver is in the best interest of the Agency. This waiver is not transferable to another agency. To obtain a waiver, please submit a detailed written request to the SPE.

(16) Specific Amount of Warrant Authority.

(i) COs have authority to sign contracting vehicles up to the value stipulated on the SF-1402. They also have authority to use Government-wide purchase cards as a payment mechanism for contractual actions over the micro-purchase threshold, up to their warrant authority for purchase card transactions, after confirming the receipt of goods and services.

(ii) COs shall not sign contracts, including modifications, options, estimated orders against an indefinite delivery contract, or any other agreement, that will result in the total amount of the contract exceeding their warrant authority. In some circumstances, higher-level COs must sign the contract when modifications to orders and contracts make the total amount of the contract exceed the CO's warrant limitation.

(iii) COs are not necessarily required to conduct or participate in every aspect of the contract personally. However, the CO is the person responsible for assuring the signed document complies with all applicable laws, rules, and regulations.

(iv) COs are legally responsible for their signed procurement documents. COs cannot sign “for” or over the name of another CO, or at a level exceeding the limitations stated on his or her warrant. Also, all Contracting Officers are responsible for ensuring that any contract awarded complies with all applicable laws, rules, and regulations. Additionally, CON Policy Branch will perform periodic reviews and spot checks using system reports to ensure COs are not exceeding their warrant authority.

(v) COs who exceed their warrant authority may be disciplined, up to and including removal from Federal service.

(17) Warrant Authority for Non-1102 Procurement Personnel. The SPE may grant non-1102 personnel warrant authority to issue purchase orders, delivery orders, and agreements up to the simplified acquisition threshold for commercial supplies and services, including construction. These individuals granted procurement authority must comply with all Federal laws, rules, regulations, Agency directives, FPDS reporting requirements, and other acquisition guidelines.

(18) Exemption from Warranting Requirements. The CO warranting requirement does not cover executing documents listed below unless it is specifically stated on his/her warrant. Although the following transactions and documents are exempt by the FAR warranting requirements, the SPE may require a warranted CO to sign any or all of the listed procedures:

(i) Request, Authorization, Agreement, and Certification of Training (SF-182) when used alone (i.e. without an obligating document, such as a Purchase Order);

(ii) Government Bills of Lading;

(iii) Micro-purchase credit card transactions;

(iv) Interagency Agreements; and

(v) Cooperative agreements and grants.

(19) Procurement Training Requirements. Individuals should use FAITAS to register for needed acquisition training courses and related career development opportunities to fulfill the procurement training requirement at no charge. This training must be completed prior to issuance of a warrant. Individuals in non-GS-1102 series are not required to meet the FAC-C / FAC-C (R) Level training requirements but must fulfill the training requirement applicable to the requested SAP Level that is outlined in Attachments B-1/B-2.

(i) Specialized Training Requirements. The SPE will require an eligible CO to complete specialized training (e.g., construction contracting, Architect/Engineer Services, information technology (IT), Lease or Purchase of Real Property, Lease Real Estate, etc.), and have hands-on experience performing the aforementioned types of acquisitions,

in addition to the minimum certification requirements, when the specialized training is relevant to a particular type of contract to which the eligible CO is, or may be assigned. This type of specialized training is also known as FAC-C Core-Plus Specialization. This training establishes additional training, experience and continuous learning requirements for FAC-C certified personnel who manage specific procurements requiring specialized knowledge, skills and abilities. Core-plus requirements will be added to the FAC-C certification in the near future and will be available on the FAI website.

(20) Reciprocity with Other Certifications.

(i) A DOD Defense Acquisition Workforce Improvement Act (DAWIA) certification in contracting is equivalent to a FAC-C at the same certification level, provided the education and continuous learning criteria for FAC-C is met. In other words, a valid, current FAC-C does not necessarily meet the requirements for the DAWIA certification. Determination of equivalency will be made by DOD on an individual basis.

(ii) A valid, current FAC-C Level I or II is considered to have met the Federal Acquisition Certification for Contracting Officer's Representative (FAC-COR) requirements for Level II. A valid, current FAC-C Level III is considered to have met the FAC-COR requirements for Level III. An individual with FAC-COR certification does not necessarily meet the requirements for the FAC-C.

(21) Certification and Warrant Maintenance. In order to maintain a CO certification and warrant, COs must meet continuing learning requirements by earning 80 continuous learning points (CLPs) of skills currency training every two (2) years, as explained in Attachments B-1/ B-2.

(i) Time to Complete CLPs. A CO may start earning CLPs immediately after certification, and must re-start earning CLPs every two (2) years after the date of the CO's certification. Earning more CLPs than required in a two (2) year period does not change or reduce CLP requirements for any future two (2) year period.

(ii) Failure to Complete CLPs. A CO certification and/or warrant will expire if the CO fails to complete CLPs in the timeframe set forth in paragraph (d)(21)(i) above. To regain certification status after a certification has lapsed, the 80 CLPs requirement must be completed within a two (2) year period. Should the lapse be longer than two (2) years, the SPE may review the situation on a case-by-case basis and make a reasonable determination of what training the individual requires to maintain the required competencies. If the warrant has lapsed, the SPE may revoke or modify the CO's warrant. If this is done, the SPE will notify the CO in writing when the revocation or modification will be effective, providing enough time to ensure that the CO makes no unauthorized obligations.

(iii) Documenting CLPs. COs must send copies of CLPs training certification to the ACM as well as maintain this information in the Federal Acquisition Institute Training Application System (FAITAS). The ACM shall monitor the CLPs for COs to ensure they meet these requirements.

(iv) Guidance on CLPs. COs should not retake their original CO training classes for continuous learning unless refresher training is required. Instead, COs are encouraged to use continuous learning opportunities to obtain core competencies, maintain critical acquisition skills, and acquire Agency recommended training, such as Performance Based Acquisition training, Green Purchasing training, Section 508 training, Federal Appropriation Law training. See the [FAI's FAC-C webpage](#) for continuous learning activities and guidance on earning CLPs and assigning points to various developmental activities. Additional guidance on CO competencies and skills currency is available at [FAI's FAC-C webpage](#).

(v) Records of Certification Documents. COs and the ACM are responsible for maintaining certification documentation for auditing purposes for FAI, who will conduct periodic agency audits to validate that the standards for the certification program are being met. Levels I, II and III COs must ensure their training data, education, and experiences are properly entered into [FAITAS](#) within sixty (60) calendar days after the effective date of this policy. All individuals who have received a FAC-Certification via FAITAS during their tenure at the Agency must provide a copy of the certification to the ACM as well as a completed application signed by their supervisor within fifteen (15) calendar days of issuance of this policy unless both documents are already on file in CON Policy Branch.

(22) CO Performance Management. Upon designation, supervisors of COs may include CO duties and responsibilities in a COs position description and rate that CO on performance of such responsibilities as part of an annual performance plan. For example, include reporting procurement data accurately and timely to FPDS-NG as a critical element or incorporate into an existing performance element.

(23) Resources for COs. FAI website maintains a variety of information for COs at <http://www.fai.gov/drupal/>. This website includes best practices, a FAC-C and FAC-C (R) requirements, continuous training requirements, and examples of acceptable skills currency training, and links to areas of interest.

**(e) DEFINITIONS:**

(1) Acquisition Career Manager (ACM) means an individual, appointed in compliance with [OFPP Policy Letter 05-01 of 4/15/05](#), with sufficient acquisition experience to lead an acquisition career management program. The ACM for the Agency is the head of the IBB Office of Contracts, Policy Branch (CON/P).

(2) Contracting Officer (CO), defined further in [FAR 2.101](#), is a person with the authority to enter, administer, and/or terminate contracts and make related determinations and findings.

(3) Super ACM, is an individual responsible for approving certifications in the FAITAS system on the behalf of one or more small Federal agencies.

**(f) EFFECTIVE DATE AND APPROVAL:**

## Attachment A

## COR Certification Training and Maintenance

Individuals seeking to meet the training requirement for COR certification may complete their training via a combination of classroom and web training. Courses labeled with a Federal Acquisition Institute Application System (FAITAS) course number below are offered by the Defense Acquisition University, and are available on the [FAITAS website](#). Enrollment instructions are available at the [Training page at FAI.gov](#), or click a link provided in the FAITAS course numbers below. To meet the training requirements, all course(s) for a particular level/option must be completed. COR Level I training is a prerequisite for COR Levels II/III.

## LEVEL I

Training	No. of Hours/Continuous Learning Points	COR Experience	Type of Contract	Continuous Learning Requirements
<p>8 hours of training required:</p> <p><b>Option 1 –</b> BBG Contracting Officer's Representative (COR) classroom training or equivalent classroom training</p> <p><b>OR</b></p> <p><b>Option 2 –</b> <a href="#">FAITAS # FCR 100</a> Contracting Officer Representative Level I (online)</p> <p><b>OR</b></p> <p><b>Option 3 –</b> FAITAS #CLC106 COR with a Mission Focus</p> <p><b>AND</b></p> <p>Procurement Ethics Training:</p> <p><b>Option 1 –</b> <a href="#">BBG on-line ethics training</a> (you must complete modules 1, 3, 4, 6, 10, 11, 13, and 14)</p> <p><b>OR</b></p> <p><b>Option 2 –</b> <a href="#">FAITAS # CLM 003</a> – Overview of Acquisition Ethics</p> <p><b>OR</b></p> <p><b>Option 3 –</b> <a href="#">FAITAS # FAC043</a> Procurement Integrity for the Acquisition Workforce</p> <p><b>NOTE:</b> Procurement Ethics training is only required for initial training when the subject is not covered in other training courses. However, this training must be completed annually thereafter.</p>	<p>8</p> <p>7</p> <p>8</p> <p>1</p> <p>2</p> <p>1</p>	<p>None</p>	<p>Low-risk fixed priced with basic provisions, such as supply orders and simplified acquisitions for services, i.e., POV (talent) and clerical support.</p>	<p>8 hours of training every two (2) years and one (1) hour procurement ethics course annually</p>



## Attachment A

**LEVEL II**

Training	No. of Hours	COR Experience	Type of Contract	Continuous Learning Points/Requirements
40 hours of classroom and online training required		1 year	Contract vehicles of moderate to high complexity, such as formal contract vehicles.	40 hours of training every two (2) years and one (1) hour procurement ethics course annually
<b>Option 1 –</b> <a href="#">FAITAS #COR LVL2</a> COR Level II Classroom Training, or equivalent classroom training	40	Experience may be gained as a COR and by performing acquisition-related functions, e.g., performing market research, writing SOW/SOO, assisting the CO or COR as a technical monitor, and participating as a subject matter expert on a technical evaluation team.		
<b>OR</b>				
<b>Option 2 –</b> <a href="#">FAITAS #CLC222</a> – Online Training for COR;	32			
<a href="#">FAITAS #CLE028</a> – Market Research for Technical Personnel;	4			
<a href="#">FAITAS #CLM031</a> – Improved Statement of Work; and Procurement Ethics Training	4			
<a href="#">(FAITAS #CLM003 or FAITAS #FAC 043)</a>	1 or 2			
<b>OR</b>				
<b>Option 3 –</b> BBG COR training or equivalent classroom training;	8			
<a href="#">FAITAS #CLM-024</a> - Contracting Overview (on-line);	8			
<a href="#">FAITAS #CLE028</a> – Market Research for Technical Personnel (on-line);	4			
<a href="#">FAITAS #CLM031</a> – Improved Statement of Work (on-line);	4			
<a href="#">FAITAS #CLC013</a> -Performance Based Services Acquisition (on-line);	6			
<a href="#">FAITAS #CLC011</a> – Contracting for the Rest of Us (on-line);	2			
<a href="#">FAITAS #CLM017</a> – Risk Management (on-line); and Procurement Ethics Training	8			
<a href="#">(FAITAS #CLM003 or FAITAS #FAC 043)</a>	1 or 2			

# Attachment A

<b>LEVEL III</b>				
<b>Training</b>	<b>No. of Hours</b>	<b>COR Experience</b>	<b>Type of Contract</b>	<b>Continuous Learning Points/Requirements</b>
60 hours of training required		2 years	Mission critical contract vehicles of moderate to high complexity that require significant acquisition investment including contract administration.	40 hours of training every two (2) years and one (1) hour procurement ethics course annually
<b>Option 1 –</b> COR training or equivalent classroom type training; <a href="#">FAITAS # CLE028</a> – Market Research for Technical Personnel (on-line); <a href="#">FAITAS # CLM031</a> – Improved Statement of Work (on-line); <a href="#">FAITAS # FAC033</a> – Contract Management Strategies for Mission Success (on-line); <a href="#">FAITAS # CLM014</a> – IPT Management and Leadership (on-line); <a href="#">FAITAS # CLB016</a> – Introduction to Earned Value Management; and Procurement Ethics Training ( <a href="#">FAITAS # CLM003</a> or <a href="#">FAITAS # FAC043</a> )	40 4 4 3 8 1 1 or 2	Experience may be gained as a COR and by performing acquisition-related functions, e.g., performing market research, writing SOW/SOO, assisting the CO or COR as a technical monitor, and participating as a subject matter expert on a technical evaluation team.		
<b>OR</b>				
<b>Option 2 –</b> <a href="#">FAITAS # CLC222</a> – Online Training for COR; <a href="#">FAITAS # CLE028</a> – Market Research for Technical Personnel (on-line); <a href="#">FAITAS # CLM031</a> – Improved Statement of Work (on-line); <a href="#">FAITAS # CLM017</a> – Risk Management; <a href="#">FAITAS # FAC033</a> – Contract Management Strategies for Mission Success (on-line); <a href="#">FAITAS # CLM014</a> – IPT Management and Leadership (on-line); <a href="#">FAITAS # CLB016</a> – Introduction to Earned Value Management; and Procurement Ethics Training ( <a href="#">FAITAS # CLM003</a> or <a href="#">FAI # FAC043</a> )	32 4 4 8 3 8 1 1 or 2			

# Attachment A

<p><b>OR</b></p> <p><b>Option 3 - For COR handling IT System Procurement</b></p> <p><a href="#">FAITAS #CLC106</a> – COR with a Mission Focus (on-line);</p> <p><a href="#">FAITAS #CLM024</a> – Contracting Overview (on-line);</p> <p><a href="#">FAITAS, CLE028</a> – Market Research for Technical Personnel (on-line);</p> <p><a href="#">FAITAS, CLM031</a> – Improved Statement of Work (on-line);</p> <p><a href="#">FAITAS #IRM101</a> – Basic Information Systems Acquisition;</p> <p><a href="#">FAITAS #CLB016</a> – Introduction to Earned Value Management; and</p> <p>Procurement Ethics Training (<a href="#">FAITAS #CLM003</a> or <a href="#">FAITAs #FAC 043</a>)</p>	<p>8</p> <p>8</p> <p>4</p> <p>4</p> <p>35</p> <p>1</p> <p>1 or 2</p>			
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**Broadcasting Board of Governors, International Broadcasting Bureau  
Contracting Officer's Representative (COR)  
Application for Certification**

**Level I**

Level I requires 8-9 hours of training and no previous COR experience. Level I CORs may be called upon to perform low-risk fixed priced with basic provisions, such as supply contracts, purchase orders, and POV blanket purchase agreements.

**Training:** Classroom and/or online training is required for initial certification. For continuous learning, any combination of classroom or online training that contributes to learning the competencies is acceptable. Individual CORs should consult with their supervisor, the Contracting Officer or the agency's Acquisition Career Manager (ACM) located in the Office of Contracts, Policy and Procedures Branch to determine their specific training needs. Training options which satisfy this requirement include classroom, online, or a mix of both.

**Experience:** No experience required.

**Level II**

Level II requires 40 hours of training and at least one (1) year of previous COR experience. Level II CORs may be called upon to perform general project management activities and should be trained accordingly. This level of COR is generally appropriate for contract vehicles of moderate to high complexity, including both supply and service contracts. COR Level I classroom training is a pre-requisite.

**Training:** Any combination of classroom or online training that contributes to learning the competencies is acceptable. The Contracting Officer has been given the authority by the SPE to require an eligible COR to complete additional specialized training (e.g., performance-based service contracts, contract administration, construction contracting, etc.) when it is considered relevant to a particular type of contract to which the eligible COR is, or may be assigned. The specialized training is in addition to the certification requirements and may be required of the COR to meet the needs of the designation.

Required training should be determined by agency policy and the Acquisition Career Manager. Individual CORs should consult with their supervisor and the Contracting Officer to determine their specific training needs. Training options which satisfy this requirement include classroom, online, or a mix of both.

**Experience:** The essential competencies required for CORs or equivalent positions form the foundation for the knowledge, skills, and abilities to effectively perform as a COR. Experience may be gained by performing acquisition-related activities, such as performing market research; writing specifications, Statements of Work or Statements of Objectives; developing quality assurance surveillance plans; assisting the CO or COR as a technical monitor; and participating as a subject matter expert on a technical evaluation team. Recognizing that COR and other

acquisition-related activities are not generally full-time duties for individuals other than contracting professionals, experience may be gained by performing these activities on a part-time basis.

**Reciprocity With Other Certifications:** Individuals certified as Federal Acquisition Certification in Contracting (FAC-C) Levels I or II or Federal Acquisition Certification for Program and Project Managers (FAC-P/PM) Mid-Level/Journeyman are considered to have met the FAC-COR requirements for Level II. These individuals must submit their FAC certificates and continuous learning documents to the Acquisition Career Manager for FAC-COR certification.

### **Level III**

The COR certification level depends on the type of contract the COR is managing and not all CORs manage the most complex and high-risk contracts. Level III CORs are the most experienced CORs within an agency and should be assigned to the most complex and mission critical contracts within the agency. Level III CORs are often called upon to perform significant program management activities and should be trained accordingly. At a minimum, those CORs for major investments, as defined by OMB Circular A-11, shall generally be designated as Level III CORs. Level III requires 60 hours of training and at least two (2) years of previous COR experience.

**Training:** Any combination of classroom or online training that contributes to learning the competencies is acceptable. The Contracting Officer has been given the authority by the SPE to require an eligible COR to complete additional specialized training (e.g., performance-based service contracts, contract administration, construction contracting, etc.) when it is considered relevant to a particular type of contract to which the eligible COR is, or may be assigned. The specialized training is in addition to the certification requirements and may be required of the COR to meet the needs of the designation.

Required training should be determined by agency policy and the Acquisition Career Manager. Individual CORs should consult with their supervisor and the Contracting Officer to determine their specific training needs. Training options which satisfy this requirement include classroom, online, or a mix of both.

**Experience:** The essential competencies required for CORs or equivalent positions form the foundation for the knowledge, skills, and abilities to effectively perform as a COR. Experience for a level III COR may be gained by performing acquisition-related activities in a leadership position such as the Program Manager; Integrated Product Team Lead or Project lead, specific duties such as leading technical evaluation team, being recognized as the subject matter expert for the project or chairing the Source Selection Evaluation Board. Recognizing that COR and other acquisition-related activities are not generally full-time duties for individuals other than contracting professionals, experience may be gained by performing these activities on a part-time basis.

**Reciprocity With Other Certifications:** Individuals certified as FAC-C Level III or FAC-P/PM Senior/Expert have met the FAC-COR requirements for Level III.

**Broadcasting Board of Governors, International Broadcasting Bureau**  
**Contracting Officer's Representative (COR)**  
**Application for Certification**

**Employee:** I certify that I have completed all necessary training and gained the required experience to obtain the technical competencies required to be certified as a Contracting Officer's Representative (COR). Experience is required for Levels II and III. The information in this form is, to the best of my knowledge, complete & accurate.

Employee Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

Title, Series, Grade: \_\_\_\_\_

Division: \_\_\_\_\_

Office Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_

Former COR Appointment/Designation: TPOC \_\_\_\_ AR/CO \_\_\_\_ COR/COTR \_\_\_\_ FAR/CO \_\_\_\_

Application For: Level I \_\_\_\_ Level II \_\_\_\_ Level III \_\_\_\_ Level III, IT System \_\_\_\_

Employee Signature \_\_\_\_\_ Date: \_\_\_\_\_

**Certification Requirement:**

Place an "X" in the appropriate boxes below and provide training date. For all training completed, attach copies of training certificates. Note that Agency-instructed COR training is not currently certified by the Federal Acquisition Institute (FAI), and cannot be used for certification outside of this Agency.

**Level I Training Requirements:**

- ☐ 8 hours of classroom BBG COR training or equivalent COR training completed \_\_\_\_\_ (dates); and
  - ☐ 1 hour of procurement ethics training completed within the past year \_\_\_\_\_ (date);
- (NOTE: Separate ethics training is not required if it is included in an 8-hour classroom or online course)

**OR**

**Level II Training Requirements:**

- ☐ COR Level I completed on \_\_\_\_\_ (dates)

**Level II Option 1 -**

- ☐ 40 hours of classroom COR training completed \_\_\_\_\_ (dates); **and**
- ☐ 1 hour of ethics training completed within the past year \_\_\_\_\_ (date); **OR**

**Level II Option 2 -**

- ☐ 32 hours of FAITAS # CLC222, Online Training for COR completed \_\_\_\_\_ (dates);
- ☐ 1 hour of procurement ethics training completed within the past year \_\_\_\_\_ (date);
- ☐ 4 hours of FAITAS # CLE028 Market Research for Technical Personnel completed \_\_\_\_\_ (dates); and
- ☐ 4 hours of FAITAS # CLM031 – Improved Statement of Work completed \_\_\_\_\_ (dates); **OR**

**Level II Option 3 –**

- ☐ 8 hours of classroom BBG COR training or equivalent COR training completed \_\_\_\_\_ (dates);
- ☐ 8 hours of FAITAS # CLM-024 Contracting Overview training completed \_\_\_\_\_ (dates);
- ☐ 1 hour of procurement ethics training completed within the past year \_\_\_\_\_ (date);
- ☐ 4 hours of FAITAS # CLE028 – Market Research for Technical Personnel completed \_\_\_\_\_ (dates);
- ☐ 4 hours of FAITAS # CLM031 – Improved Statement of Work completed \_\_\_\_\_ (dates);
- ☐ 6 hours of FAITAS # CLC013 Performance Based Services Acquisition completed \_\_\_\_\_ (dates); and
- ☐ 8 hours of FAITAS # CLM017 Risk Management completed \_\_\_\_\_ (dates);

**Level III Training Requirements:****Level III Option 1 –**

- ☐ 40 hours of COR classroom training completed \_\_\_\_\_ (dates);
- ☐ 1 hour of procurement ethics training completed within the past year \_\_\_\_\_ (date);
- ☐ 4 hours of FAITAS # CLE028 – Market Research for Technical Personnel completed \_\_\_\_\_ (dates);
- ☐ 4 hours of FAITAS # CLM031 – Improved Statement of Work completed \_\_\_\_\_ (dates);
- ☐ 4 hours of FAITAS # FAC033 – Contract Management Strategies for Mission Success completed \_\_\_\_\_ (dates);
- ☐ 4 hours of FAITAS # CLM014 – IPT Management and Leadership completed \_\_\_\_\_ (dates); and
- ☐ 4 hours of FAITAS # CLB016 – Introduction to Earned Value Management completed \_\_\_\_\_ (dates); **OR**

**Level III Option 2 –**

- ☐ 32 hours of FAITAS # CLC222, Online Training for COR completed \_\_\_\_\_ (dates);
- ☐ 1 hour of procurement ethics training completed within the past year \_\_\_\_\_ (date);
- ☐ 4 hours of FAITAS # CLE028 – Market Research for Technical Personnel completed \_\_\_\_\_ (dates);
- ☐ 4 hours of FAITAS # CLM031 – Improved Statement of Work completed \_\_\_\_\_ (dates);
- ☐ 8 hours of FAITAS # CLM017 - Risk Management completed \_\_\_\_\_ (dates);
- ☐ 4 hours of FAITAS # FAC033 – Contract Management Strategies for Mission Success completed \_\_\_\_\_ (dates);
- ☐ 4 hours of FAITAS # CLM014 – IPT Management and Leadership completed \_\_\_\_\_ (dates); and
- ☐ 4 hours of FAITAS # CLB016 – Introduction to Earned Value Management completed \_\_\_\_\_ (dates); **OR**

**Level III Option 3 – For COR handling IT System Procurement**

- ☐ 8 hours of FAITAS # CLC106 – COR with a Mission Focus completed \_\_\_\_\_ (dates);
- ☐ 1 hour of procurement ethics training completed within the past year \_\_\_\_\_ (date);
- ☐ 8 hours of FAITAS # CLM024 – Contracting Overview completed \_\_\_\_\_ (dates);
- ☐ 4 hours of FAITAS # CLE028 – Market Research for Technical Personnel completed \_\_\_\_\_ (dates);
- ☐ 4 hours of FAITAS # CLM031 – Improved Statement of Work completed \_\_\_\_\_ (dates);
- ☐ 4 hours of FAITAS # CLB016 – Introduction to Earned Value Management completed \_\_\_\_\_ (dates); and
- ☐ 35 hours of FAITAS # IRM101 – Basic Information Systems Acquisition completed \_\_\_\_\_ (dates)

### **Experience Requirements:**

- ☐ Level I – No COR experience required.
- ☐ Level II - 1 year of previous COR experience required. The essential competencies required for CORs or equivalent positions form the foundation for the knowledge, skills, and abilities to effectively perform as a COR. Attach a resume detailing how the [COR competencies](#) found on the FAI web site have been achieved, including a detailed description of the program/contract(s) you were involved with and your specific actions to attain the required skills. The list of competencies will be updated during FY 2012.
- ☐ Level III - 2 years of previous COR experience required. The essential competencies required for CORs or equivalent positions form the foundation for the knowledge, skills, and abilities to effectively perform as a COR.
  - ☐ Attach a resume detailing how the COR competencies have been achieved, including a detailed description of the program/contract(s) you were involved with and your specific actions to attain the required skills.
  - ☐ Provide copies of the letter from the Contracting Officer with your COR appointment/designation.

### **Certification Equivalency:** (Only one required, if applicable)

- ☐ FAC-C Level I (or higher) completed \_\_\_\_\_ (date); **and**
- ☐ 1 hour of ethics training completed within the past year \_\_\_\_\_ (date)
- ☐ FAC-C Level II (or higher) completed \_\_\_\_\_ (date); **and**
- ☐ 1 hour of ethics training completed within the past year \_\_\_\_\_ (date)

### **Mandatory Continuing Training:**

To maintain a FAC-COR, CORs must earn the following continuous learning points (CLPs) every 2 years:

- Level I COR requires 8 hours every 2 years and 1 hour of procurement ethics course annually.
- Levels II and III COR requires 40 hours every 2 years and 1 hour of procurement ethics course annually.

The Acquisition Career Manager or his/her designee must monitor the continuous learning requirements for employees holding FAC-CORs to ensure they meet this requirement. It is the COR's responsibility to ensure that his/her continuous learning requirements are met. A FAC-COR certification will expire if the CLPs are not earned every 2 years, and the Senior Procurement Executive (SPE) and/or Contracting Officer (CO) may choose to revoke or modify a COR designation if this condition is not achieved. If the SPE or CO revokes or modifies a warrant, he or she will notify the COR holder in writing.

Has the employee met the mandatory skills currency? Yes \_\_\_ No \_\_\_ N/A \_\_\_

*Attach documentation to this application package that indicates that skills currency has been accomplished. Include completed course name, description, continuous learning points, and date completed.*



**Supervisor Concurrence:** I reviewed the information in this application, have verified it to the best of my knowledge as accurate and support the individual's certification as a Level I, Level II or Level III COR (*circle one*).

Supervisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

**Agency Acquisition Career Manager Endorsement:** I reviewed and verify that the information in this application, to the best of my knowledge, is accurate and support the individual's certification as a Level I, Level II or Level III COR (*circle one*). I will ensure that my organization maintains a copy locally with all back up information, suitable for audit validation.

ACM Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: James McGuirk \_\_\_\_\_

**Agency Senior Procurement Executive Clearance:** I reviewed the information in this application and support the ACM's endorsement of the individual's certification as a Level I, Level II or Level III COR (*circle one*).

SPE Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: Gary Hosford \_\_\_\_\_

### COR Designation Criteria Matrix

Risk Factor		Little or no risk associated with project	Significant or high risk associated with project
1	Sensitivity or Complexity of What is Being Procured	Oversight confirmed to basic inspection and acceptance (e.g., COTS or standard supplies)	Highly complex requirements; professional and technical services closely associated with inherently governmental functions; critical functions; continuous oversight or technical direction required (e.g., developmental; new or emerging technologies; poor or no performance history)
2	Number and Location of Performance Sites	Non-complex shipping/delivery to a single domestic delivery site	Highly complex shipping/packaging/delivery (e.g., requiring export, staging of shipments; multiple customers with competing requirements, multiple deliverables or sites; foreign performance site (s)) (span of control)
3	Impact of Delay	If project is delayed, no serious impact to mission that cannot be easily alleviated.	Serious impact on mission; high degree of impact on follow-on or interdependent projects; time is critical due to urgency, weather, or long-lead time items in critical path (e.g., contingency contract)
4	Visibility	Little or no internal or external interest anticipated	High degree of internal or external interest anticipated (e.g., GAO oversight; congressional engagement; or other special interests)
5	Contract Type/Structure	Firm fixed price contracts with basic provisions	Contracts other than firm fixed price (e.g., letter contract; cost-type contract; contract financing provisions required; hybrid contract; incentives; time and materials contract)
6	Special Considerations	No rights in data or government property required; No Personally Identifiable Information (PII) or security concerns.	High level of oversight required to assure government/contractor rights in data or government property; Significant security concerns relating to the contract classification or PII data.

**SAMPLE OF COR LEVEL I DESIGNATION LETTER**  
**FOR BPA/PO PURCHASE ORDER VENDOR**

Date: *(Insert date)*  
To: *(Insert office name and name of prospective COR)*  
From: *(Insert name of Contracting Officer)*  
Subject: Designation as a Level I Contracting Officer's Representative  
Reference: *(Insert BPA/PO number and contractor's name)*

Pursuant to Federal Acquisition Regulation (FAR) Subpart 1.602-2(d), you are hereby designated/authorized as the Level I Contracting Officer's Representative (COR) under Blanket Purchase Agreement (BPA)/Purchase Order (PO) No. *(insert number)* awarded to ***Contractor (insert contractor's name)*** effective *(insert date)*.

Attached for your information and records is an executed copy of the referenced BPA/PO. As the COR, you must be knowledgeable of the terms and conditions and technical content of the BPA/PO. Please read the contract and discuss any unclear areas with the Contracting Officer.

As the COR, your primary duty is to schedule assignments or hours as described in the referenced BPA/PO against executed delivery orders and to monitor the Contractor's performance to ensure that all of the technical requirements under the BPA/PO are met. In the performance of the duties delegated to you in this letter, you are cautioned that you could be held personally liable for actions taken or directions given by you to the Contractor that are beyond the authorities given to you in this letter.

The duties or authorities in this letter ***are not*** redelegable; therefore, you must advise the Contracting Officer, *(insert name of Contracting Officer, phone number)* or the Contract Specialist *(insert name of Contract Specialist, phone number)* immediately when you are unable to perform these duties. Your duties and limitations, as applicable to the BPA/PO you will be monitoring, are as follows:

**MONITORING PERFORMANCE.**

Ensure that the Contractor complies with all of the requirements of the statement of work as executed in the referenced BPA/PO. When a difference of opinion between you and the Contractor occurs, notify the Contracting Officer immediately for resolution and make recommendations as appropriate.

Assist the Contractor in interpreting the terms and conditions or performance requirements, provided that any interpretation or clarification is within the limitations prescribed within this designation.

Any decrease in or lack of performance shall be immediately brought to the attention of the Contracting Officer.

You will also be required to complete a Contractor Performance Evaluation within 30 days after the Contractor has met all terms and conditions of the contract/BPA/PO. See the below guidance under Evaluating Performance.

### **INVOICE REVIEW.**

Refer to FAR 32.905 for processing of invoices and follow to those conditions. Review the contractor's invoices/vouchers for reasonableness, availability of funding and applicability to the BPA/PO/orders and recommend approval or disapproval for payment. You are responsible for completing the review and submitting the invoice to the Accounts Payable Office within 5 days after receipt to ensure compliance with the Prompt Payment Act. If you cannot meet the required review time, advise the Contracting Officer and Accounts Payable Office. If recommending disapproval, return invoice to the Contractor within 5 days of receipt with the reason(s) why it is not a proper invoice, so that action can be taken to ensure government compliance with the Prompt Payment Act, thereby avoiding the payment of interest penalties to the Contractor. You may use the attached sample letter to return defected invoice(s) to the Contractor.

### **GOVERNMENT FURNISHED EQUIPMENT, MATERIALS AND FACILITIES.**

You are not authorized to provide any Government-owned or leased equipment or supplies or use of Government space to the Contractor, other than those specifically identified in the BPA/PO and authorized by the Contracting Officer.

During performance, it is your responsibility to oversee the Contractor's use and care of any Government-furnished property or supplies. If you observe any misuse of items, inform the Contractor of your concerns and advise the Contracting Officer immediately.

### **CHANGES TO THE BPA/PO/CONTRACT.**

You cannot authorize the Contractor to stop work, and you are not authorized to delete, change, waive, or negotiate any of the technical requirements that will affect price, quality, quantity, delivery, or other terms and conditions of the BPA/PO. Should a change (monetary or otherwise) to the contract become necessary, it must be made by a BPA/PO modification issued by the Contracting Officer. When in doubt, contact the Contracting Officer.

Any BPA/PO/contract change requested by the Contractor must be put in writing by the Contractor to the Contracting Officer for action; however, you should immediately advise the Contracting Officer of the proposed change since it may affect the contract price, cost, or delivery/performance schedule. When the Contracting Officer receives the proposed change, you will be required to provide the Contracting Officer with a written analysis and rationale for the change. You must also recognize and report to the Contracting Officer any government required changes to the contract (e.g., items or work no longer required, changes in the specifications, etc.).

### **INSPECTION OF CONTRACT ITEMS.**

When notified by the Contracting Officer, perform in accordance with the terms of the BPA/PO, inspection, acceptance or rejection of the supplies, services, or construction. Immediately notify the Contracting Officer of all rejections and the reason for the action. Review applicable progress reports from the Contractor and advise the Contracting Officer of any contractor problems or action required to be taken by the government.

**STANDARDS OF CONDUCT.**

As the COR, you are responsible for enforcing the Standards of Conduct (SOC) stated in a POVs the referenced BPA/PO. Please read the SOC very carefully and contact the Contracting Officer should you require further information or clarification on the subject matter.

**BPA/PO CONTRACT FILE CONTENT AND MAINTENANCE.**

Establish and maintain an organized Contract Administration file to record all contractor and government actions pertaining to the BPA/PO/contract. The COR's file is of particular importance since the documentation of your interaction with the Contractor may be used in the event of litigation. In addition, an organized file facilitates an easy transition from one COR to another if reassignment becomes necessary. The BPA/PO/contract may not warrant a separate folder for each file. If less than five (5) folders are used, the sections must be tabbed to segregate each file. The file(s) should be organized as follows:

- (1) File 1 - The contract instrument (i.e., contract modifications, task orders, delivery orders, and the contractor's proposals applicable to these documents).
- (2) File 2 - The COR's delegation letter, and all correspondence between the Contractor and the Contracting Officer, filed in chronological order.
- (3) File 3 - A copy of the Contractor's invoices/vouchers and any correspondence pertaining to the payments.
- (4) File 4 - The COR's written memoranda to the file on telephone conversations or other meetings with the Contractor.
- (5) File 5 - A copy of the Contractor's progress reports and other contract deliverables, and all correspondence pertaining to these documents.

**EVALUATING PERFORMANCE.**

Within 30 days after the contractor has met all terms and conditions of the BPA/PO, contract or order, you must *formally* evaluate the contractor's performance. Complete the attached sheet and provide the original to the contracting officer and maintain a copy in your COR file.

**CONTRACTOR TRAINING.**

The Contractor is not eligible for training. Exceptions to this rule are on a case-by-case basis and are approved by the SPE. You can only request training for the Contractor that is unique to IBB and related to the executed Statement of Work.

**COR TRAINING.**

To remain certified and eligible for designation, CORs must complete continuous training as follows:

- Level 1 – 8 hours of training every two years and one (1) hour procurement ethics course annually (may be agency sponsored, on-line, or equivalent)

Upon completion of the training, the COR shall submit copies of the training certificates to CON, Acquisition Career Manager (ACM) in room 4300, Switzer Building. ACM shall be responsible for

tracking the COR training by individual for the Contracting Officers and the BBG/IBB. Failure to complete maintenance training may result in suspension or termination of the COR designation.

CORs under a temporary designation must complete all training requirements within sixty (60) calendar days of the designation. If the COR does not complete the training, the Contracting Officer shall terminate the COR's temporary designation.

### **CONFLICT OF INTEREST.**

If applicable, the COR designee involved in contracting or procurement activities must complete Form OGE-450, Confidential Financial Disclosure Report. Notification of this designation is being submitted to the Ethics Office as required. You may be contacted concerning filing of the OGE-450. If you have any questions concerning this matter, direct them to the Agency Ethics Officer.

### **ACKNOWLEDGEMENT.**

Please acknowledge receipt and acceptance of this designation by signing below and returning the signed sheet to the Contracting Officer no later than *(insert date)* via email *(insert CO's email address)*. Your designation as the COR under the above numbered BPA/PO is terminated upon receipt of a written notice of termination from the designating Contracting Officer, the Contracting Officer's successor, or a higher level of authority. Please direct any questions you may have on this delegation to the Contracting Officer.

*(Insert Contracting Officer's name and title)*

Attachments: (1) BLANKET PURCHASE AGREEMENT/PURCHASE ORDER *(insert BPA/PO#)*  
(2) CONTRACTOR PERFORMANCE EVALUATION

### **COR ACKNOWLEDGEMENT**

I have read and fully understand the Contracting Officer's Representative (COR) designation letter dated *(insert date of memo)* and referenced contract and accept my assignment, responsibilities, and limitations as the COR under BPA/PO No. *(insert BPA/PO number)*.

\_\_\_\_\_  
(Signature of COR)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Typed Name and Title of COR)

cc: Contractor *(insert Contractor's name and BPA/PO number)*  
COR Supervisor *(insert COR's supervisor name)*  
GC – Ethics Officer

**LETTER RETURNING INVOICE TO CONTRACTOR**

(Date)

***(Contractor Name & Address)***

Dear Sir or Madam:

The Broadcasting Board of Governors (BBG) is returning the enclosed Invoice No. \_\_\_\_\_, dated \_\_\_\_\_, because it is incomplete as defined by the Prompt Payment Act. BBG is prohibited by this law from making payment on an incomplete invoice.

In order to receive your payment, correct the deficiency(ies) noted in the checklist below.

- ☐ The invoice date and/or number is missing.
- ☐ The name and/or address of the contractor is missing.
- ☐ The BBG contract number, order number, contract line item number (CLIN) or other authorization for delivery of property or services, is erroneous or missing.
- ☐ The description, price, and/or quantity of property and/or services actually delivered or rendered is incomplete, incorrect, or missing.
- ☐ The shipping and payment terms, and such other substantiating documentation or information as required by the contract are erroneous, incomplete, or missing.
- ☐ The name, title, phone number, and complete mailing address of the responsible contractor official to whom payment is to be sent are incomplete or missing.
- ☐ The provision of all of the goods and/or services specified in the contract has not been completed.
- ☐ The invoice is completely or partially illegible.
- ☐ Other:

\_\_\_\_\_.

Please correct the invoice according to the item(s) noted and return it to the address identified in the contract or purchase order.

Sincerely,

***(COR Name, Title, Address, Telephone No., email)***

Enclosure: Invoice No. \_\_\_\_\_

## CONTRACTOR PERFORMANCE EVALUATION

EVALUATION TYPE: INTERIM\_\_\_\_\_ FINAL\_\_\_\_\_ (check one)  
 REPORTING PERIOD: FROM\_\_\_\_\_ TO\_\_\_\_\_  
 CONTRACT/BPA TYPE: \_\_\_\_\_  
 CONTRACT/BPA NUMBER:\_\_\_\_\_ DELIVERY ORDER NO: \_\_\_\_\_  
 CONTRACT/BPA AWARD DATE: \_\_\_\_\_ CONTRACT/BPA EXPIRATION DATE: \_\_\_\_\_  
 CONTRACT AMOUNT: \_\_\_\_\_ EVALUATION AMOUNT: \_\_\_\_\_  
 CONTRACTOR NAME: \_\_\_\_\_  
 CONTRACTOR ADDRESS: \_\_\_\_\_

### RATINGS

Summarize the contractor performance against the requirements of the contract and choose one rating which corresponds to the rating for each rating category.

- Outstanding = Work efforts meet or exceed contract requirements in ways that provide significant benefits to the government and is commendable as an example for others.
- Satisfactory = Work efforts generally meets the contract requirements with no or very minimal quality problems.
- Unsatisfactory = Work efforts do not comply with contract requirements, despite use of Agency resources. Recovery is no likely. If performance cannot be extensively corrected, it constitutes a significant impediment in consideration for future awards that contain similar requirements.

If contractor is rated either outstanding or unsatisfactory, an explanation shall be provided as to why the rating was given. If additional space is needed, attach a supplemental sheet:

1. Quality of End Products or Services: Rating/Comments:
2. Cost Control: Rating/Comments (This rating does not apply to Firm-Fixed Price contracts):
3. Timeliness of Performance/Delivery Schedule: Rating/Comments:
4. Compliance with Contract/BPA Terms and Conditions: Rating/Comments:
5. General Business Conduct: Rating/Comments:

\_\_\_\_\_  
 Customer (Contracting Officer's Representative)

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Contracting Officer

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Contractor

\_\_\_\_\_  
 Date



**SAMPLE OF COR LEVEL II or III DESIGNATION LETTER**

Date: *(Insert date)*  
 To: *(Insert office name and name of prospective COR)*  
 From: *(Insert name of Contracting Officer)*  
 Subject: Designation as a Level *(insert level no.)* Contracting Officer's Representative  
 Reference: *(Insert contract number and contractor's name)*

Pursuant to Federal Acquisition Regulation (FAR) Subpart 1.602-2(d), you are hereby designated as the Level *(Insert level no.)* Contracting Officer's Representative (COR) under Contract No. *(Insert number)* awarded to *(Insert the name(s) of the contractor(s))*.

Under this designation, you are assigned responsibilities to assist the Contracting Officer in the administration of the referenced contract. This designation remains in effect for the length of the contract, as long as your COR certification remains current.

Attached for your information and records is an executed copy of the referenced contract. As the COR, you must be knowledgeable of the terms and conditions and technical content of the contract. Please read the contract and discuss any unclear areas with the Contracting Officer.

As the COR, your primary duty is to *(insert primary duties)* as described in the referenced contract and to monitor the Contractor's performance to ensure that all of the technical requirements under the contract are met. In the performance of the duties delegated to you in this letter, you are cautioned that you could be held personally liable for actions taken or directions given by you to the Contractor that are beyond the authorities given to you in this letter.

The duties or authorities in this letter *are not* redelegable; therefore, you must advise the Contracting Officer, *(Insert name of Contracting Officer, phone number)* or the Contract Specialist *(Insert name of Contract Specialist, phone number)* immediately when you are unable to perform these duties. Your duties and limitations, as applicable to the contract you will be monitoring, are as follows:

**MONITORING PERFORMANCE.**

Ensure that the Contractor complies with all of the requirements of the statement of work, specifications, or performance work statement as executed in the referenced contract. When a difference of opinion between you and the Contractor occurs, notify the Contracting Officer immediately for resolution and make recommendations as appropriate.

Assist the Contractor in interpreting the terms and conditions or performance requirements, provided that any interpretation or clarification is within the limitations prescribed within this designation.

Any decrease in or lack of performance shall be brought to the attention of the Contracting Officer or Contract Specialist.

You will also be required to complete a Contractor Performance Evaluation within 30 days after the Contractor has met all terms and conditions of the contract. See the below guidance under Evaluating Performance.

### **INVOICE REVIEW.**

Refer to FAR 32.905 for processing of invoices and follow to those conditions. Review the Contractor's invoices/vouchers for reasonableness and applicability to the contract and recommend approval or disapproval for payment. You are responsible for completing the review and submitting the invoice to the Accounts Payable Office within 5 days after receipt to ensure compliance with the Prompt Payment Act. If you cannot meet the required review time, advise the Contracting Officer and Accounts Payable Office. If recommending disapproval, return invoice to the Contractor within 5 days of receipt with the reason(s) why it is not a proper invoice, so that action can be taken to ensure government compliance with the Prompt Payment Act, thereby avoiding the payment of interest penalties to the Contractor. You may use the attached sample letter to return defected invoice(s) to the Contractor.

### **GOVERNMENT FURNISHED EQUIPMENT, MATERIALS AND FACILITIES.**

You are not authorized to provide any Government-owned or leased equipment or supplies or use of Government space to the Contractor, other than those specifically identified in the contract and authorized by the Contracting Officer.

During performance, it is your responsibility to oversee the Contractor's use and care of any Government-furnished property or supplies. If you observe any misuse of items, inform the Contractor of your concerns and advise the Contracting Officer immediately.

### **CHANGES TO THE CONTRACT.**

You cannot authorize the Contractor to stop work, and you are not authorized to delete, change, waive, or negotiate any of the technical requirements that will affect price, quality, quantity, delivery, or other terms and conditions of the contract. Should a change (monetary or otherwise) to the contract become necessary, it must be made by a contract modification issued by the Contracting Officer. When in doubt, contact the Contracting Officer or Contract Specialist.

Any contract change requested by the Contractor must be put in writing by the Contractor to the Contracting Officer for action; however, you should immediately advise the Contracting Officer or Contract Specialist of the proposed change since it may affect the contract price, cost, or delivery/performance schedule. When the Contracting Officer receives the proposed change, you will be required to provide the Contracting Officer with a written analysis and rationale for the change. You must also recognize and report to the Contracting Officer any government required changes to the contract (e.g., items or work no longer required, changes in the specifications, etc.).

### **VISITS AND MEETINGS WITH THE CONTRACTOR.**

As authorized by the Contracting Officer, and per the contract's requirements, make arrangements with the Contractor for periodic quality assurance visits to the Contractor's plant/site to:

- (1) Evaluate the Contractor's performance;
- (2) Evaluate changes affecting personnel, the schedule, and deliverables;

- (3) Inspect and monitor the use of government property, if applicable; and
- (4) Ensure that contractor employees being charged to the contract are actually performing the work under the contract.

A trip report fully documenting all activities during the visit must be written and a copy provided to the Contracting Officer within three (3) working days after the visit. Document the file to record each meeting and telephone conversation with the Contractor. A daily logbook is recommended which should reflect the date, time, name, and title of individual(s) involved, the subject matter, and the details of the meeting or conversation.

### **INSPECTION OF CONTRACT ITEMS.**

When notified by the Contracting Officer, perform in accordance with the terms of the contract, inspection, acceptance or rejection of the supplies, services, or construction. Immediately notify the Contracting Officer of all rejections and the reason for the action. Review progress reports from the Contractor and advise the Contracting Officer of any contractor problems or action required to be taken by the government.

### **STANDARDS OF CONDUCT.**

You are responsible for enforcing the Standards of Conduct stated in the referenced contract and FAR Part 3. Please read these sections very carefully and contact the Contracting Officer should you require further information or clarification on the subject matter.

### **CONTRACT FILE CONTENT AND MAINTENANCE.**

Establish and maintain an organized Contract Administration file to record all contractor and government actions pertaining to the contract. The COR's file is of particular importance since the documentation of your interaction with the Contractor may be used in the event of litigation. In addition, an organized file facilitates an easy transition from one COR to another if reassignment becomes necessary. The size of the contract may not warrant a separate folder for each file. If less than five (5) folders are used, the sections must be tabbed to segregate each file. The file(s) should be organized as follows:

- (1) File 1 - The contract instrument (i.e., contract modifications, task orders, delivery orders, and the contractor's proposals applicable to these documents).
- (2) File 2 - The COR's delegation letter, and all correspondence between the Contractor and the Contracting Officer, filed in chronological order.
- (3) File 3 - A copy of the contractor's invoices/vouchers and any correspondence pertaining to the payments.
- (4) File 4 - The COR's trip reports and written memoranda to the file on telephone conversations or other meetings with the Contractor.
- (5) File 5 - A copy of the Contractor's progress reports and other contract deliverables, and all correspondence pertaining to these documents.

### **EVALUATING PERFORMANCE.**

Within 30 days after the Contractor has met all terms and conditions of the contract or order, you must *formally* evaluate the Contractor's performance in the Contractor Performance Assessment Rating System (CPARS), in accordance with FAR Subpart 42.15 – Contractor Performance

Information. Interim evaluations shall be prepared for contract or order with a period of performance, including options, exceeding one year. For classified or sensitive contract or order, you must evaluate the Contractor's performance using the attached evaluation form which must be returned to the Contracting Officer within 30 days after the Contractor has met all terms and conditions of the contract. The need for an evaluation will depend upon the contract type and size of acquisition.

### **CONTRACTOR TRAINING.**

The Contractor is not eligible for training. Exceptions to this rule are on a case-by-case basis. You can only request training for the Contractor that is unique to IBB and related to the executed Statement of Work.

### **TRAINING.**

To remain certified and eligible for designation, CORs must complete continuous training as follows:

- Level 1 – 8 hours of training every two years and one (1) hour procurement ethics course (may be agency sponsored, on-line, or equivalent)
- Levels II & III– 40 hours of training every two years and one (1) hour procurement ethics course (may be agency sponsored, on-line, or equivalent)

Upon completion of the training, the COR shall submit copies of the training certificates to CON, Acquisition Career Manager (ACM) in room 4300, Switzer Building. ACM shall be responsible for tracking the COR training by individual for the Contracting Officers and the BBG/IBB. Failure to complete maintenance training may result in suspension or termination of the COR designation.

CORs under a temporary designation must complete all training requirements within sixty (60) calendar days of the designation. If the COR does not complete the training, the Contracting Officer shall terminate the COR's temporary designation.

### **CONFLICT OF INTEREST.**

If applicable, the COR designee involved in contracting or procurement activities must complete Form OGE-450, Confidential Financial Disclosure Report. Notification of this designation is being submitted to the Ethics Office as required. You may be contacted concerning filing of the OGE-450. If you have any questions concerning this matter, direct them to the Agency Ethics Officer.

### **ACKNOWLEDGEMENT.**

Please acknowledge receipt and acceptance of this designation by signing below and returning the signed sheet to the Contracting Officer no later than (*insert date*) via email (*insert CO's email address*). Your designation as the COR under the above numbered contract is terminated upon receipt of a written notice of termination from the designating Contracting Officer, the Contracting Officer's successor, or a higher level of authority. Please direct any questions you may have on this delegation to the Contracting Officer or Contract Specialist.

*(Typed name, title and signature  
of the Contracting Officer)*

Attachments: (1) CONTRACT *(insert Contract number)*  
(2) SAMPLE LETTER TO RETURN DEFECTED INVOICE  
(3) CONTRACTOR PERFORMANCE EVALUATION

cc: Contractor *(insert Contractor's name and BPA number)*  
COR Supervisor *(insert COR's supervisor name)*  
GC – Ethics Officer

**COR ACKNOWLEDGEMENT**

I have read and fully understand the Contracting Officer's Representative (COR) designation letter dated *(insert date of COR letter)* and referenced contract and accept my assignment, responsibilities, and limitations as the COR under Contract No. *(insert contract number)*.

\_\_\_\_\_  
(Signature of COR)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Typed Name and Title of COR)

**LETTER RETURNING INVOICE TO CONTRACTOR**

*(Date)*

*(Contractor Name & Address)*

Dear Sir or Madam:

The Broadcasting Board of Governors (BBG) is returning the enclosed Invoice No. \_\_\_\_\_, dated \_\_\_\_\_, because it is incomplete as defined by the Prompt Payment Act. BBG is prohibited by this law from making payment on an incomplete invoice.

In order to receive your payment, correct the deficiency(ies) noted in the checklist below.

- ☐ The invoice date and/or number is missing.
- ☐ The name and/or address of the contractor is missing.
- ☐ The BBG contract number, order number, contract line item number (CLIN) or other authorization for delivery of property or services, is erroneous or missing.
- ☐ The description, price, and/or quantity of property and/or services actually delivered or rendered is incomplete, incorrect, or missing.
- ☐ The shipping and payment terms, and such other substantiating documentation or information as required by the contract are erroneous, incomplete, or missing.
- ☐ The name, title, phone number, and complete mailing address of the responsible contractor official to whom payment is to be sent are incomplete or missing.
- ☐ The provision of all of the goods and/or services specified in the contract has not been completed.
- ☐ The invoice is completely or partially illegible.
- ☐ Other:

\_\_\_\_\_.

Please correct the invoice according to the item(s) noted and return it to the address identified in the contract or purchase order.

Sincerely,

*(COR Name, Title, Address, Telephone No., email)*

Enclosure: Invoice No. \_\_\_\_\_

## CONTRACTOR PERFORMANCE EVALUATION

EVALUATION TYPE: INTERIM\_\_\_\_\_ FINAL\_\_\_\_\_ (check one)  
 REPORTING PERIOD: FROM\_\_\_\_\_ TO\_\_\_\_\_  
 CONTRACT TYPE: \_\_\_\_\_  
 CONTRACT NUMBER: \_\_\_\_\_ DELIVERY ORDER NO: \_\_\_\_\_  
 CONTRACT AWARD DATE: \_\_\_\_\_ CONTRACT EXPIRATION DATE: \_\_\_\_\_  
 CONTRACT AMOUNT: \_\_\_\_\_ EVALUATION AMOUNT: \_\_\_\_\_  
 CONTRACTOR NAME: \_\_\_\_\_  
 CONTRACTOR ADDRESS: \_\_\_\_\_

### RATINGS

Summarize the contractor performance against the requirements of the contract and choose one rating which corresponds to the rating for each rating category.

- Outstanding = Work efforts meet or exceed contract requirements in ways that provide significant benefits to the government and is commendable as an example for others.
- Satisfactory = Work efforts generally meets the contract requirements with no or very minimal quality problems.
- Unsatisfactory = Work efforts do not comply with contract requirements, despite use of Agency resources. Recovery is no likely. If performance cannot be extensively corrected, it constitutes a significant impediment in consideration for future awards that contain similar requirements.

If contractor is rated either outstanding or unsatisfactory, an explanation shall be provided as to why the rating was given. If additional space is needed, attach a supplemental sheet:

1. Quality of End Products or Services: Rating/Comments:
  
2. Cost Control: Rating/Comments (This rating does not apply to Firm-Fixed Price contracts):
  
3. Timeliness of Performance/Delivery Schedule: Rating/Comments:
  
4. Compliance with Contract Terms and Conditions: Rating/Comments:
  
5. General Business Conduct: Rating/Comments:

\_\_\_\_\_  
 Customer (COR, Program Officer, end user, etc.)

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Contracting Officer

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Contractor

\_\_\_\_\_  
 Date

**CONTRACTOR PERFORMANCE EVALUATION  
CONTRACTOR COMMENTS**

1. Quality of End Products or Services:

\_\_\_\_\_ Contractor has elected not to comment

Contractor Comments for Quality of End Products or Services:

2. Cost Control: (This rating does not apply to Firm-Fixed Price contracts)

\_\_\_\_\_ Contractor has elected not to comment

Contractor Comments for Cost Control:

3. Timeliness of Performance/Delivery Schedule:

\_\_\_\_\_ Contractor has elected not to comment

Contractor Comments for Timeliness of Performance/Delivery Schedule:

4. Compliance with Contract Terms and Conditions: Rating/Comments:

\_\_\_\_\_ Contractor has elected not to comment

Contractor Comments for Contract Terms and Conditions:



**CONTRACTOR PERFORMANCE EVALUATION  
CONTRACTOR COMMENTS cont'd**

5. General Business Conduct: Rating/Comments:

\_\_\_\_\_ Contractor has elected not to comment

Contractor Comments for General Business Conduct:

6. Overall Comment

\_\_\_\_\_ Contractor has elected not to comment

Contractor Comments for Quality of End Products or Services:

**Title:** IX BAM 164 Designation of Contracting Officers' Representatives and Implementation of BBG Federal Acquisition Certification for Contracting Officer's Representatives

**Policy Tracking #:** CON-13-02

**Effective Date:** 11/20/2013

**Originating Office:** Contracts, x7843, [bbgconpolicy@bbg.gov](mailto:bbgconpolicy@bbg.gov)

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**(a) PURPOSE:** This memorandum implements the BBG Federal Acquisition Certification for Contracting Officers' Representatives (FAC-COR) Program and revised procedures for the designation of a Contracting Officer's Representative (COR).

**(b) AUTHORITY AND SCOPE:**

(1) Scope. This policy applies to all Contracting Officers (CO) and CORs employed by all offices or divisions of the Federal Government supervised by the Broadcasting Board of Governors (collectively "the Agency").

(2) Authorities.

(i) [Federal Acquisition Regulation \(FAR\) Subpart 1.602-2 \(d\) \(1\) – \(6\)](#), Responsibilities;

(ii) [Office of Federal Procurement Policy \(OFPP\) Policy Letter 05-01 of 4/15/05](#), Developing and Managing the Acquisition Workforce; and

(iii) [OFPP Memorandum of 9/6/2011](#), Revision to the Federal Acquisition Certification for Contracting Officer's Representatives (FAC-COR)

**(c) POLICY:** In accordance with [FAR 1.602-2](#) and the [Office of Federal Procurement Policy \(OFPP\) Memorandum of 9/6/2011](#) the Agency is establishing a risk-based, three-tiered certification program for CORs. This policy, Attachments A and B, and the [OFPP Memorandum of 9/6/2011](#) describe the training and experience that the three levels of CORs must have, as well as the skills currency that CORs must maintain through continuous learning. This risk-based, three-tiered COR certification program better reflects the significant role of the COR.

**(d) PROCEDURES AND PRIMARY RESPONSIBILITIES:**

(1) Primary Responsibilities.

(i) Senior Procurement Executive (SPE) responsibilities. The SPE is responsible for developing the COR workforce and maintaining a COR certification program to ensure that the Agency's COR workforce focuses on partnering, performance, quality, accountability, and effectively meeting all Agency acquisition requirements.

(ii) Acquisition Career Manager (ACM) responsibilities. The ACM is responsible for administering and managing the Agency's COR certification program, including tracking COR training requirements by individual, and ensuring that the Agency's acquisition workforce meets the requirements in [OFPP Policy Letter 05-01 of 4/15/05](#).

(iii) CO responsibilities. The CO is responsible for contract administration and management, including properly designating CORs. *All contracts, purchase orders, Blanket Purchase Agreements (BPAs), call orders, delivery orders, and other acquisition vehicles placed under a Federal Supply Schedule shall have a COR designated in writing, if a COR will have responsibility for contractor performance or invoice processing.* The CO remains responsible for contractor performance and invoice processing until these duties are expressly delegated to a COR in writing.

(iv) COR responsibilities. CORs are responsible for completing all training and other requirements to obtain and maintain the appropriate level of COR certification, discussed below, to be designated as a COR. A designated COR ensures proper development of requirements and assists the CO in managing contracts, which may include any or all of the following duties: inspection, testing, acceptance of contract line items, surveillance of contractor performance, controlling Government furnished property, or reviewing and recommending approval/disapproval of invoices or vouchers. CORs on design and construction projects may perform additional duties, including but not limited to physical inspections of the construction work. Per FAR Subpart 7.503(c)(12)(v), the COR must be a Government employee. ***Contractors are not eligible to be designated as CORs.***

(A) COR Certification Levels. The [OFPP Memorandum of 9/6/2011](#), identifies three levels of certification for all CORs with varying requirements for training, experience and continuous learning based on the types of contracts/acquisition being managed.

(1) Level I COR is for low-risk, fixed-price orders with basic provisions, e.g. supply orders or simplified acquisitions for talent or clerical support services;

(2) Level II COR is for formal contract vehicles of moderate to high complexity, e.g. construction contracts or procurement of equipment or services that must conform to detailed specifications; and

(3) Level III CORs are the most experienced within an agency and should be assigned to the most complex and mission critical contracts within the agency. Level III COR is required for contract vehicles of moderate to high complexity that require significant acquisition investment, e.g. acquisition of IT systems.

The CO shall determine which certification level is appropriate for a contract based on the criteria matrix in Attachment C.

(B) COR Certification Requirements. In order for an individual to serve as a COR, he or she must meet the minimum training, experience, and continuous learning requirements for the appropriate COR level, explained in Attachments A and B. Obtaining a certification makes an individual eligible for designation as a COR, but does not mandate a designation. Note that Agency-instructed COR training is not currently certified by the [Federal Acquisition Institute \(FAI\)](#), and cannot be used for certification outside of this Agency. Level I, II, and III certifications can be used outside of the Agency, provided the COR completes [FAI-approved courses](#).

(C) Specialized Training Requirements. COs have been given the authority by the SPE to require an eligible COR to complete specialized training (e.g., performance-based service contracts, contract administration, construction contracting, etc.), in addition to the minimum certification requirements, when the specialized training is relevant to a particular type of contract to which the eligible COR may be assigned.

(D) Exceptions to Initial Training Requirements for Certification. Individuals do not have to repeat initial training requirements for the appropriate COR certification level, if they meet one of the following exceptions:

(1) Any individual, who previously completed 8 hours of COR training within two (2) years before the effective date of this policy and has completed 8 hours of skills currency training within the preceding twelve (12) months, shall be “grandfathered-in” as Level I.

(2) Any individual, who previously completed 40 hours of COR training within two (2) years before the effective date of this policy **and** has completed 8 hours of skills currency training within the preceding twelve (12) months, shall be “grandfathered-in” as Level II.

(3) Any individual who previously completed 60 hours of COR training (regardless of completion date), has acted in the capacity of a COR within two (2) years from the date of his/her COR nomination on contracts of moderate to high complexity, has completed 40 hours of skill currency training within the preceding 12 months, **and** validates his/her experience and competency to the ACM, who endorses it, shall be “grandfathered-in” as Level III.

Effective immediately, “grandfathered-in” CORs must meet the Continuous Learning Requirements (CLRs), explained in Attachment A, to maintain their certifications.

(2) Procedures.

(i) Certification process: To receive COR certification, an individual must prepare an application (see Attachment B) and then submit the application to the ACM, or his/her designee. The COR nominee will receive a written confirmation of his/her COR certification from the ACM or his/her designee. Then, the COR may request a FAI FAC-COR certification electronically through the [Federal Acquisition Institute Training Application System \(FAITAS\)](#).

(ii) Certification Maintenance: In order to maintain a COR certification, CORs must meet CLRs by earning continuous learning points (CLPs) of skills currency training every two (2) years, as explained in Attachment A.

(A) Time to complete CLPs. A COR may start earning CLPs immediately after certification, and must re-start earning CLPs every two years after the date of the COR’s certification. Earning more CLPs than required in a two (2) year period does not change or reduce CLP requirements for any future two (2) year period.

- (B) Failure to Complete CLPs. A COR certification will expire if the COR fails to complete CLPs on time. In this case, the CO may, on a case-by-case basis, revoke the COR's designation in writing and assign another COR to the contract (See the procedures in paragraph (d)(20) below). If a certification expires, the COR must complete the necessary CLPs before being reinstated.
- (C) Documenting CLPs. Certified CORs must send copies of CLPs training certification to the ACM. The ACM shall monitor the CLPs for certified CORs to ensure they meet these requirements.
- (D) Guidance on CLPs. CORs should not retake their original COR training classes for continuous learning. Instead, CORs should take courses relevant to the work they are performing as a COR. CORs should discuss their CLPs training with their supervisor, the CO, and/or the ACM. Additional guidance on COR competencies and skills currency is available at [FAI's FAC-COR webpage](#).
- (iii) Records of Certification Documents: CORs and the ACM are responsible for maintaining certification documentation for quality assurance purposes. Levels I, II, and III CORs must ensure their training data is properly entered into [FAITAS](#) within two (2) months after the effective date of this policy.
- (iv) COR Nomination Requirements. The requisitioning office shall nominate a Federal employee to serve as a COR, as well as an alternate COR, in the Momentum requisition document (IQ or FQ), well in advance of contract award. The nominee should be certified or capable of obtaining certification before contract award. The CO has the authority to decline COR nominations.
- (v) Nomination Package For COR Levels II and III. To nominate a COR at Levels II or III, the requisitioning office must submit a nomination package to Contracts, which includes the nominee's name, division, contact information, COR certification level, and previous experience as a COR, including a list of contracts for which the individual is currently designated/appointed as a COR. If any of the minimum COR qualifications listed in paragraphs (i)-(vi) below cannot be met, a justification explaining those circumstances shall be submitted to the CO with the nomination package:
- (A) Nominees shall have technical knowledge and experience to observe performance and to determine if a contractor meets the performance standards in the contract;
  - (B) Nominees shall have successfully completed the required training and certification or be eligible for a waiver (see paragraph (d)(18) below). The request for a waiver shall be included in the nomination package;
  - (C) Nominees shall acknowledge the requirement to attend subsequent skills currency and ethics training during the designation period;
  - (D) Nominees should be familiar with and comply with the FAR;
  - (E) Nominees should ideally be available for the duration of the contract; and

(F) Nominees should have sufficient time to monitor contracts effectively.

(vi) Designation of a COR to a Specific Contract. After reviewing a COR nomination, including the nomination package for COR Levels II and III, the CO shall issue a unique, written COR Designation Letter (“the Letter”). The letter must include:

(A) CO’s and contract specialist's/administrator's name and telephone number;

(B) Contract number;

(C) COR authorities & responsibilities, which must include evaluation of contractor performance at the end of each contract, order, or option period of performance;

(D) COR limitations, with emphasis on unauthorized commitments;

(E) Detailed description of the type and content of files the COR must maintain;

(F) Emphasis on ethics, procurement integrity, conflicts of interest, and standards of conduct, including a copy of the FAR Part 3 and other applicable authorities;

(G) Instructions on returning signed acceptance to the CO, see paragraph (d)(2)(viii).

COs should use and adapt Attachment D Sample COR Level I Designation Letter and Attachment E Sample COR Levels II and III Designation Letter.

(vii) The duties of the COR are limited to explicit responsibilities and authorities set forth in the Letter. **A CO CANNOT DELEGATE THE FOLLOWING DUTIES TO A COR:**

(A) Issuing task/delivery orders against a contract, BPA, or other acquisition vehicle;

(B) Changing any of the terms and conditions of a contract, BPA, purchase order, call order, delivery order, or any other acquisition vehicle;

(C) Signing contracts, BPAs, purchase orders, delivery orders, call orders, any other acquisition document, or modifications/amendments to any acquisition vehicle;

(D) Creating any liability on the part of the Government different from that set forth in the acquisition vehicle. (If during the course of performing COR duties, an unauthorized commitment occurs, the COR is to promptly request a ratification of the action from the SPE in accordance with Agency Policy);

(E) Issuing written correspondence to the contractor that will impact the cost or schedule of the contract, BPA, purchase order, call order, delivery order, or other acquisition vehicle. The authority to otherwise correspond to a contractor must require the CO’s approval and if approved, a copy of correspondence sent to the contractor shall be submitted to the CO for the contract file;

(F) Approving contractors' vouchers under cost-reimbursement contracts. However, a COR may review these vouchers and make payment recommendations to a CO; and

(G) Committing the Government to any adjustments to the price or cost of the contract, BPA, purchase order, delivery order, or any other acquisition vehicle.

(viii) Acceptance of COR Designation to a Specific Contract. Upon receipt of the designation to a specific contract, the COR shall countersign the Letter to indicate that he/she has received the Letter and accepts the duties, responsibilities, and limitations of the designation and then return the signed copy of the Letter to the CO. The CO may also require the COR's supervisor to sign the Letter to indicate he or she recognizes and accepts the demands on the COR's time and performance.

(ix) Record of a Designation. As soon as practical, usually within five (5) business days, after receiving a countersigned/accepted Letter, the CO will save a copy of the Letter in the official contract file, scan and attach the Letter in Momentum to the appropriate contract or other acquisition vehicle, email a scanned copy to [CORDesig@bbg.gov](mailto:CORDesig@bbg.gov), and provide a copy of the Letter to the contractor. For construction projects, the CO will provide a copy of the Letter at least five working days before issuing a notice to proceed.

(x) Waiver and Temporary COR Designation. If a COR nominee has not completed certification at the time of nomination, and if the requisitioning office provides the SPE a written explanation of unusual and compelling circumstances (e.g. the COR nominee was unable to complete initial training requirements and no other employee can serve as COR), the SPE may issue a one-time, written, case-by-case waiver for temporary designation of a COR. Waivers will require the following conditions:

(A) The COR nominee must complete an on-line procurement ethics course prior to receiving the temporary designation;

(B) The COR nominee must complete all training required for certification within sixty (60) calendar days of temporary designation; and

(C) The COR nominee must apply for COR Acquisition Certification within sixty (60) calendar days of the temporary designation.

(xi) Failure to meet conditions of a Waiver. If the COR does not complete all training requirements and submit the COR certification application to the ACM within sixty (60) calendar days of temporary designation, or if the application is denied, the temporary designation shall be terminated and the requisitioning office shall nominate a new COR.

(xii) Termination of COR's Designation from a Specific Contract/Acquisition Vehicle. The CO may terminate a COR designation for cause, including but not limited to: the COR's exceeding his/her authorities; conflicts of interest; unethical conduct; failure to perform; reassignment/resignation/retirement; or completion of the contract/acquisition vehicle. If a CO terminates a designation, the CO shall, at the same time:

(A) Modify the contract/other acquisition vehicle to reflect a change in the COR;

(B) Issue the COR a written notice of termination of designation;

(C) Issue a new, written designation letter to a new COR, unless the CO will perform the duties previously delegated to the COR;

(D) Provide the Contractor with notice of the termination, a copy of the new designation letter (if applicable), and a copy of the contract modification;

(E) Retain a copy of the notice of termination, new designation letter (if applicable), and modification in the official contract file; and

(F) Modify the record in Momentum.

(xiii) Designation of an Alternate COR to a Specific Contract/Other Acquisition Vehicle. The COR designation is unique to an individual and may not be further delegated. An alternate COR may be designated by the CO to act in the absence of the primary COR. This policy applies equally to the designation and eligibility of alternate CORs.

(xiv) COR Performance Management: Upon designation, supervisors of CORs may include COR duties and responsibilities in a COR's position description and rate that COR on performance of such responsibilities as part of an annual performance plan.

**(e) DEFINITIONS:**

(1) "Acquisition Career Manager" means an individual, appointed in compliance with [OFPP Policy Letter 05-01 of 4/15/05](#), with sufficient acquisition experience to lead an acquisition career management program. The Agency's Acquisition Career Manager is the head of the IBB Office of Contracts, Policy Branch.

(2) "Contracting Officer" (CO), defined further in [FAR 2.101](#), is a person with the authority to enter, administer, and/or terminate contracts and make related determinations and findings.

(3) "Contracting Officer's Representatives" (COR), defined further in [FAR 2.101](#), means an individual, designated and authorized in writing by the CO to perform specific technical or administrative functions. The terms Contracting Officer's Technical Representative (COTR), Authorized Representative of the Contracting Officer (AR/CO), Field Authorized Representative of the Contracting Officer (FAR/CO), and Technical Point of Contact (TPOC) are hereby changed to COR to align with the [OFPP Memo of 9/6/2011](#) and the FAR.

**(f) EFFECTIVE DATE AND APPROVAL:**



**Title:** IX BAM 165 – Contracting Officers

**Policy Tracking #:** CON-15-05

**Effective Date:** April 27, 2016

**Originating Office:** Office of Contracts, (202) 382-7838, bbgconpolicy@bbg.gov

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**(a) PURPOSE:** The purpose of this policy is to detail the authorities and responsibilities of contracting officers.

**(b) AUTHORITY & SCOPE:**

(1) Authorities.

(i) [Federal Acquisition Regulation \(FAR\) Subpart 1.6 -- Career Development, Contracting Authority, and Responsibilities.](#)

(ii) [FAR Part 13 -- Simplified Acquisition Procedures.](#)

(2) Scope.

(i) This policy applies to all contracting officers (COs) and contracting officer representatives (CORs) employed by the Federal Government elements of the Broadcasting Board of Governors (i.e., Voice of America; Office of Cuba Broadcasting; Office of Technology, Services, and Innovation; and International Broadcasting Bureau), referred to in this policy as “the Agency” or “BBG”.

**(c) POLICY:**

(1) Contracting Officers (COs).

(i) Authorities. The acts of a CO bind the government only when the contract is authorized by law or under an appropriation adequate to its fulfillment. A CO shall personally sign all contracts and modifications thereto<sup>1</sup>. The authority cannot be redelegated. A CO may enter into, amend, modify, and take other action with respect to contracts provided:

(A) Specific redelegation of authority from the Senior Procurement Executive (SPE) has been granted;

(B) All approvals and clearances have been obtained;

(C) The contract is written on a standard or other approved form or format as authorized by the appropriate FAR part and Broadcasting Administrative Manual (BAM) policy;

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<sup>1</sup> See IX BAM 147.5 “Contracting Officer's Signature”.

- (D) The contract is authorized by law and regulations (including the FAR); and
  - (E) The contract complies with all applicable requirements of law, the FAR, and rules of regulatory agencies, such as the Office of Management and Budget.
- (ii) Responsibilities. The CO shall exercise reasonable care, skill, and judgment. The CO has primary responsibility and accountability for:
- (A) Understanding the scope and limitations of the redelegation of authority;
  - (B) Promoting competition to the maximum extent practicable, which may include, but is not limited to, conducting market research, participating in acquisition planning, posting requirements in the governmentwide point of entry, and preparing determinations and findings (D&Fs) and justifications that may be applicable to the acquisition;
  - (C) Preparing contracts in the format that will best serve the Agency's interests, and using standard forms without modification to the maximum extent practicable;
  - (D) Obtaining and considering all quotations and offers that are timely received in response to oral or written solicitations, evaluating responses in accordance with the criteria in the solicitation, and documenting evaluations in the contract file<sup>2</sup>;
  - (E) Executing and administering contracts;
  - (F) Safeguarding the interests of the government in contractual and noncontractual relationships, which may include conducting meaningful reviews of contractor requests for equitable adjustments, and fairly assessing when to terminate contracts for convenience, cause, or default;
  - (G) Determining facts relative to contracts, when necessary; which may require continuing coordination with CORs to ensure contract requirements are met;
  - (H) Ensuring the legal, technical, and administrative sufficiency of any contract which the CO has executed;
  - (I) Securing necessary legal, technical, and administrative review of contracts throughout the acquisition process;
  - (J) Using reasonable efforts to resolve controversies prior to contractor submission of claims under the Disputes statute; and if a contractor claim is submitted, issuing a written decision in accordance with the FAR<sup>3</sup>; and
  - (K) Considering all protests, regardless of the venue<sup>4</sup>, and providing documentation showing reasoned analysis for an actual award; in the case of a protest filed with the

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<sup>2</sup> See CON Directive/Action Memo "Evaluation of Each Proposed Contract Action" for further guidance.

<sup>3</sup> See FAR 33.211 Contracting officer's decision.

Government Accountability Office (GAO), the CO shall provide a signed statement of facts describing the procurement, the evaluation factors for award, and the source selection decision that will be included as part of the agency report submitted to the GAO by the Office of the General Counsel (OGC), along with identical copies of the protest file for all interested parties of the protest, in accordance with IX BAM 139.1c<sup>5</sup>.

(iii) Selecting, Appointing, and Terminating COs. Only the SPE may select, designate, and terminate COs. A list of individuals who have been appointed as COs and the limits of their authority is available from the Office of Contracts.

(A) Selection. Experience, training, education, business acumen, judgment, character, reputation, and ethics are considered in selecting COs<sup>6</sup>.

(B) Appointment. It is the Agency's policy to redelegate CO authority to individuals by a written appointment in the form of a Certificate of Appointment signed by the SPE. Certificates of Appointment will be provided to IBB Offices by the Office of Contracts. The certificate will state the responsibility and authority of the appointee, and any limitations on the scope of the appointment, whether on the face of the form or by incorporation by reference to another document. All Certificates of Appointment are serially numbered. The certificate shall be prominently displayed in the vicinity of the CO's work area.

(1) Maintaining a certificate. Once a permanent appointment is made, and in order to function effectively, COs are required to maintain their certificates through continued training in pertinent subjects. Refer to IX BAM 163, Contracting Officer's Warrant System (COWS) and Federal Acquisition Certification in Contracting Program, for core courses and minimum hours of additional training required to maintain proficiency.

(C) Termination. A CO's appointment may be terminated by the SPE<sup>7</sup>.

(D) Modification. Any change in a designation is accomplished by canceling or updating the original Certificate of Appointment and issuing a new or revised certificate.

(2) Contracting Officer's Representative (COR). A CO may designate an appropriately qualified government employee to act as the COR<sup>8</sup>. This designation shall apply to a single contract, must be in writing, and must give specific instructions as to the extent that the representative may take action for the CO. Action may include testing, quality control,

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<sup>4</sup> Protests may be filed with the Agency, the Government Accountability Office, or the U.S. Court of Federal Claims.

<sup>5</sup> See FAR 33.104 Protests to GAO and IX BAM 139 "Protests Against Award" for further guidance.

<sup>6</sup> See IX BAM 163 "Contracting Officer's Warrant System (COWS) and Federal Acquisition Certification in Contracting Program".

<sup>7</sup> See Footnote 6.

<sup>8</sup> See IX BAM 164 "Designation of Contracting Officers' Representatives and Implementation of BBG Federal Acquisition Certification for Contracting Officer's Representatives".

inspection, and acceptance at various stages of contractor performance, and approval of functions of a technical nature not involving scope, price, or terms and conditions of the contract. The responsibilities and limitations of the COR will be set forth in a written COR Designation Letter, a copy of which shall be retained in the contract file.

(i) Limitations. No personnel, other than the CO, are authorized to direct changes to a contractor's contract in any manner, regardless of whether the personnel's duties require meetings and discussions with contractors. To reiterate, only the CO is authorized to make contract changes.

(ii) Maintaining Records. COs will tell CORs the type of records they should maintain and the distribution. If a COR designation is revoked before completion of the contract, the representative's records shall be turned over to the successor or to the CO. When a contract is completed, the COR shall forward all records to the CO for retention in the contract file. In legal proceedings in which the OGC determines COR records are needed<sup>9</sup>, CORs shall provide their records immediately upon request.

### (3) Simplified Acquisition Contracting.

(i) Authority. In the absence of a specific Redelegation of Authority from the SPE, no employee is authorized to solicit prices, negotiate, enter into, make determinations or obligations with respect thereto, amend, or administer contracts.

(A) Simplified Acquisition (SA) Contracting Officers. Designated SA Contracting Officers are authorized to issue purchase and delivery orders, Blanket Purchase Agreements, and related documents as specified in their Certificate of Appointment and Redelegation of Authority. SA Contracting Officers are limited to the use of techniques specified in FAR Parts 8, 12, and 13. Each Redelegation of Authority will list specific limitations.

(B) SA Contracting Officers are limited to use of the procurement authorities listed below:

(1) Delivery orders against BBG and other agency contracts when so specified in the contract (Optional Form 347, Order for Supplies or Services);

(2) Purchase Orders for open-market purchases not in excess of \$150,000 (Optional Form 347);

(3) Delivery orders against Federal Supply Schedule Contracts (Optional Form 347); and

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<sup>9</sup> Project offices may have records that are significant in litigation. For example, the daily inspection records of a construction project or minutes from recurring meetings with a contractor can be useful in resolving contractor claims for additional money.

(4) FEDSTRIP orders for supplies (Standard Form 344, via phone or fax, or through a U.S. General Services Administration (GSA) electronic shopping website).

(C) SA Contracting Officers must promote competition to the maximum extent practicable.

(1) For actions at or below the micro-purchase threshold, competition is not required if the SA Contracting Officer considers the price to be reasonable, and documents the rationale to support that determination in the contract file.

(2) If posting of the proposed contract action is not required<sup>10</sup>, SA Contracting Officers must consider soliciting quotes from at least three sources, which should include quotes from two sources not included in the previous solicitation.

(3) SA Contracting Officers shall obtain and consider all quotations that are timely received in response to oral or written solicitations, evaluate quotations according to the criteria in the solicitation, and document evaluations in the contract file.<sup>11</sup>

(4) For actions above the micro-purchase threshold, if only once source is available, SA Contracting Officers shall follow the procedures in FAR 13.106-1(b).

(ii) Responsibilities.

(A) Internal Instructions and Procedures. Each Overseas Contracting Officer Site/Station must issue internal instructions on procurement matters and establish appropriate controls to assure effective performance under authorities redelegated by the SPE, including specific responsibility for certification of contractor performance, as appropriate. Advice and approval by the SPE, or designee, must be obtained on all internal procurement instructions and procedures issued by the activity.

(B) Reporting Procurements. COs and Purchase Cardholders shall accurately report applicable contract actions, and modifications to those actions above the micro-purchase threshold to the Federal Procurement Data System-Next Generation (FPDS-NG) within three (3) business days after contract award<sup>12</sup>. Individuals without log-in access to the Financial Management System (currently named Momentum), must submit a consolidated list of all contract actions awarded by site/station, regardless of the dollar value, for the preceding month's awards via e-mail to [bbgfpds@bbg.gov](mailto:bbgfpds@bbg.gov), in the format included in IX BAM 460. Submissions are due by the 10<sup>th</sup> of each month.

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<sup>10</sup> See IX BAM 520 "Publicizing Proposed Contract Actions".

<sup>11</sup> See CON Directive/Action Memo "Evaluation of Each Proposed Contract Action" for further guidance.

<sup>12</sup> See IX BAM 460 "Reporting of Contract Actions to the FPDS-NG and Coding of Service Contracts".

**(d) EFFECTIVE DATE AND APPROVAL:**

Approved by:

Effective Date:

  
\_\_\_\_\_  
John F. Lansing  
CEO and Director

4.27.16

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MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART IX- PROCUREMENT, 100 GENERAL  
Section 170

SMALL AND DISADVANTAGED BUSINESSES

171 Definitions

171.1 Small Business

171.2 Small Disadvantaged Business

172 Policy

173 Responsibilities

173.1 Senior Procurement Executive

173.2 Director, Office of Small and Disadvantage Business Utilization

173.3 Contracting Officers

173.4 Purchasing Activities

173.5 Policy and Procedures Officer

174 Cooperation with the Small Business Administration

174.1 Copies of Notice of Intent to Terminate a Contractor for Default

174.2 Appeals of Certificates of Competency Determination

175 Set-Asides for Small Business

175.1 Class Set Asides

175.2 Class set Asides of Architect-Engineering Services

Section 170

SMALL AND SMALL DISADVANTAGED BUSINESSES

171 DEFINITIONS (FAR PART 19) - The size standards of small business concerns for procurement purposes are located in FAR 19.102.

171.1 Small Business - The Small Business Administration (SBA) prescribes what criteria a business must meet to qualify as a small business. These

criteria concern such things as average number of employees and average annual receipts.

171.2 Small Disadvantaged Business - A small disadvantaged business concern must meet the requirement of ownership listed in FAR 19.001.

172 POLICY (FAR Subpart 19.2) - It is the policy of Broadcasting to attempt to place a maximum of its total purchases and contracts for supplies and services with small and small disadvantaged business concerns. This does not only mean those exclusively reserved for small business concerns, e.g. acquisition of supplies and services which have an anticipated value of less than \$25,000, and which are subject to open market Simplified Acquisition procedures.

### 173 RESPONSIBILITIES

173.1 The Senior Procurement Executive - Is responsible for formulating policies and procedures and directing Broadcasting's program of procuring from small business concerns.

173.2 Director, Office of Small and Disadvantaged Business Utilization - The Policy and Procedures Officer serves as the focal point for Broadcasting for interfacing with the Small Business Administration.

173.3 Contracting Officers - Contracting officers shall recommend selected items or services that can reasonably be procured exclusively from small business for class set-asides. These items, after review by the Senior Procurement Executive will be added to the list of such items and services maintained by the Office of Contracts. The determination to make a class set-aside will be recorded in the case file.

173.4 Purchasing Activities shall make a continuing effort to increase the placement of orders with small business concerns.

173.5 Policy and Procedures Officer shall:

a. Coordinate the breakout of suitable items and services for procurement from small business concerns.

b. Develop and maintain a current list of items and services by classification code recommended for set-aside exclusively for small business concerns.

c. Coordinate inquiries and requests for advice from small business concerns on procurement matters.

d. Identify and encourage usage of small businesses on Solicitation Mailing Lists.

e. Ensure that participation of small business concerns is accurately reported.

174 COOPERATION WITH THE SMALL BUSINESS ADMINISTRATION (SBA) (FAR 19.4) -



174.1 Copies of Notices of Intent to Terminate a Contractor for Default - A contract involving a contractor to which a certificate of competency (COC) was issued or to which a loan was made by SBA shall not be terminated without prior approval of the Procurement Executive. The contracting officer shall then forward the notice of intent to terminate such contract for default to the SBA regional office issuing the COC.

#### 174.2 Appeals of Certificates of Competency Determination

a. If the contracting office disagrees with SBA's decision regarding issuance of a COC, the contracting office may make a recommendation to the Procurement Executive to file an appeal of the SBA decision.

b. The Senior Procurement Executive is the individual responsible for filing any formal appeal of a COC determination to SBA.

#### 175 SET-ASIDES FOR SMALL BUSINESS (FAR 19.5)

175.1 Class Set-Asides - The Contracting officer shall coordinate class set-asides with the Office of Contracts which is responsible for maintaining and distributing Broadcasting's lists of items selected for class set-asides.

175.2 Class Set-aside of Architect-Engineer Services Proposed architect-engineer (A/E) service contracts that are estimated not to exceed \$500,000 are set-aside exclusively for small business participation, except when it is determined on a case-by-case basis, on the recommendation of the technical support office for the acquisition and approved at a level above the contracting officer, that is unlikely that the specialized experience and technical requirements can be met by responsible small business firms.

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PART IX- PROCUREMENT, 100 GENERAL  
Section 180

POSTAWARD ORIENTATION OF CONTRACTORS

181 Policy

Section 180

POSTAWARD ORIENTATION OF CONTRACTORS

181 POLICY (FAR 42.501) - If it is determined after contract award, in accordance with the factors listed in FAR 42.502, that the contractor does not have or may not have clear understanding of the scope of the contract, the technical-professional-qualitative requirements, or the rights and obligations of the parties, a postaward conference may be used to achieve mutual understanding.

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PART IX- PROCUREMENT, 100 GENERAL  
Section 190

REPORTING SUSPECTED ANTITRUST VIOLATIONS

191 General

192 General Counsel Responsibility

193 Contractor's Record File

Section 190

REPORTING SUSPECTED ANTITRUST VIOLATIONS

191 GENERAL - Contracting officers shall report instances of suspected collusion or other violations of antitrust laws in connection with competitive procurements to the Office of General Counsel (GC) through the Procurement Executive. See FAR 3.303 for information to be submitted.

192 GENERAL COUNSEL RESPONSIBILITY The General Counsel shall review each report and determine whether or not to submit the case to the Attorney General. Action taken by the General Counsel and subsequently by the Attorney General shall be reported back to the initiating officer.

193 CONTRACTOR'S RECORD FILE

a. A copy of the contracting officer's report and that of the action report returned by GC shall be given to the Office of Contracts.

b. The Office of Contracts shall include a copy of any suspected Antitrust Violation Report in the contractor's record file.

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PART IX- PROCUREMENT, 200 ASSISTANCE AGREEMENTS (GRANTS AND COOPERATIVE AGREEMENTS)  
Section 210

INTRODUCTION

211 Scope

212 Definitions

212.1 Cooperative Agreement

212.2 Grant

212.3 Substantial Involvement

213 Authorities

213.1 P.L. 95-224

213.2 P.L. 80-402

213.3 P.L. 87-256

213.4 P.L. 105-277

Section 210

INTRODUCTION

211 SCOPE - This section sets forth the policy and procedures governing the use of assistance agreements (grants and cooperative agreements). Because grants and cooperative agreements are classified as assistance agreements and not as procurements the Federal Acquisition Regulation (FAR), and other Federal acquisition regulations do not apply. However, OMB circulars which apply to grants and cooperative agreements and concern such things as initiating, negotiating, awarding, administering and closing out grants and cooperative agreements incorporate many of the FAR policies and procedures.

212 DEFINITIONS -

212.1 Cooperative Agreement means a type of assistance agreement used if Broadcasting's principal purpose in a given transaction is to transfer something of value to a recipient to accomplish a public purpose of support or stimulation authorized by Federal statute. This is when it is anticipated that there will be substantial involvement between Broadcasting and the recipient during performance.

212.2 Grant means a type of assistance agreement used if Broadcasting's principal purpose in a given transaction is to transfer something of value to a recipient to accomplish a public purpose of support or stimulation authorized by Federal statute when it is not anticipated that there will be substantial involvement between Broadcasting and the recipient during performance.

212.3 Substantial Involvement - Since the distinguishing characteristic between the two types of assistance agreements is the degree of Broadcasting involvement, a further illustration of the distinction is provided.

a. Anticipated substantial involvement does include:

- 1) Broadcasting's power to immediately halt an activity if detailed performance specifications are not met.
- 2) Broadcasting review and approval of one stage of work before work can begin on a subsequent stage.
- (3) Broadcasting review and approval of substantive provisions of proposed subgrants or subcontracts.
- (4) Broadcasting involvement in the selection of key recipient personnel.
- (5) Substantial, direct operational involvement or participation during the assisted activity.

b. Anticipated substantial involvement does not include:

- (1) Broadcasting approval of recipient plans prior to award.
- (2) Normal exercise of stewardship responsibilities such as site visits, performance reporting, financial reporting, and audit.
- (3) Unanticipated Broadcasting involvement to correct deficiencies.
- (4) review of performance after completion.
- (5) Inclusion of general administrative and/or statutory requirements.

## 213 AUTHORITIES

213.1. The Federal Grant and Cooperative Agreement Act of 1977, P.L. 95-224, U.S.C. 41.501A - was enacted to require executive agencies to distinguish procurement relationships from nonprocurement/assistance relationships. This is the first step toward achieving consistency in the

use of the various legal instruments by all agencies. The Act specifies and distinguishes three types of instruments that may be used contracts, grants, and cooperative agreements.

213.2 Smith-Mundt Act), P.L. 80-402 - authorizes the use of assistance awards to individuals or non-profit institutions, to "promote a better understanding of the United States in other countries, and to increase mutual understanding between the people of the United States and the people of other countries."

213.3 The Mutual Education and Cultural Exchange Act of 1961 (Fulbright-Hays Act), P.L. 87-256 - Authorizes the use of assistance agreements to individuals or non-profit institutions, to "enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries by means of educational and culture exchange; to strengthen the ties which unite us with other nations by demonstrating the educational and culture interests, developments and achievements of the people of the United States and other nations, and the contributions being made toward a peaceful and more fruitful life for people throughout the world; to promote international cooperation for educational and cultural advancement; and thus to assist in the development of friendly, sympathetic, and peaceful relations between the United States and other countries of the world."

213.4 Foreign Affairs Reform and Restructuring Act of 1998 P.L. 105-277 - establishes the BBG (Broadcasting) as an independent entity.

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PART IX- PROCUREMENT, 200 ASSISTANCE AGREEMENTS (GRANTS AND COOPERATIVE AGREEMENTS)

Section 220

POLICIES

221 Use of Procurement Agreement

222 Use of Assistance Agreement

223 Redelegations of Authority

223.1 Program Officer

223.2 Contracting Officer

Section 220

POLICIES

220 POLICIES

221 Use of Procurement Agreement - A Procurement Agreement should be used whenever Broadcasting obtains property or services for its direct benefit. Several tests of our receipt of direct benefit are: Do we retain ownership rights? Did we pay for full value (cost)? If we acquire property, it was probably as a result of procurement.

222 Use of Assistance Agreement

a. An Assistance Agreement may not be used in lieu of a procurement merely to avoid the formalities or administrative requirements of procurement. An Assistance Agreement is proper to use when Broadcasting's principal purpose in a given transaction is to transfer something of value to a recipient to accomplish a public purpose of support or stimulation. An example would be a grant to a lecturer to offset per diem expenses and/or an honorarium representing less than full compensation.

For purposes of defining less than full compensation, it may be assumed that an honorarium of \$100 per day or less would be less than full compensation for an individual who had gained sufficient prominence and stature to be considered as a program speaker.

b. There is no difference in the style, form, and format of grants and cooperative agreements. The distinction is the amount of Broadcasting involvement. If unsure which type of assistance agreement to use for a specific purpose, seek the advice of a contracting officer.

c. Assistance agreements cannot exceed five years duration, including any extensions of time for performance.

223 Redelegations of Authority - As in the case of contracts, grants and cooperative agreements may only be executed (signed) by a contracting officer or other Broadcasting employee who has been redelegated authority by the Procurement Executive. Any changes in the terms, conditions or specifications of an agreement become effective only when approved in writing by a contracting officer.

223.1 Program Officer - The authority to determine recipients, negotiate terms and conditions, and monitor grants and cooperative agreements involving funds available for international educational and cultural activities has been redelegated to certain individuals in the Voice of America (VOA) (see Redelegation of Authority No. M/K-85-3A dated November 12, 1985).

223.2 Contracting Officer - All assistance actions which have not been redelegated to individuals outside the Office of Contracts, shall be executed by a contracting officer.



International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

Material within this Manual of Operations and Administration may no longer be current. To ensure having the most current policy or procedure, please contact the Agency office responsible for the subject matter, e.g., information about performance appraisal, staffing, or compensation should be directed to the Office of Human Resources. For assistance in determining which office to contact, please contact Cathy Brown or Renee Tyrance-Gauff of the Analysis and Administration Division on (202) 203-4664 or feel free to email this staff at cabrown@bbg.gov or crgauff@bbg.gov.

MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART IX- PROCUREMENT, 200 ASSISTANCE AGREEMENTS (GRANTS AND COOPERATIVE AGREEMENTS)

Section 230

RESPONSIBILITIES

231 Program Office

232 Grants Officer

Section 230

RESPONSIBILITIES

230 RESPONSIBILITIES

Both the program (requesting) office and the Grants Officer Office of Contracts, have specific assigned responsibilities to them to ensure assistance programs are initiated, publicized, negotiated, awarded, administered, audited and closed out in an efficient and effective manner.

231 Program Office - The designated program office is responsible for:

- a. Initiating the assistance program with Broadcasting;
- b. Notifying the appropriate congressional committees fifteen days in advance;
- c. Publicizing assistance opportunities to afford the maximum number of potential recipients the opportunity to compete;
- d. Reviewing and evaluating proposals received in response to the notification executed in c. above;

e. Negotiating the terms and conditions of the assistance agreement, obtaining advice and counsel from the Grant Officer when required;

f. Monitoring the progress of recipients; and

g. Evaluating the program report.

232 Grants Officer- The Grants Officer, Office of Contracts, is responsible for:

a. Confirming the proposed assistance agreement is consistent with authorizing legislation. Disagreements will be resolved in consultation with the Office of the General Counsel (GC);

b. Determining the allowability and reasonableness of selected recipients' budgets;

c. Determining the suitability of the selected recipients' accounting practices for subsequent audit;

d. Executing (signing) the assistance agreement and any amendments thereto; and

e. Auditing financial reports and records to determine funds were expended properly.

International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

Material within this Manual of Operations and Administration may no longer be current. To ensure having the most current policy or procedure, please contact the Agency office responsible for the subject matter, e.g., information about performance appraisal, staffing, or compensation should be directed to the Office of Human Resources. For assistance in determining which office to contact, please contact Cathy Brown or Renee Tyrance-Gauff of the Analysis and Administration Division on (202) 203-4664 or feel free to email this staff at [cbrown@bbg.gov](mailto:cbrown@bbg.gov) or [crgauff@bbg.gov](mailto:crgauff@bbg.gov).

MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART IX- PROCUREMENT, 200 ASSISTANCE AGREEMENTS (GRANTS AND COOPERATIVE AGREEMENTS)

Section 240

ADVANCE PLANNING

241 Lead Times

241.1 During the Fiscal Year

241.2 End of the Fiscal Year

242 Required Documentation for New Assistance Award Requests

243 Minimum Assistance Agreement Requirements

Section 240

ADVANCE PLANNING

241 LEAD TIMES

241.1 During the Fiscal Year - During the first three quarters of the fiscal year, office requests for assistance agreements shall be received in the Office of Contracts in sufficient time to allow the contracting officer to review and process the request and execute (sign) the assistance agreement at least 10 days before the required start date. The period of performance of the award will not be backdated. Late requests received in the Office of Contracts must have a written justification for the delay in meeting the 10 day requirement. The justification shall be signed by the office director. The office will also be responsible for obtaining the pre-award expenses incurred by a recipient prior to execution of the assistance agreement.

241.2 End of Fiscal Year - During the last quarter of the fiscal year, the following lead times are in effect:

a. Requests for the establishment of assistance agreements with new recipients who have not held a Broadcasting grant or cooperative agreement within the last two years shall be received in the Office of Contracts by August 15.

b. Requests for new awards to be made to current recipients of assistance must be received by September 1.

c. Requests to add projects or extend funding under existing grants or cooperative agreements must be received by September 15, provided the program need has been reviewed and certified by the office Director that the program is necessary, current funding is required to maintain continuity and the request is not being made just to keep funds from lapsing.

#### 242 REQUIRED DOCUMENTATION FOR NEW ASSISTANCE AWARD REQUESTS

The following list of documentation is required to be submitted to the Office of Contracts for all new assistance award requests:

a. Each request shall include the following certifications:

(1) Assurance of Compliance with Regulations under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and Title IX of the Education Amendments of 1972.

(2) Certification Regarding Drug-Free Workplace Requirements, is required for each assistance award.

(3) Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion is required for each assistance award.

(4) Certification Regarding Lobbying, and Disclosure of Lobbying Activities (SF-LLL). The Certification Regarding Lobbying is required for all awards of \$100,000 or more and the Disclosure is required, if applicable. A copy of the disclosure shall be submitted to the Office of Contracts.

(5) Certification of funds availability.

c. Each request shall be supported by a complete statement of the scope and purpose of the project.

d. Each request shall include a written record of all negotiations, including an analysis of competition, if any.

e. Each request for a cooperative agreement must have a specific statement of Broadcasting's anticipated substantial involvement.

#### 243 MINIMUM ASSISTANCE AGREEMENT REQUIREMENTS

An award shall be based on a written agreement under which the recipient agrees to use the funds in certain ways or to do certain things. Also, clauses covering reporting requirements, maintenance, and examination of

records, fiscal controls, etc., should be used wherever practicable, with such adaptations as may be necessary to meet the needs of the particular award. OMB provides guidance to executive agencies in the form of OMB Circulars which pertains to virtually all aspects of assistance agreements. Some of these circulars are A-120, A-122 and A-21. A contracting officer should be contacted for assistance in determining which OMB circular applies and what specific requirements must be met.

#### Exhibit 240A - Grant

GRANT AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND MEMORANDUM OF AGREEMENT, made and entered into by and between the Government of the United States of America (hereinafter referred to as the "Government"), acting through the BBG (hereinafter referred to as Broadcasting) and the grant organization (hereinafter referred to as the "Recipient").

WHEREAS, Broadcasting is conducting an educational and cultural exchange program as authorized under the applicable provisions of the Mutual Educational and Cultural Exchange Act of 1961, (Public Law 87-256), as amended, and

WHEREAS, Broadcasting deems it desirable to assist the Recipient in furtherance of the purpose of this program, and

WHEREAS, the Recipient is qualified and has indicated its willingness to carry out the program provided for herein in a manner and on conditions acceptable to Broadcasting.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH:

#### ARTICLE I

##### PURPOSE

A .Broadcasting will obligate \$ to cover all domestic/international air transportation expenses of the Recipient during the performance of this Agreement. Therefore, the total provided under this Agreement is \$ .

B. The Recipient shall carry out this Agreement, in accordance with its proposal dated and any revisions to which both parties agree in writing. However, the Recipient's budget shall be in accordance with the Items of Expenditure stipulated under Section C of Article III of this Agreement. The above mentioned proposal is hereby incorporated by reference and made an integral part of this Agreement.

C. This Agreement is not intended to replace private efforts in this field but rather to supplement such efforts with financial assistance being limited in keeping with the nonprofit motive of the program.

#### ARTICLE II

##### PERIOD

A. The period of this Agreement shall be from through . All expenditures paid with funds provided by this Agreement must be incurred for authorized activities which take place during this period unless otherwise stipulated.

B. In the event the time prescribed herein should prove insufficient for the Recipient to carry out the program provided for herein, Broadcasting may provide such extension of the period of the Agreement as may be deemed advisable. Any extension will be effective only upon the execution of an amendment to the Agreement for this purpose. All requests for extensions must be received prior to the expiration date.

### ARTICLE III

#### PAYMENT AND ITEMS OF EXPENDITURE

A. The funds awarded pursuant to this Agreement shall be used for the purpose described in Article I; shall be paid to the Recipient in accordance with the provisions of Section B. herein below; and shall be expended in accordance with the Items of Expenditure set forth in Section C. herein below.

B. Requests for Advance or Reimbursement Payments may be requested monthly in the amounts required by the Recipient to carry out the purpose of this Agreement. Requests for payments shall be made on Standard Form 270 submitted to the Office of Contracts. The Recipient shall complete item 12 of the SF-270 and not item 11. Requests for payments shall be submitted in sufficient time to allow at least fourteen (14) days for processing. Each payment shall be the amount of expenditures anticipated during the following thirty (30) day period less any unexpended funds remaining from prior payments. This information must be reflected on the Standard Form 270 submitted for payment.

C. Items of Expenditure Amount

D. Transportation

Domestic. Broadcasting will withhold domestic air transportation funds provided under this Agreement. The Recipient shall use the Travel Management Center (TMC) method for all domestic air travel performed under this Agreement, as outlined in Appendix enclosed herewith.

OR

Domestic. Broadcasting will withhold domestic air \$ transportation funds provided under this Agreement. The Recipient shall use Government Transportation Requests (GTRs) for all domestic air travel performed under this Agreement, as outlined in Appendix enclosed herewith. \$

Total \$

International. Under separate arrangements, Broadcasting will provide \$ for international air transportation.

E. It is understood and agreed that the Recipient may make minor cumulative adjustments of up to five percent (5%) of the total budget, among the amounts specified for the items of expenditure set forth herein above. However, the Recipient may not transfer funds between the administrative and program budgets. No adjustment in excess of this margin may be made without the prior written approval of the Contracting Officer.

Select the appropriate Section F below for the type of organization receiving the award.

F. Allowability of costs incurred under this Agreement will be determined in accordance with Office of Management and Budget Circular A-122, "Cost Principles for Nonprofit Organizations," as in effect on the date of this Agreement. However, such costs are limited to the items of expenditure set forth in Section C. herein above.

F. Allowability of costs incurred under this Agreement will be determined in accordance with Office of Management and Budget Circular A-21 "Cost Principles for Educational Institutions" as in effect on the date of this Agreement. However, such costs are limited to the items of expenditure set forth in Section C. herein above.

G. It is understood and agreed that other expenses incurred by the Recipient in carrying out this program shall be met with funds other than those provided by this Agreement. The funds provided by this Agreement, however, are limited in expenditure according to the items specified in Section C. herein above.

H. The Recipient shall use United States flag carriers and economy accommodations for travel supported under this Agreement. All such travel shall be performed in accordance with the travel provisions of the Fly America Act.

#### ARTICLE IV

##### RESPONSIBILITIES

In carrying out the purposes of this Agreement, the Recipient shall be responsible for:

A. Planning, organizing and administering the programs described in Article I and in accordance with the Recipient's proposal as referenced in Article I B. and any revisions to which both parties agree in writing.

B. Maintaining accounting control over the funds provided by this Agreement with proper documentation, such as invoices, canceled checks, airline ticket stubs, etc. that will adequately substantiate all payments charged to this Agreement. Costs paid with funds provided by this Agreement must be identifiable in the Recipient's accounting system as costs charged to this Agreement. Lack of such documentation could result in a disallowance of charges to this Agreement.

C. When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments, shall clearly state (1) the percentage of the total cost of the program or project which will be financed with Federal money, and (2) the dollar amount of Federal funds for the project or program.

The following Sections D and E are used when appropriate.

D. Assuring that all foreign participants funded under this Agreement are issued a form which indicates U.S. Government funding.

E. Enrolling participants under Health and Accident Insurance Coverage.

1. Providing insurance information and material to each participant. The insurance materials and reporting instructions will be provided to the Recipient.

2. In the event of accident or illness, assisting participants in the timely preparation, filing and resolution of claims and informing the Program Office of developments as well as reporting participants coverage dates.

## ARTICLE V

### KEY PERSONNEL

Within thirty (30) days after the date of execution of this Agreement, the Recipient shall furnish brief biographical sketches if these have not been previously furnished, including information on the education and experience, of officer personnel -- i.e., of the members of the professional staff in a program supervisory position engaged for or assigned to duties under this Agreement, and shall also provide similar information concerning such new personnel as may subsequently be assigned by the Recipient to duties in connection with this Agreement.

## ARTICLE VI

### REPORTS

The Recipient shall submit two (2) copies of the following reports, indicating the applicable Agreement number, to:

BBG (Broadcasting)  
Office of Contracts

#### A. Program

A report describing and evaluating the activities undertaken pursuant to this Agreement shall be submitted within ninety (90) days after the expiration date of this Agreement.

#### B. Financial



1. A report reflecting expenditures against each item of expenditure set forth in Section C. of Article III shall be submitted within ninety (90) days after the expiration date of this Agreement.

2. All international travel charged to this Agreement must be on an American flag carrier. If travel was on a foreign flag carrier, a statement justifying the use of a foreign flag carrier, which meets one of the exceptions cited in the "Fly America Act", must be included with the financial report. Travel on a foreign flag carrier which does not meet one of the exceptions of the Act will be disallowed.

#### ARTICLE VII

##### LIAISON

All liaison shall be with the designated elements of Broadcasting relative to the following responsibilities incurred by the Recipient under this Agreement:

A. Program

B. Financial - Office of Contracts

#### ARTICLE VIII

##### AMENDMENTS OR MODIFICATIONS

It is agreed that no oral statement of any person shall officially modify or affect the terms, conditions, or specifications of this Agreement. Any changes in the terms, conditions or specifications of the Agreement become effective only when approved in writing by the Contracting Officer.

#### ARTICLE IX

##### NONEXPENDABLE EQUIPMENT

The Recipient agrees that none of the funds provided by this Agreement shall be used for the purchase of nonexpendable items of equipment such as furniture or office equipment.

#### ARTICLE X

##### OMB CIRCULAR NO. A-110

The Recipient agrees to comply with OMB Circular No. A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations, a copy of which is available from the Grants Officer, Office of Contracts

#### ARTICLE XI

##### GENERAL CONDITIONS

The attached General Conditions are made part of this Agreement and compliance of the Recipient with the provisions therein is mandatory.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the dates indicated herein below.

FOR THE RECIPIENT

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA

Signature

Typed Name

Contracting Officer

Title Office of Contracts

Date

Exhibit 240B - Cooperative Agreement

COOPERATIVE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND MEMORANDUM OF AGREEMENT, made and entered into by and between the Government of the United States of America (hereinafter referred to as the "Government"), acting through the BBG (hereinafter referred to as Broadcasting) and grant organization (hereinafter referred to as the "Recipient").

WHEREAS Broadcasting is conducting an educational and cultural exchange program as authorized under the applicable provisions of the Mutual Educational and Cultural Exchange Act of 1961, (Public Law 87-256), as amended, and

WHEREAS, Broadcasting deems it desirable to assist the Recipient in furtherance of the purpose of this program, and WHEREAS, the Recipient is qualified and has indicated its willingness to carry out the program provided for herein in a manner and on conditions acceptable to Broadcasting.

NOW, THEREFORE, THIS AGREEMENT WITNESSETH:

#### ARTICLE I

##### PURPOSE

A. Broadcasting will obligate \$ to cover all domestic/international air transportation expenses of the Recipient during the performance of this Agreement. Therefore, the total provided under this Agreement is \$ .

B. The Recipient shall carry out this Agreement, in accordance with its proposal dated and any revisions to which both parties agree in writing. However, the Recipient's budget shall be in accordance with the Items of Expenditure stipulated under Section C. of Article III of this Agreement. The above mentioned proposal is hereby incorporated by reference and made an integral part of this Agreement.

C. This Agreement is not intended to replace private efforts in this field but rather to supplement such efforts with financial assistance being limited in keeping with the nonprofit motive of the program.

## ARTICLE II

### PERIOD

A. The period of this Agreement shall be from through . All expenditures paid with funds provided by this Agreement must be incurred for authorized activities which take place during this period unless otherwise stipulated

B. In the event the time prescribed herein should prove insufficient for the Recipient to carry out the program provided for herein Broadcasting may provide such extension of the period of the Agreement as may be deemed advisable. Any extension will be effective only upon the execution of an amendment to the Agreement for this purpose. All requests for extensions must be received prior to the expiration date.

## ARTICLE III

### PAYMENT AND ITEMS OF EXPENDITURE

A. The funds awarded pursuant to this Agreement shall be used for the purpose described in Article I; shall be paid to the Recipient in accordance with the provisions of Section B. herein below; and shall be expended in accordance with the Items of Expenditure set forth in Section C. herein below.

B. Request for Advance or Reimbursement Payments may be requested monthly in the amounts required by the Recipient to carry out the purpose of this Agreement. Requests for payments shall be made on Standard Form 270 submitted to the Office of Contracts. The Recipient shall complete item 12 of the SF-270 and not item 11. Requests for payments shall be submitted in sufficient time to allow at least fourteen (14) days for processing. Each payment shall be the amount of expenditures anticipated during the following thirty (30) day period less any unexpended funds remaining from prior payments. This information must be reflected on the Standard Form 270 submitted for payment.

C. Items of Expenditure Amount

### TOTAL

D. Transportation

Domestic. Broadcasting will withhold domestic air \$ transportation funds provided under this Agreement. The Recipient shall use the Travel Management Center (TMC) method for all domestic air travel performed under this Agreement, as outlined in Appendix enclosed herewith.

OR

Domestic. Broadcasting will withhold domestic air \$ transportation funds provided under this Agreement. The Recipient shall use Government Transportation Requests (GTRs) for all domestic air travel performed under this Agreement, as outlined in Appendix enclosed herewith. \$

Total \$ International. Under separate arrangements, Broadcasting will provide \$ for international air transportation.

E. It is understood and agreed that the Recipient may make minor cumulative adjustments of up to five percent (5%) of the total budget, among the amounts specified for the items of expenditure set forth herein above. However, the Recipient may not transfer funds between the administrative and program budgets. No adjustment in excess of this margin may be made without the prior written approval of the Contracting Officer.

Select the appropriate Section F below for the type of organization receiving the award.

F. Allowability of costs incurred under this Agreement will be determined in accordance with Office of Management and Budget Circular A-122, "Cost Principles for Nonprofit Organizations," as in effect on the date of this Agreement. However, such costs are limited to the items of expenditure set forth in Section C. herein above.

F. Allowability of costs incurred under this Agreement will be determined in accordance with Office of Management and Budget Circular A-21 "Cost Principles for Educational Institutions" as in effect on the date of this Agreement. However, such costs are limited to the items of expenditure set forth in Section C. herein above.

G. It is understood and agreed that other expenses incurred by the Recipient in carrying out this program shall be met with funds other than those provided by this Agreement. The funds provided by this Agreement, however, are limited in expenditure according to the items specified in Section C. herein above.

H. The Recipient shall use United States flag carriers and economy accommodations for travel supported under this Agreement. All such travel shall be performed in accordance with the travel provisions of the Fly America Act.

#### ARTICLE IV

##### RESPONSIBILITIES

In carrying out the purposes of this Agreement, the Recipient shall be responsible for:

A. Planning, organizing and administering the programs described in Article I and in accordance with the Recipient's proposal as referenced in Article I B. and any revisions to which both parties agree in writing.

B. Maintaining accounting control over the funds provided by this Agreement with proper documentation, such as invoices, canceled checks, airline ticket stubs, etc. that will adequately substantiate all payments charged to this Agreement. Costs paid with funds provided by this Agreement must be identifiable in the Recipient's accounting system as costs charged to this Agreement. Lack of such documentation could result in a disallowance of charges to this Agreement.

C. Stating in any announcement or publicity, where it is not inappropriate, that these activities are assisted financially by the BBG (Broadcasting) under the authority of \_\_\_\_\_. When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds including but not limited to State and local governments, shall clearly state (1) the percentage of the total cost of the program or project which will be financed with Federal money, and (2) the dollar amount of Federal funds for the project or program.

The following Sections D and E are used when appropriate.

D. Assuring that all foreign participants funded under this Agreement are issued a form which indicates U.S. Government funding.

E. Enrolling participants under Health and Accident Insurance Coverage.

1. Providing insurance information and material to each participant. The insurance materials and reporting instructions will be provided to the Recipient .

2. In the event of accident or illness, assisting participants in the timely preparation, filing and resolution of claims and informing the Office of developments as well as reporting participants coverage dates.

#### ARTICLE V

##### KEY PERSONNEL

Within thirty (30) days after the date of execution of this Agreement, the Recipient shall furnish brief biographical sketches if these have not been previously furnished, including information on the education and experience, of officer personnel -- i.e., of the members of the professional staff in a program supervisory position engaged for or assigned to duties under this Agreement, and shall also provide similar information concerning such new personnel as may subsequently be assigned by the Recipient to duties in connection with this Agreement.

#### ARTICLE VI

##### REPORTS

The Recipient shall submit two (2) copies of the following reports, indicating the applicable Agreement number, to:

BBG (Broadcasting)

## Office of Contracts

### A. Program

A report describing and evaluating the activities undertaken pursuant to this Agreement shall be submitted within ninety (90) days after the expiration date of this Agreement.

### B. Financial

1. A report reflecting expenditures against each item of expenditure set forth in Section C. of Article III shall be submitted within ninety (90) days after the expiration date of this Agreement.

2. All international travel charged to this Agreement must be on an American flag carrier. If travel was on a foreign flag carrier, a statement justifying the use of a foreign flag carrier, which meets one of the exceptions cited in the "Fly America Act", must be included with the financial report. Travel on a foreign flag carrier which does not meet one of the exceptions of the Act will be disallowed.

## ARTICLE VII LIAISON

All liaison shall be with the designated elements of Broadcasting relative to the following responsibilities incurred by the Recipient under this Agreement:

### A. Program

### B. Financial - Office of Contracts

## ARTICLE VIII

### AMENDMENTS OR MODIFICATIONS

It is agreed that no oral statement of any person shall officially modify or affect the terms, conditions, or specifications of this Agreement. Any changes in the terms, conditions or specifications of the Agreement become effective only when approved in writing by the Contracting Officer.

## ARTICLE IX

### NONEXPENDABLE EQUIPMENT

The Recipient agrees that none of the funds provided by this Agreement shall be used for the purchase of nonexpendable items of equipment such as furniture or office equipment.

## ARTICLE X

OMB CIRCULAR NO. A-110

The Recipient agrees to comply with OMB Circular No. A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations, a copy of which is available from the Grants Officer, Office of Contracts.

#### ARTICLE XI

##### GENERAL CONDITIONS

The attached General Conditions are made part of this Agreement and compliance of the Recipient with the provisions therein is mandatory.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the dates indicated herein below.

FOR THE RECIPIENT

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA

Signature

Typed Name

Contracting Officer

Title Office of Contracts

Date

Exhibit 240D - Request for Processing Assistance Award

MEMORANDUM FOR: Office of Contracts

FROM : Appropriate Office Head

SUBJECT : Request for Award of Grant/Cooperative Agreement to (legal name of recipient, followed by acronym in parentheses) in support of (actual project title)

PURPOSE : The award will (one or two sentences citing the purpose of the award

AMOUNT: Total funding amount

BEGINNING DATE: ENDING DATE:

REPORTING REQUIREMENTS: Unless special or interim reports are needed the Recipient will only be required to submit a final financial and program report within 90 days after the expiration date of the award.

DATE OF THE PROPOSAL: (date of original proposal /cover letter

RESPONSIBLE PROGRAM OFFICER: (office symbol and name TELEPHONE:

ADDITIONAL INFORMATION: Any other pertinent information may be added.

THIS REQUEST MUST BE ACCOMPANIED BY A REQUISITION

## Section 250

### AMENDMENTS

#### 251 Types

#### 252 Requirements

#### 253 Extension of the Performance Period

## Section 250

### AMENDMENTS

#### 250 AMENDMENTS

251 Types - An executed assistance agreement may be amended for following reasons: (a) increasing the amount of funding, (b) clarifying provisions, and (c) extending the performance period.

#### 252 Requirements

- a. All amendments shall be in compliance with MOA Part VII, Section 210.
- b. All requests for amendments shall be supported by a written request from the recipient explaining the need and purpose for the amendment.

#### 253 Extension of the Performance Period

- a. Requests for extension of the performance period under an assistance agreement shall be received in the Office of Contracts at least 60 days before the expiration date of the current agreement.
- b. Agreements will be amended to extend the performance period of the agreement with the approval of the program officer and contracting officer and upon execution of an appropriate amendment.
- c. Requests for extensions must include a summary of progress, fully explain the need for the extension, and include an estimate of the unobligated funds remaining and a plan for their use within the scope of the original purpose for which the agreement was awarded. The fact that funds remain at the expiration of an agreement is not in itself sufficient justification for an extension.
- d. Agreements will not be amended to approve late requests for extensions, except in very unusual circumstances.

## Section 260

### FUNDING

#### 261 Obligation of Funds



## 262 Recovery of Interest on Advanced Funds

### Section 260

#### FUNDING

##### 260 FUNDING

261 Obligation of Funds - Generally, awards may be made and funds obligated only for the fulfillment of requirements arising during the then fiscal year. Awards may be made and funds obligated in one fiscal year for a project to extend beyond such year, and payments under the award can be made from funds so obligated. In these cases it is frequently desirable to "grant" the entire fund (for obligation purposes) at the time of execution, but with payments to be made periodically to the recipient on the basis of need.

262 Recovery of Interest on Advanced Funds - To the extent interest is earned on advanced funds provided to the recipient, any and all interest earned shall become the property of the Government and shall be paid promptly to Broadcasting for deposit into the U.S. Treasury as miscellaneous receipts. Such interest shall not be used by the recipient or the program office for any purposes under the subject award.

### Section 270

#### RECIPIENT REPORTS

##### 271 Reporting Requirements

##### 272 Submission and Processing of Reports

###### 272.1 Interim Report

###### 272.2 Final Report

### Section 270

#### RECIPIENT REPORTS

##### 270 RECIPIENT REPORTS

##### 271 Reporting Requirements

a. Assistance awards to organizations involving funds of more than \$120,000 and a performance period of no less than 12 months, shall require financial reports to be submitted on a quarterly basis. Quarterly financial reports are necessary in order to reconcile the expenditures with the recipient's drawdown of funds.

b. All assistance awards at lower funding levels shall require financial reports to be submitted during the performance period as frequently as determined desirable by the program office and the contracting officer.

c. Each recipient shall submit program reports as frequently as required by the program office to ensure adequate monitoring of performance.

d. Financial and program reports cannot be required more frequently than quarterly nor less frequently than once per year, per OMB Circular A-110. To meet special program needs for information, alternative reporting schedules may be requested from the recipient, and if accepted, the revised reporting requirements shall be incorporated into the assistance agreement.

e. Every assistance agreement requires a final financial report and a final program report within 90 days after the expiration date of the agreement unless quarterly reports have been submitted during the period of the agreement and these reports are sufficient for Broadcasting to evaluate the program.

f. Recipients that fail to comply with the reporting requirements of their assistance agreements will not receive new awards until they are in compliance with the terms and conditions of their previous assistance agreement.

272 Submission and Processing of Reports - All interim and final reports will be submitted by the recipient directly to the Office of Contracts unless otherwise stipulated in the agreement.

When received, the Office of Contracts will log receipt of all reports and forward copies of both the financial and program reports to the program office. Contracts shall use appropriate correspondence to transmit reports to the program office. The program office shall return the yellow copy of the transmittal memo to Contracts to provide the results of their evaluation.

#### 272.1 Interim Report

a. The interim financial report will be reviewed by the contracting officer for compliance with the terms and conditions of the assistance agreement. Any discrepancies will be resolved by the contracting officer and the program office.

b. The interim program report will be reviewed by the program office to ensure that progress is in accordance with the terms of the assistance agreement and the objectives and goals of the assistance program are being accomplished.

#### 272.2 Final Report

a. The Grants Officer, will evaluate financial reports to ensure that funds are being expended for the appropriate items stipulated in the assistance. The Office of Contracts will also be responsible for the reconciliation of the drawdown of funds.

b. The program office, upon receipt of a program report from Contracts, will evaluate the report's accuracy and determine if the objectives of the assistance program were met.

c. If the program report is inadequate, the program office shall respond directly to the recipient and return the reply copy of the appropriate correspondence to Contracts with a copy of the program officer's response to the recipient. The program officer shall request a response from the recipient within 30-days and is responsible for follow-up with the recipient to ensure compliance with the program reporting requirements of the assistance agreement. All correspondence concerning the program report should be forwarded to Contracts for inclusion in the official assistance agreement file.

d. In reviewing final reports both the program office and the contracting officer will consult on any discrepancies they may find in reviewing both financial and program reports and determine the appropriate course of action to be taken.

e. If reports are not received by the due date, Contracts will notify the recipient of the missing report(s) and give the recipient 30-days to submit the missing report(s). f. If reports are not received prior to the 30-day extension expiring, Contracts will send the recipient a final notice stating that failure to submit the required report(s) -- whether interim or final -- shall be detrimental to the recipient receiving any future assistance awards.

#### Section 280

#### CLOSEOUT OF ASSISTANCE AGREEMENTS

#### 281 Procedures

#### Section 280

#### CLOSEOUT OF ASSISTANCE AGREEMENTS

#### 280 CLOSEOUT OF ASSISTANCE AGREEMENTS

#### 281 Procedures

a. The Grants Officer, Office of Contracts, is responsible for the closeout of assistance agreements. The closeout process shall be in accordance with the procedures specified by OMB Circulars and Broadcasting procedures - these are preaudit closeout procedures.

Upon receipt of the final financial and program reports the Office of Contracts takes the following action:

(1) Reviews the financial report to ensure that the expenditures of the recipient were in accordance with terms and conditions of the agreement.

(2) Provides the recipient with proper instructions for the disposition of any equipment or furniture acquired with Government funds as stipulated in the appropriate OMB Circular.

(3) Reconciles the expenditures with the payment record and requests any unexpended balance of funds from the recipient or requests that the final payment due the recipient is paid.

(4) Deobligates the unliquidated balance of funds from the accounting records.

(5) Receives the program office's evaluation of the final program report or if a final report is not required due to receipt of interim reports, the program office should prepare an evaluation based on the interim reports.

b. New assistance awards will be made only to recipients that have submitted adequate reports, when due, and have received evaluations of at least "satisfactory." The Director of the Office requesting a new assistance award may approve a new award to a recipient with a history of inadequate reports by stating the circumstances, in writing, that justify the new award. A copy of this justification shall be submitted to the Office of Contracts along with the proposed recipient's proposal before a new agreement will be executed by the contracting officer.

International Broadcasting Bureau  
Manual of Operations & Administration

NOTICE

Material within this Manual of Operations and Administration may no longer be current. To ensure having the most current policy or procedure, please contact the Agency office responsible for the subject matter, e.g., information about performance appraisal, staffing, or compensation should be directed to the Office of Human Resources. For assistance in determining which office to contact, please contact Cathy Brown or Renee Tyrance-Gauff of the Analysis and Administration Division on (202) 203-4664 or feel free to email this staff at [cabrown@bbg.gov](mailto:cabrown@bbg.gov) or [crgauff@bbg.gov](mailto:crgauff@bbg.gov).

MOA Update: The policy with the most recent date takes precedence over policies in other sections of the existing and new MOA that have older dates.

PART IX- PROCUREMENT, 300 OVERSEAS PROCUREMENT  
Section 310

Procurement at Overseas Establishments (Transmitting Stations, Correspondent Bureaus and Marketing Offices)

Level I (Simplified Acquisitions up to \$100,000) procurement authority has been delegated to Broadcasting's overseas establishments. Procurement training is provided in Washington, D. C. before the head of an overseas establishment departs for his/her new assignment and refresher training is conducted overseas periodically by the Office of Contracts.

Overseas installations follow the basic Government procurement regulations contained in the Code of Federal Regulations (CFR) Chapters 6 and 19, the Federal Acquisitions Regulation (FAR), the Department of State Acquisition Regulations and Procedures (DOSAR).

The Senior Procurement Executive is responsible for issuing regulations and procedures with respect to Broadcasting's procurement activities. The responsibility includes joint participation with the Office of the General Counsel in developing procedures which are used only by Broadcasting.

Broadcasting Board of Governors  
International Broadcasting Bureau  
Office of Contracts  
Washington, D.C. 20237

POLICY MEMORANDUM No. 13-01

TO: All BBG Contracting Officers, Contract Specialists, and Purchase Cardholders with Temporary/Permanent Contracting Authority above the Micro-purchase Threshold and Simplified Acquisition Purchasing and Procurement Activities and Agents

FROM: CON – Gary Hosford, Senior Procurement Executive

SUBJECT: Reporting of Contract Actions to the Federal Procurement Data System-Next Generation (FPDS-NG) and Coding of Service Contracts

REFERENCE: (a) M/CON Policy Memorandum #04-04, dated 8/9/2004, Subject: Federal Procurement Data System-Next Generation (FPDS-NG)  
(b) Federal Acquisition Regulation (FAR) Subpart 4.6-Contract Reporting  
(c) FPDS-NG Government User's Manual Version 1.4  
(d) FAR Subpart 4.16 Unique Procurement Instrument Identifiers  
(e) Office of Federal Procurement Policy (OFPP) Memoranda of 10/7/2009, Subject: Improving Acquisition Data Quality for Fiscal Years 2009/2010 and 5/31/2011, Subject: Improving Federal Procurement Data Quality – Guidance for Annual Verification and Validation  
(f) OFPP Memorandum of 12/19/2011, Subject: Service Contract Inventories  
(g) FPDS-NG Change Management email of 11/30/2012, Subject: Deployment of Inherently Governmental Functions

ATTACHMENTS: (A) Contract Actions Awarded Tracking Sheet  
(B) Steps for Creating a FPDS-NG Template and BPA/Call Order Templates

1. PURPOSE. This memorandum establishes procedures for reporting awarded Contract Actions above the micro-purchase threshold and modifications to those actions regardless of dollar value, to the Federal Procurement Data System-Next Generation (FPDS-NG). FPDS-NG is a comprehensive web-based tool for Federal agencies to report contract data. The resulting data is used as a basis for recurring and special reports to the President, the Congress, federal agencies, and the public sector. FPDS-NG is the primary source for many of our internal and external reports; therefore, it is imperative that the data reported is timely, accurate, valid, realistic, and reliable.
2. ACTION. All Contracting Officers (COs), Contract Specialists (CSs) and Purchase Cardholders (PCs) with permanent and temporary delegated contracting authority above the

micro-purchase threshold shall be knowledgeable of this policy and ensure it is properly implemented. Failure to comply with the procedures may result in reduction of contracting authority, suspension of contracting warrants, and/or issuance of disciplinary action, up to and including removal from Federal service.

3. DIRECTIVES AFFECTED. Reference (a) is superseded with this new policy, which will be incorporated into Broadcasting Administrative Manual (BAM) Part IX, Section 4.
4. DISCUSSION. Reference (b) requires Federal agencies to use FPDS-NG to report most Contract Actions and to maintain this data at Internet site <https://www.fpds.gov>. A review of draft and unreported Contract Actions in FPDS-NG and Momentum display that a vast number of BBG actions have not been reported within three (3) business days after contract award.
5. DEFINITIONS.

Closely Associated with Inherently Governmental Function (CL): A function that is generally not considered to be inherently governmental but may approach being in that category because of its nature and the risk that performance may impinge on Federal officials' performance of an inherently government function.

Contract Action: Any oral or written action that results in the purchase, rent, or lease of supplies or equipment, services, or construction using appropriated dollars over the micro-purchase threshold, or modifications to these actions regardless of dollar value. Contract Action does not include grants, cooperative agreements, other transactions, real property leases, requisitions from Federal stock, training authorizations, or other non-FAR based transactions.

Contract Action Report (CAR): Contract Action data required to be entered into the FPDS-NG. Types of CARs are Basic Ordering Agreements (BOA), Blanket Purchase Agreements (BPA), BPA Calls, Definitive Contracts, Delivery/Task Orders, Indefinite Delivery Contracts (IDC), Indefinite Delivery Vehicles (IDV) and Purchase Orders. See FAR Part 2 for definitions of these actions.

Contracting Officer (CO): An individual who has received explicitly defined written authority from the Senior Procurement Executive (SPE) to enter into, administer, and/or terminate contracts and make related determinations and findings.

Critical Function (CT): A function that is necessary to the agency being able to effectively perform and maintain control of its mission and operations. Typically, critical functions are recurring and long-term in duration. A function that would not expose the agency to risk of mission failure if performed entirely by contractors is not a critical function.

Data Universal Numbering System (DUNS) Number: The unique 9-digit number is regulated and assigned by Dun & Bradstreet (D&B) to identify each physical location of a business or organization, which is used as the identification number for Federal contractors.

Federal Procurement Data System – Next Generation (FPDS-NG): An automated system used to collect and report Federal procurement contract awards. It is the single authoritative repository for procurement award data.

Generic DUNS Number: A DUNS number assigned to a category of vendors not specific to any individual or entity. See FAR Subpart 4.605(b)(1) for allowable use of Generic DUNS numbers.

Inherently Governmental: A function that is so intimately related to the public interest as to mandate performance by Government employees. This function cannot be performed by a contractor. See FAR Subpart 2.1 and 7.503 for further definitions.

Momentum: A financial management system used by most agency domestic offices, including the BBG. It reports financial obligations and reports contracts awards and modifications to FPDS-NG as well as populates some of the fields in FPDS-NG.

Other Function (OT): A function that does not fit the definition for inherently governmental function, closely associated with inherently governmental function (CL) or critical function (CT).

Procurement Instrument Identifier (PIID): Unique identifier for each contract, order, or agreement. Each PIID for the agency must begin with “BBG” and then followed with the appropriate numbering scheme for each Contract Action type. It must remain different from those used by any other agency for at least 20 years from the date of contract award for further guidance on PIIDs, contact bbgfpds@bbg.gov.

Purchase Cardholder (PC): An individual who has received explicitly defined written authority from the Senior Procurement Executive (SPE) to make authorized purchases using a government-wide commercial purchase card.

System for Award Management (SAM): SAM is the consolidation of government-wide acquisition and award support systems, such as Central Contractor Registration (CCR), Excluded Parties List System (EPLS), and On-line Representations and Certifications Application (ORCA) into one system. SAMstreamlines processes, eliminating the need to enter the same data multiple times, and consolidates hosting to make the process of doing business with the government more efficient.

6. PROCEDURE. (a) Effective immediately and in accordance with reference (b), all COs and PCs with temporarily or permanently delegated contracting authority above the micro-purchase threshold shall accurately report applicable Contract Actions, and modifications to those actions, regardless of dollar value to FPDS-NG no later than *three (3) business days after Contract Action*. FPDS-NG is available on the Internet at <https://www.fpds.gov/>. The CO or PC must verify that the CAR accurately reflects the Contract Action.

(b) All unclassified reportable Contract Actions using appropriated funds must be reported to FPDS-NG. See FAR 4.606 for detailed guidance on which awards are reportable and non-reportable awards.



- (c) Each Contract Action and every modification to the action shall have a unique PIID for each Contract Action awarded and reported to FPDS-NG. Each PIID must begin with “BBG” and be followed with the appropriate numbering scheme for each Contract Action type. Most PIIDs are a 12-digit number consisting of alpha-numeric characters.
- (d) Each Contract Action must identify and report a DUNS for the Contract Action reported to FPDS-NG. The DUNS number must identify the contractor’s name and address as stated in the resultant contract, and as registered in SAM. See FAR Subpart 4.605 for allowable use of a Generic DUNS number.
- (e) All Contract Actions, except for those mentioned in paragraphs (f) and (g) below, must be reported through Momentum to the FPDS-NG website. To report a Contract Action in Momentum, on the Header Page, the COs / PCs must enter their user id’s or the individual designated to complete the FPDS-NG action in the “FPDS Contact:” field. Users must remove FPDS-NG tasks from their Momentum in-boxes after the CAR is reported. Effective immediately, Momentum will require COs / PCs to complete the FPDS-NG action before any award can be processed.
- (f) For Contract Actions prior to fiscal year 2013 (i.e. Contract Actions that occurred before October 1, 2012) COs / PCs must report Contract Actions directly at the FPDS-NG website.
- (g) COs and PCs without log in access to Momentum, such as COs stationed overseas, must report Contract Actions directly at the FPDS-NG website. Also, these individuals must submit a consolidated list of all Contract Actions awarded by site/station, regardless of the dollar value, for the preceding month awards in the attached format (Attachment A) and to the this e-mail address: bbgfpds@bbg.gov. Submissions are due by the 10<sup>th</sup> of each month. Each site must designate the person(s) who will be responsible for submitting the monthly list and provide the individual’s name(s) via e-mail to bbgfpds@bbg.gov by March 20, 2013.
- (h) Individuals unable to report directly at the FPDS-NG site due to system issues must notify the Office of Contracts, Policy Branch (CON/P) immediately via e-mail at bbgfpds@bbg.gov and include a detailed description of the issue.
- (i) COs and PCs who designate another person to report contract data on their behalf, remain responsible for reviewing the entered data and for ensuring that the data entered into FPDS-NG is accurate, complete and timely. After the action is in final status, the COs/PCs must sign and date on the FPDS-NG printed action as evidence that the FPDS-NG entry has been reviewed and is accurate and complete.
- (j) FPDS-NG user accounts are established by CON/P. Persons who require a logon ID and password in order to report Contract Actions or facilitate data entry must request access via the following e-mail address: bbgfpds@bbg.gov. Please include the requestor’s name, title (e.g., contractor, procurement assistant, etc.), name of contracting

specialist/contracting officer that he/she will facilitate data entry for, and office name. Allow two to three (2-3) business days for account set up.

- (k) FPDS-NG Award and IDV Computer Based Training (CBT) is available at Internet site <https://fpds.gov> under the “Training” tab. This training is mandatory for new users.
- (l) Reference (c) is a resource that provides detailed instructions on FPDS-NG data entry that is available at <https://fpds.gov> under the “Training” tab. If you have any questions regarding data entry that are not clearly answered in the resource manual, submit your questions via e-mail to [bbgfpds@bbg.gov](mailto:bbgfpds@bbg.gov).
- (m) All mandatory FPDS-NG fields, as well as all optional fields that apply to a specific Contract Action, must be accurately completed in FPDS-NG. For example, in the Treasury Account Symbol field, enter code “95” for Agency Identifier, code “0206” for Main Account, and code “000” for Sub Account; for the Contracting Office ID and Program/Funding Office ID fields, select the office(s) that awarded and funded the Contract Action; clearly describe the Contract Action in the “Description Requirement” field; select the proper “Place of Manufacture” (POM) from POM field drop down list for the end product procured in accordance with the Buy America Act, etc.
- (n) Contract Actions for Personal Service Contracts (PSC) and Purchase Order Vendors (POV) must be identified in Momentum and FPDS-NG using Product Service Code R497 for PSC and Product Service Code R499 for POV. To identify these actions further, enter “PSC” or “POV” in the “Major Program” field in FPDS-NG.
- (o) Effective immediately, discontinue using Product Service Code 9999 to identify Contract Actions in Momentum and FPDS-NG (due to the vague description of the code). Product Service Codes can be found in Momentum, at the FPDS-NG website, and in the FPDS-NG Product Service Code Manual August 2011 Edition at website <https://www.acquisition.gov>.
- (p) All purchase card awards and modifications to those awards above the micro-purchase threshold must be entered into Momentum as Field Acquisitions Awards (FA), Field Acquisitions Orders (FO), Acquisitions Awards (QA), or Acquisitions Orders (QOs), and then reported into FPDS-NG with the “Purchase Card Payment Method” field selected “Yes”.
- (q) A hardcopy of the final FPDS-NG CAR must be filed in the contract file.
- (r) CON/P will monitor accuracy, validity, and timely submission of draft and final CARs. The Senior Procurement Executive must annually certify by January 1st the completeness and accuracy of the CAR data to the General Services Administration (GSA) and OFPP, in accordance with reference (e). To validate this certification, CON/P will conduct a statistically valid comparison of the agency’s FPDS-NG CAR against the associated contract files to ensure the FPDS-NG error rate is no more than five percent (5%) among selected data fields. The CARs sampled will be selected randomly and validated by an individual other than the CO who awarded the contract or the person who

entered the contract data in FPDS-NG. COs/PCs must promptly assist in the validation and verification process if contacted by the Senior Procurement Executive or CON/P.

- (s) To comply with the certification requirement, described in paragraph 6(r) and reference (e) above, at the end of each fiscal year, CON/P will conduct a review to determine if any Contract Actions during the previous fiscal year were not reported by the deadline in reference (b), and have not yet been reported to the FPDS-NG. CON/P will then:
  - (i) Notify the responsible CO or PC that he or she was responsible for a CAR that is now delinquent;
  - (ii) Re-establish a deadline for submitting the delinquent CAR to the FPDS-NG, no later than forty-five (45) days after the start of the new fiscal year; and
  - (iii) Notify the Senior Procurement Executive of the delinquency, so that he or she may take further action.
- (t) For Contract Actions prior to fiscal year 2013 (i.e. Contract Actions that occurred before October 1, 2012), which have not been reported to the FPDS-NG Website, The Office of Contracts will directly notify responsible individuals and establish new reporting deadlines for these delinquent CARs.
- (u) Based on the backlog of Contract Actions that need to be reported, individuals may use the FPDS-NG Express Reporting to consolidate multiple CARs issued under the same PIID for the same vendor that are awarded within the same fiscal year (see FAR Subpart 4.606). This method of reporting is used when it would be overly burdensome to report each action individually. When used, Express Reporting should be done at least once monthly. Also, the "Number of Action" field in FPDS-NG must indicate the number of Contract Actions consolidated in the one CAR transaction. For example, Purchase Order BBG50-P-10-0000 and 2 modifications against it were awarded in FY-2010. Consolidate and report these three awards under one CAR, instead of reporting them under three separate FPDS-NG actions. Express reporting cannot be used to report CARs from FY-2012 and later. For further guidance on this method of reporting, send questions to [bbgfpds@bbg.gov](mailto:bbgfpds@bbg.gov).
- (v) Another viable option to report the backlog of Contract Actions in FPDS-NG is through the creation of "Templates" in FPDS-NG. This method is useful for Contract Actions in which individuals frequently place orders with a vendor for a particular service/product which contain the same common data elements needed to be reported for recurring awards. This will eliminate the re-keying of elements that are the same for multiple records. You can create "Templates" for Awards and Indefinite Delivery Vehicles (IDV) from the Home Page in FPDS-NG by selecting the award type (Awards/IDVs) and from existing CARs. See Attachment B for instructions/example.
- (w) Reference (f) requires a new FPDS-NG coding for service contracts for new contracts awarded on or after March 1, 2012. Agencies are now required to report on the role contracted services play in achieving agency objectives. COs shall review the OFPP

Policy Letter 11-01, Performance of Inherently Governmental and Critical Functions. When a contract for services is initially awarded and each modification afterward, the CO shall ensure in the *first letters* of the FPDS-NG “Description of Requirement” field include the following:

- (i) Enter code “IGF::CL::IGF” for services that are predominantly for functions “Closely Associated” to inherently governmental ones;
- (ii) Enter code “IGF::CT::IGF” for services that are “Critical Functions”;
- (iii) Enter code “IGF::OT::IGF” for “Other Functions” when neither of the above applies; or
- (iv) Enter code “IGF::CL,CT::IGF or IGF::CT,CL::IGF ” for services that are a combination of “Closely Associated” and Critical Functions”.

Identifying CL and CT functions at the time of award should assist the agency (in the case of closely associated functions) in prioritizing which contracts may require increased management attention and oversight to ensure that mission creep does not result in contractors performing inherently governmental functions and (in the case of critical functions) ensure that the agency does not lose control of its mission and operations.

Note: This can also be accomplished by annotating these codes at the start of the Header Description block in Momentum.

- (x) Requests for waivers to deviate from these procedures must be sent to CON/P via e-mail at [bbgfpds@bbg.gov](mailto:bbgfpds@bbg.gov).

7. MAINTENANCE: This policy memorandum shall be maintained by the Senior Procurement Executive and updated as needed. If you have any questions pertaining to this policy memorandum, please direct them to Mr. McGuirk at telephone number (202) 382-7840 or via e-mail at [jmcguirk@bbg.gov](mailto:jmcguirk@bbg.gov).

***Attachment A - Contract Actions Awarded Tracking Sheet***

**CONTRACT ACTIONS AWARDED**

**NAME OF STATION/SITE**

**LIST NAME OF CONTRACTING OFFICER NAME(S) WHO AWARDED CONTRACTS**

**MONTH AND YEAR**

<b>Date of Award</b>	<b>Contract Number</b>	<b>Referenced Contract No.</b>	<b>Contractor Name</b>	<b>Domestic (D) / Overseas (O) Contractor</b>	<b>Competed (Yes/No)</b>	<b>Amount</b>
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**TOTAL**

## Attachment B -- Steps for Creating a FPDS-NG Template

1. On the FPDS-NG Home Page (see Figure 1), under the Awards or Basic IDVs, click the document (Delivery/Task Order Against IDV, Purchase Order, Definitive Contract, BPA Call, Blanket Purchase Agreements (BPA) or Indefinite Delivery Contracts (IDC)) that you want to open to create a template.
2. Enter recurring data on the document, and then click "Save Tmplt".
3. Enter name of template and description in the "Template Name" and "Template Description" fields, and then click "Save" and click "Close". See Figure 2 for sample template.
4. To open saved template, click either the Template Awards Inbox or Template IDVs Inbox, and select the template you created.
5. Click "Create Doc" on the template and then enter data on the contract action report (CAR) in accordance with the award.
6. Click "Save" and then click "Validate". If no error message appear, then click "Save" again and close by clicking the "X" in the upper right hand corner. Note: Templates can be created from existing FPDS actions.

Figure 1 - FPDS-NG Home Page

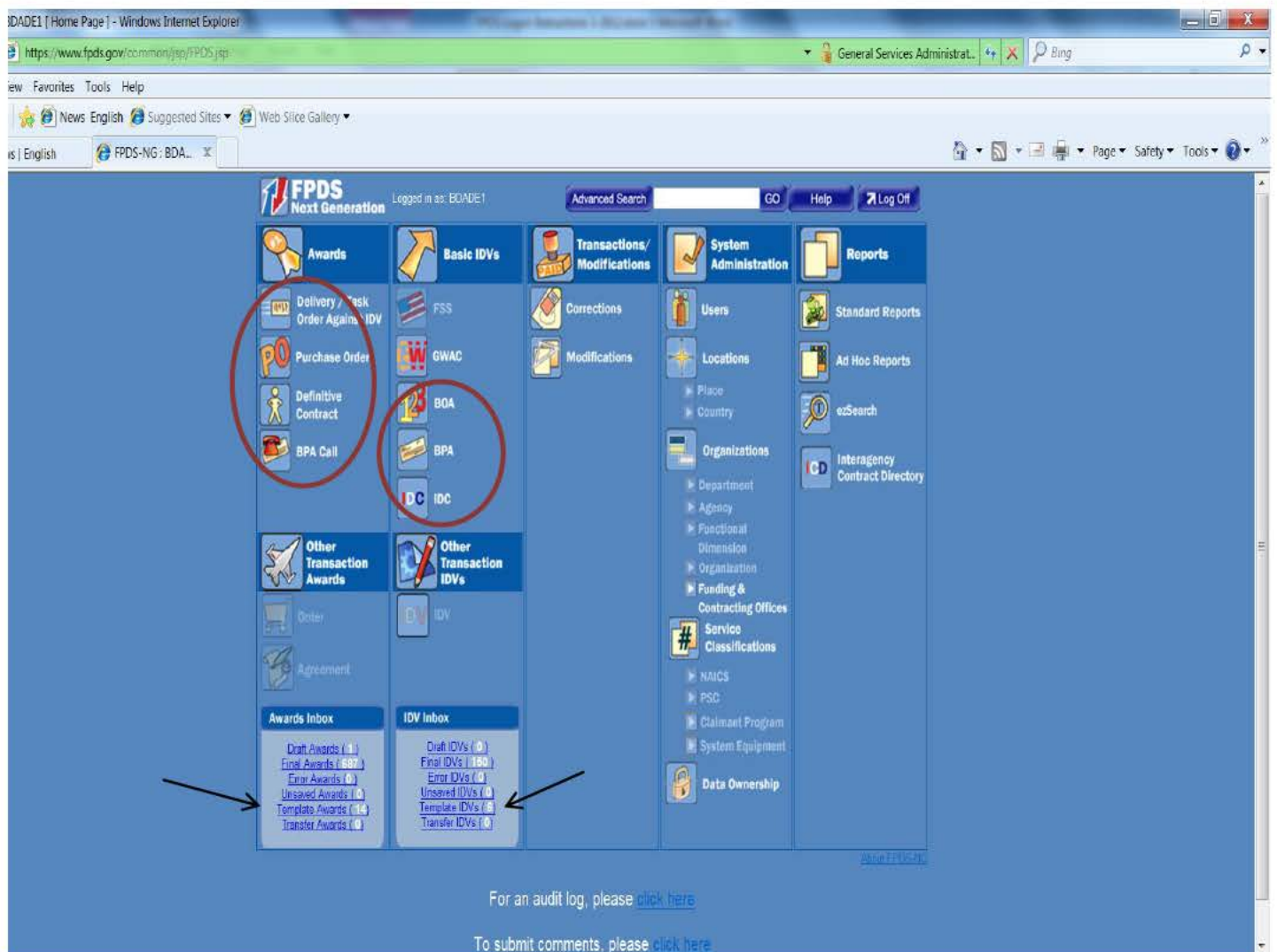


Figure 2 - Example of a Template

ection/contracts/jsp/1\_4/awardTemplateController.jsp General Services Administrat...

gested Sites Web Slice Gallery

BDA... x

HOME ezSearch Advanced Search GO Log Off

New Save Create Doc Delete Print Close Help

Template Name: PURCHASE ORDER FOR SAP  
Template Description:

**Transaction Information**

Award Type: Purchase Order Prepared Date: 07/13/2010 13:10:39 Prepared User: BDADE1  
Award Status: Existing Template Last Modified Date: 03/19/2012 10:24:47 Last Modified User: BDADE1

**Document Information**

Award ID: 9568 Agency Procurement Identifier: BBG73P12 Modification No: 0 Trans No: 0  
Referenced IDV ID:  
Reason For Modification: PLEASE SELECT BY CLICKING THE (...) BUTTON  
Solicitation ID:  
Treasury Account Symbol: 95 Agency Main Sub Identifier Account Account Initiative: Select One

**Dates**

Date Signed (mm/dd/yyyy):  
Effective Date (mm/dd/yyyy):  
Completion Date (mm/dd/yyyy):  
Est. Ultimate Completion Date (mm/dd/yyyy):

**Amounts**

	Previous	Current	Total
Action Obligation:		\$0.00	
Base And Exercised Options Value:		\$0.00	
Base And All Options Value:		\$0.00	
Fee Paid for Use of IDV:	\$0.00		

**Purchaser Information**

Contracting Office Agency ID: 9568 Contracting Office Agency Name: BROADCASTING BOARD OF GOVERNORS  
Contracting Office ID: 00073 Contracting Office Name: PRAGUE, EUROPEAN REGIONAL OFFICE  
Funding Agency ID: 9568 Funding Agency Name: BROADCASTING BOARD OF GOVERNORS  
Funding Office ID: 00073 Funding Office Name: PRAGUE, EUROPEAN REGIONAL OFFICE  
Foreign Funding: Not Applicable

**Contractor Information**

CCR Exception: PLEASE SELECT CCR EXCEPTION BY CLICKING THE ELLIPSIS (...) BUTTON (Remove Exception)  
DUNS No:  
Vendor Name:  
DBAN:  
Street:  
Street2:  
City:  
State:  
Country:  
Phone:  
Fax No:  
Congressional District:

**Business Category**

Organization Type:  
Number of Employees: 0  
State of Incorporation:  
Country of Incorporation:  
Annual Revenue: \$0  
Vendor is not selected. Show Details

**Contract Data**

Type of Contract:  
Multiyear Contract:  
Major Program:  
National Interest Action:  
Cost Or Pricing Data:  
Purchase Card Used As Payment Method:  
Unidentified Action:  
Performance Based Service Acquisition:  
Contingency Humanitarian Peacekeeping Operation:  
Contract Financing:  
Cost Accounting Standards Clause:  
Consolidated Contract:  
Number Of Actions:

Fee Paid For Use of Indefinite Delivery Vehicle

Firm Fixed Price  
Select One  
Upgrade Studio B  
None  
Select One  
No  
No - Service where PBA is not used.

**Legislative Mandates**

Clinger-Cohen Act: No  
Service Contract Act: Not Applicable  
Walsh-Healey Act: Not Applicable  
Davis Bacon Act: Not Applicable  
Interagency Contracting Authority: Not Applicable  
Other Interagency Contracting Statutory Authority: (1000 characters)

**Principal Place of Performance**

State	Location	Country
DC	CZE	
DISTRICT OF COLUMBIA		
WASHINGTON		
00		
USPS ZIP Codes (+4):		

**Product Or Service Information**

Product/Service Code: 5820 Description: RADIO AND TELEVISION COMMUNICATION EQUIPMENT  
Principal NAICS Code: 334220 Description: RADIO AND TELEVISION BROADCASTING AND WIRELE  
Bundled Contract: Not a bundled requirement  
System Equipment Code: Description:  
Country of Product or Service Origin: EZ CZECH REPUBLIC  
Place of Manufacture: Mfg outside U.S. - Use outside the United States



<b>Domestic or Foreign Entity:</b>	U.S. Owned Business
<b>Recovered Materials/Sustainability:</b>	No Clauses Included and No Sustainability Included
<b>InfoTech Commercial Item Category:</b>	Select One
<b>Claimant Program Code:</b>	... Description:
<b>Sea Transportation:</b>	Select One
<b>GFE/GFP Provided Under This Action:</b>	Transaction does not use GFE/GFP
<b>Use Of EPA Designated Products:</b>	Not Required
<b>Description Of Requirement: (4000 characters)</b>	Contractor Name: . Radio and television equipment required for Studio B.

<b>Competition Information</b>	
<b>Extent Competed For Referenced IDV:</b>	
<b>Extent Competed:</b>	Competed under SAP
<b>Solicitation Procedures:</b>	Simplified Acquisition
<b>Type Of Set Aside:</b>	Reserved for Small Business
<b>Evaluated Preference:</b>	No Preference used
<b>SBIR/STTR:</b>	Select One
<b>Fair Opportunity/Limited Sources:</b>	Select One
<b>Other Than Full And Open Competition:</b>	Select One
<b>Local Area Set Aside:</b>	No
<b>FedBizOpps:</b>	Not Applicable
<b>A76 Action:</b>	No
<b>Commercial Item Acquisition Procedures:</b>	Commercial Item Procedures not used

<b>Preference Programs / Other Data</b>	
<b>Contracting Officer's Business Size Selection:</b>	Small Business
<b>Subcontract Plan:</b>	Plan Not Required
<b>Price Evaluation Percent Difference:</b>	0 %



**Title:** IX BAM 520 – Publicizing Proposed Contract Actions

**Policy Tracking #:** CON-15-03

**Effective Date:** April 27, 2016

**Originating Office:** Office of Contracts, (202) 382-7838, [bbgconpolicy@bbg.gov](mailto:bbgconpolicy@bbg.gov)

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**(a) PURPOSE:** The purpose of this policy is to provide guidance related to publicizing proposed contract actions. Publicizing contract actions is important to increase competition, broaden industry participation in meeting government requirements, and improve small business access to acquisition information by identifying contracting and subcontracting opportunities.

**(b) AUTHORITY & SCOPE:**

(1) Authorities.

- (i) [Federal Acquisition Regulation \(FAR\) Subpart 5.1 -- Dissemination of Information.](#)
- (ii) [FAR Subpart 5.2 -- Synopsis of Proposed Contract Actions.](#)
- (iii) [FAR Section 12.603 -- Streamlined Solicitation for Commercial Items.](#)
- (iv) The Competition in Contracting Act (CICA) of 1984, [41 U.S.C. § 253.](#)
- (v) The Small Business Act, [15 U.S.C. § 631-657.](#)

(2) Scope.

- (i) This policy applies to all contracting officers (COs) employed by the Federal Government elements of the Broadcasting Board of Governors (i.e., Voice of America; Office of Cuba Broadcasting; Office of Technology, Services, and Innovation; and International Broadcasting Bureau), referred to in this policy as “the Agency” or “BBG”.
- (ii) This policy applies to all contract actions, including purchase card transactions, expected to exceed \$15,000; and any contract action in any amount when advantageous to the government.
- (iii) Overseas COs shall adhere to this policy unless they can display a notice in a public place.

**(c) POLICY:**

- (1) For proposed contract actions expected to exceed \$15,000, but not expected to exceed \$25,000, an unclassified notice of the solicitation or copy of the solicitation shall be posted on the BBG website at [www.bbg.gov/partnerwithusdoing-business/](http://www.bbg.gov/partnerwithusdoing-business/), unless an exception referenced in FAR 5.101(a)(2)(ii) applies.

(2) For acquisitions expected to exceed \$25,000, the proposed contract action shall be synopsisized, and the synopsis transmitted to the governmentwide point of entry (GPE)<sup>1</sup>, unless an exception at FAR 5.202(a) applies.

(i) If the proposed action is synopsisized in the GPE, a minimum of 15 days is required before the related solicitation shall also be posted in the GPE, unless an exemption at FAR 5.102(a)(5) applies. Specifications, technical data, brand name justifications and documentation shall be included with the solicitation.

(ii) For the acquisition of commercial items, the combined synopsis/solicitation procedure detailed in FAR 12.603 may be used.

**(d) PROCEDURES AND PRIMARY RESPONSIBILITIES FOR CONTRACTING OFFICERS (COS):**

(1) Electronically posting proposed contract actions expected to exceed \$15,000, but not expected to exceed \$25,000:

(i) COs shall send the notice or solicitation, in the “description” format required by FAR 5.207(c), to [PostingNTE25k@bbg.gov](mailto:PostingNTE25k@bbg.gov) for posting to the BBG website. The notice must include a statement that all responsible sources may submit a response which, if timely received, must be considered by the agency.

(ii) If a solicitation is posted instead of a notice, the solicitation should be issued on a Standard Form 18, Request for Quotation (RFQ), and contain the following:

(A) A unique procurement instrument identifier (PIID) in Block 1. “Request No.” in the format required by FAR Subpart 4.16 and Agency policies and procedures<sup>2</sup>;

(B) A statement that the acquisition is set-aside for small business concerns; and

(C) An e-mail address that will permit the public to respond to the solicitation electronically, or cite alternate submission instructions.

(iii) If the description of the notice or solicitation is in an improper format, it will be returned to the CO for correction prior to posting by the Office of Contracts.

(iv) The notice or solicitation will be posted the next business day or not later than the date the solicitation is issued. COs shall keep a copy of the notice or solicitation as posted on the website as documentation for the contract file. The notice or solicitation shall remain posted for at least 10 days, or until after quotations have been opened, whichever is later; after which it will automatically be removed from the website without archiving.

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<sup>1</sup> The GPE is currently the Federal Business Opportunities (FedBizOpps) website, <http://www.fbo.gov>.

<sup>2</sup> See Policy Memorandum No. 12-01 “Electronically Posting Solicitations Over \$15,000 and Not to Exceed \$25,000 to BBG Internet Website” for further guidance.

(2) Notices and solicitations for proposed contract actions expected to exceed \$25,000 shall be posted in the GPE. Any questions may be sent via e-mail to [bbgconpolicy@bbg.gov](mailto:bbgconpolicy@bbg.gov).

(3) Requests for waivers to deviate from this policy should be sent via e-mail to [bbgconpolicy@bbg.gov](mailto:bbgconpolicy@bbg.gov).

**(e) DEFINITIONS:**

(1) Contract action as used in this policy means an action resulting in a contract, including actions for additional supplies or services outside the existing contract scope. This term does not include actions that are within the scope and under the terms of the existing contract, such as contract modifications issued pursuant to the Changes clause, or funding and other administrative changes.

(2) Synopsis is a summary of the proposed contract action. As stated in FAR Paragraph 5.207(a), each synopsis must include data elements such as the product or service code, proposed solicitation number, closing response date, point of contact or contracting officer, etc.

**(f) EFFECTIVE DATE AND APPROVAL:**

Approved by:

Effective Date:

  
\_\_\_\_\_  
John F. Lansing  
CEO and Director

4.27.16

**Title:** IX BAM 630 – Other Than Full and Open Competition

**Policy Tracking #:** CON-16-03

**Effective Date:** May 25, 2016

**Originating Office:** Office of Contracts, (202) 382-7838, bbgconpolicy@bbg.gov

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**(a) PURPOSE:** The purpose of this policy is to provide guidance on how to prepare and process justifications for other than full and open competition.

**(b) AUTHORITY & SCOPE:**

(1) Authorities.

(i) [Federal Acquisition Regulation \(FAR\) Subpart 6.3 -- Other Than Full and Open Competition.](#)

(ii) The Competition in Contracting Act (CICA) of 1984, [41 U.S.C. § 253](#).

(2) Scope.

(i) This policy applies to the Federal Government elements of the Broadcasting Board of Governors (i.e., International Broadcasting Bureau; Office of Cuba Broadcasting; Office of Technology, Services, and Innovation; and Voice of America), referred to in this policy as “the Agency”.

(ii) This policy applies to all acquisitions for goods and services, unless the requirement meets an exception listed at FAR 6.001<sup>1</sup>, or the requirement will be awarded pursuant to FAR Subpart 6.2 -- Full and Open Competition After Exclusion of Sources.

**(c) POLICY:**

(1) Full and Open Competition. Full and open competition shall be used to fulfill Agency requirements, unless other than full and open competition is permitted by one of the seven exceptions in FAR 6.302 -- Circumstances permitting other than full and open competition (which are listed in the chart in section (c)(4)(i)).

(i) Acquisitions that use brand-name descriptions or other purchase descriptions to specify a particular brand-name, product, or feature peculiar to one manufacturer do not constitute full and open competition<sup>2</sup>, and those acquisitions shall be justified and approved in accordance with this policy.

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<sup>1</sup> Noted exceptions include in-scope contract modifications, orders placed under indefinite-delivery contracts, and contracts awarded using simplified acquisition procedures. Simplified acquisitions (i.e., actions under the simplified acquisition threshold - which is currently \$150,000 - and certain commercial items under FAR Subpart 13.5) are outside the scope of this policy and must follow the procedures in FAR 13.106-1(b) Soliciting from a single source.

<sup>2</sup> See FAR 6.302-1(c) -- Application for brand name descriptions.

(2) Justification and Approval for Other Than Full and Open Competition (J&A).

(i) A J&A shall be in the form of a separate, self-contained document, prepared in accordance with the FAR<sup>3</sup>. The “Justification for Other Than Full and Open Competition” template provided in CON Directive/Action Memo titled “Procedures for Other Than Full and Open Competition” may be used as a guide.

(ii) In addition to the FAR requirements, J&As shall address the following (when applicable):

(A) Office name, office symbol, project manager (PM), and PM telephone number;

(B) Project identification number;

(C) A full description of the requirement and its estimated total dollar value, which may be in the form of a statement of work, performance work statement, purchase description, or technical specification;

(D) A statement explaining whether the acquisition is a stand-alone acquisition or one in a series, or part of a related group of acquisitions; and

(E) If unusual and compelling urgency is a basis for the request<sup>4</sup>, when detailing the extent and nature of harm to the Agency, explain the circumstances that led to the need for an urgent contract action, including what serious injury, financial or otherwise, the Agency would incur if time were taken for full and open competition, and why the requirement could not have been processed in sufficient time to permit full and open competition.

(iii) The J&A shall contain sufficient facts and rationale to justify the use of the specific authority cited. Documentation in the justification should be sufficient to permit a reasonable business person to follow and be objectively persuaded by the rationale.

(iv) Lack of advanced planning, concerns related to the amount of funds available (such as expiring funds), administrative ease, reduced staff, or other internal intangible benefits are not lawful reasons for limiting competition.

(v) Preliminary arrangements or agreements with a proposed contractor made by someone other than an authorized contracting officer (CO) will have no effect on the rationale used to support an acquisition for other than full and open competition.

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<sup>3</sup> See FAR 6.303 -- Justifications.

<sup>4</sup> See FAR 6.302-2 -- Unusual and compelling urgency.

(3) Certifications and Approvals.

(i) The PM and CO must certify that the justification is accurate and complete to the best of their knowledge and belief.

(ii) Acquisitions that meet the thresholds detailed in the chart below require the applicable approvals, listed in the order they shall be obtained.

<b>Dollar Threshold</b>	<b>Required Approvals</b>
≥ \$150,000	1. Project Manager and/or Director of the Program Office  2. Contracting Officer Representative  3. Contracting Officer For actions between \$150,000 - \$700,000, the CO certification also serves as approval
≥ \$700,000	Competition Advocate
≥ \$13,500,000	Senior Procurement Executive

(4) Publicizing Actions.

(i) A proposed contract action shall be synopsisized<sup>5</sup>, and the synopsis transmitted to the governmentwide point of entry (GPE)<sup>6</sup>, unless an exception at FAR 5.202 applies. The following chart lists possible exceptions that may be applicable for each justification:

<b>Circumstance Permitting Other Than Full and Open Competition</b>	<b>Possible FAR Exceptions to Synopsisizing Proposed Contract Actions<sup>7</sup></b>
6.302-1 -- Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements	5.202(a)(8)
6.302-2 -- Unusual and Compelling Urgency	5.202(a)(2)
6.302-3 -- Industrial Mobilization; Engineering, Developmental, or Research Capability; or Expert Services	5.202(a)(10) or (14)
6.302-4 -- International Agreement	5.202(a)(3)
6.302-5 -- Authorized or Required by Statute	5.202(a)(4) or (10)
6.302-6 -- National Security	5.202(a)(1)
6.302-7 -- Public Interest	5.202(a)(10)

<sup>5</sup> See FAR Subpart 5.2 -- Synopsis of Proposed Contract Actions and IX BAM 520 -- Publicizing Proposed Contract Actions for further guidance.

<sup>6</sup> The GPE is currently the Federal Business Opportunities (FedBizOpps) website, <http://www.fbo.gov>.

<sup>7</sup> The CO must ensure circumstances meet the qualifications for the exception.

(ii) In accordance with FAR 6.305 -- Availability of the justification, the approved J&A shall be made publically available through the GPE and Agency website<sup>8</sup>.

**(d) PROCEDURES AND PRIMARY RESPONSIBILITIES:**

**(1) Project Manager (PM).**

(i) The PM should discuss a prospective request for other than full and open competition with the COR, CO, and competition advocate as early as possible during the acquisition planning stage, and prior to submitting a requisition. Early discussions may avoid delays which might otherwise occur should it be determined that the request for other than full and open competition is not justified.

(ii) The PM is responsible for preparing the justification, and shall attach the J&A at the time of submitting a requisition.

(A) The PM shall conduct market research in accordance with FAR Part 10 -- Market Research, prior to submitting a requisition to ensure full and open competition is obtained to the fullest extent.

**(2) Contracting Officer's Representative (COR).**

(i) Once the COR is made aware of a prospective request for other than full and open competition, they shall work through this process with the PM. Working with the COR may resolve uncertainties, assist in finding additional sources for market research, and allow for proper scheduling of the acquisition.

(ii) Once a J&A is certified, the COR shall submit the J&A for the necessary approvals<sup>9</sup>, and return the approved J&A to the PM for submission with the requisition.

**(3) Contracting Officer (CO).**

(i) When there are circumstances for other than full and competition, the CO shall work with the PM, COR, and competition advocate to ensure the documentation complies with this policy and the FAR.

(ii) The CO must ensure that the market research conducted includes information specific to the supplies and services being acquired, and is sufficiently broad to ensure that all areas of competition were sought and achieved prior to approving or seeking approval for a J&A.

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<sup>8</sup> [www.bbg.gov/partnerwithusdoing-business/](http://www.bbg.gov/partnerwithusdoing-business/).

<sup>9</sup> Please note that the competition advocate should be involved as early as possible, and prior to submission of a J&A for approval (see section (d)(1)(i) above).

(iii) The CO shall ensure the J&A, with all required approvals, is retained in the contract file.

(iv) The CO shall publicize actions in accordance with section (c)(4) above, and shall remove all contractor proprietary data<sup>10</sup> before publicizing and submitting a J&A via e-mail to [bbgconpolicy@bbg.gov](mailto:bbgconpolicy@bbg.gov) for posting on the Agency website.

(v) If a written request for other than full and open competition is initiated by the PM but not justified, the CO shall document why the request was cancelled in the contract file.

**(e) EFFECTIVE DATE AND APPROVAL:**

Approved by:



John F. Lansing  
CEO and Director

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<sup>10</sup> See FAR 6.305(e) for further guidance.



**Title:** IX BAM 710 – Acquisition Planning

**Policy Tracking #:** CON-15-04

**Effective Date:** September 2, 2016

**Originating Office:** Office of Management Services – Contracts (OMS/C), (202) 382-7838,  
[bbgconpolicy@bbg.gov](mailto:bbgconpolicy@bbg.gov)

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**(a) PURPOSE:** This policy replaces the policy titled “IX BAM 710 – Acquisition Planning – Interim Policy.” The purpose of this policy is to provide guidance on how to prepare and process acquisition forecasts and acquisition plans.

**(b) AUTHORITY & SCOPE:**

(1) Authorities.

(i) [Federal Acquisition Regulation \(FAR\) Subpart 7.1 -- Acquisition Plans.](#)

(ii) The Business Opportunity Development Reform Act of 1988, Public Law 100-656 (which amends [The Small Business Act](#)).

(2) Scope.

(i) This policy applies to the Federal Government elements of the Broadcasting Board of Governors (i.e., International Broadcasting Bureau; Office of Cuba Broadcasting; Office of Technology, Services, and Innovation; and Voice of America), referred to in this policy as “the Agency” or “BBG.”

(ii) This policy supplements the FAR<sup>1</sup> and is applicable to all acquisitions issued after the effective date of this policy.

**(c) POLICY:**

(1) Acquisition Forecasting.

(i) The Agency shall incorporate acquisition forecasting into its annual budget formulation process.

(ii) The Director of each Agency Element<sup>2</sup> shall plan acquisitions sufficiently in advance to minimize urgent acquisitions requests, distribute acquisitions as evenly as possible throughout the fiscal year, and otherwise promote an efficient, economical, and timely acquisition process.

(iii) Directors are responsible for acquisition forecasting and shall complete an Acquisition Forecast Form for all contract actions with an expected total value that

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<sup>1</sup> If a conflict between the FAR and this policy were to arise, the FAR would prevail.

<sup>2</sup> Agency Elements: International Broadcasting Bureau; Office of Cuba Broadcasting; Office of Technology, Services, and Innovation; and Voice of America

exceeds \$150,000 (the simplified acquisition threshold), referred to as “contract opportunities,” planned for the next fiscal year.

(2) Acquisition Planning. The Agency shall perform acquisition planning for all acquisitions.

(i) Written Acquisition Plan (AP).

(A) A written AP, which is prepared by the PM, is the principal document that must address all the technical, business, management, and other significant considerations that will control the acquisition, and is required for each procurement that meets the criteria and thresholds detailed in the chart below:

<b>Contract Type</b>	<b>Dollar Threshold*</b>	<b>Type of Acquisition Plan</b>	<b>Special Reviews, Coordinations, and Approvals**</b>
Firm-Fixed-Price	< \$150,000	A written AP is not required  Project Manager must include statement in (d)(4)(ii)(D)	None
	\$150,000 < \$10M	Informal Acquisition Plan	<p>≥ \$1M Senior Procurement Executive review required, SPE approval required for actions less than \$5M</p> <p>≥ \$1M General Counsel review required</p> <p>≥ \$2.5M must coordinate AP with the Agency Small Business Representative</p> <p>≥ \$5M CEO approval required</p>
	≥ \$10M	Formal Acquisition Plan	<p>Must coordinate AP with the Agency Small Business Representative</p> <p>Senior Procurement Executive review required</p> <p>General Counsel review required</p> <p>CEO approval required</p>

<b>Contract Type</b>	<b>Dollar Threshold*</b>	<b>Type of Acquisition Plan</b>	<b>Special Reviews, Coordinations, and Approvals**</b>
Other than Firm-Fixed-Price	< \$10M	Informal Acquisition Plan	Approval 1 level above the CO required  ≥ \$1M Senior Procurement Executive review required  ≥ \$1M General Counsel review required  ≥ \$2.5M must coordinate AP with the Agency Small Business Representative  ≥ \$5M CEO approval required
	≥ \$10M	Formal Acquisition Plan	Must coordinate AP with the Agency Small Business Representative  Senior Procurement Executive review required  General Counsel review required  CEO approval required
*M refers to dollar value in millions. **Special coordinations and reviews allow those officials to examine the written AP and provide input to ensure its contents does not conflict with Agency goals or policy requirements.			

(B) Written APs must follow the templates provided in the Acquisition Plan Template attachments, or equivalent documents.

(C) The project manager (PM), contracting officer representative (COR), and contracting officer (CO) shall approve all written APs.

(D) If other than full and open competition procedures will be used, the written AP must be coordinated with the Competition Advocate.

(E) Programs must allow sufficient time to work with acquisition team members to prepare written APs and solicitations, obtain and evaluate bids or proposals, audit (if necessary), negotiate, and make the contract award in a proper and orderly manner.

(F) When a written AP is required, a solicitation shall not be issued until the AP has been completed and the necessary approvals obtained.

(G) Revisions to written APs due to budget changes, emergencies, or changes in program direction shall be subject to the same approval requirements as the initial written AP.

(ii) Consolidated APs.

(A) A consolidated AP may be prepared for Agency-wide acquisitions when practicable. When a consolidated AP is feasible, it shall include planning for all known task/delivery or call orders that will be placed against the acquisition vehicle. Evidence of planning includes the task/delivery or call orders that meet the maximum ceiling price, maximum contract value, or total estimated value of the contract or agreement and the language in the AP shall specifically state that the AP covers all task/delivery and call orders up to the total contract value. When a consolidated AP for an Agency-wide acquisition vehicle does not cover the task/delivery or call orders, written APs for those individual orders shall be prepared in accordance with the AP Chart above in Section (c)(2)(i).

(B) All orders included in a consolidated AP must include a copy of the AP or a reference to the file where the written AP is located.

(iii) Waivers and Disagreements. The CEO, or designee, will:

(A) Resolve disagreements between procurement, budget, and/or project offices as to the method of procurement, project or procurement schedule, or sources; and

(B) Review requests for waivers and consider if there is a need to deviate from the acquisition planning requirements of detail and formality due to compressed delivery or performance schedules because of an urgency of the need for the requirement.

(3) Agency Acquisition Plan.

(i) Directors of each Agency Element shall incorporate information from acquisition forecasts and written acquisition plans to develop their Agency Element Acquisition Plan (AE/AP). The AE/AP shall include information related to procurements planned for the next fiscal year, such as the number of projected contract actions, the estimated dollar value of each contract action, and the subject matter.

(ii) Information from the Agency Acquisition Forecast and AE/APs will be used to develop an Agency Acquisition Plan, which will be included in the Agency budget submissions.

**(d) PROCEDURES AND PRIMARY RESPONSIBILITIES:**

(1) Chief Executive Officer (CEO). The CEO shall have the overall responsibility for the Agency's acquisition planning. As the Agency Head, the CEO's responsibilities are detailed in FAR 7.103. The CEO may delegate, in writing, any of these responsibilities as they deem appropriate.

(2) Senior Procurement Executive (SPE).

(i) Acquisition Forecast.

(A) As soon as possible after the Agency receives input from the OMB on its budget submission (commonly referred to as "OMB Passback"), the SPE shall issue an Agency-wide data call for planned acquisitions for the subsequent fiscal year.

(B) If the Agency plans to issue three or more awards for similar goods or services, the SPE shall include these in the forecast as a "Class of Contract Opportunities." For example, if the Agency plans to award three contracts for security guard services at different facilities, these should share one entry in the acquisition forecast.

(C) The SPE shall review and consolidate the information from all the Acquisition Forecast Forms and create one Agency Acquisition Forecast. Within 10 days the SPE shall submit the Agency Acquisition Forecast to the Administrator of the Small Business Administration (SBA) and the Director of Small and Disadvantaged Business Utilization, and ensure the forecast is posted on the Agency website at <http://www.bbg.gov/partnerwithus/doing-business/>.

(D) The SPE shall issue periodic data calls that require Directors to review the current acquisition forecast and notify the SPE of any additions, deletions, or other revisions. Any changes to the acquisition forecast shall be reviewed and reported to the SBA through the same process identified above.

(E) The SPE is responsible for responding to public inquiries related to the acquisition forecast, including requests for copies of the forecast.

(ii) Acquisition Planning. The SPE shall be included as an ex officio member of committees considering budget matters for procurements estimated in excess of \$1,000,000.

(iii) The SPE may delegate any of these responsibilities as they deem appropriate.

(3) Director of Agency Element.

(i) Acquisition Forecast.

(A) Directors shall compile all contract opportunities, and provide the required information on a complete Acquisition Forecast Form.

(B) Directors should review all of their current contract actions with costs that exceed \$150,000, determine whether they intend to award a contract for the same goods or services in the next fiscal year, and then complete the Acquisition Forecast Form accordingly. After completing the Acquisition Forecast Form for current contracts, Directors should then fill out information related to any new contract opportunities planned for the next fiscal year with input from PMs.

(C) The Acquisition Forecast Form shall reflect the Director's best predictions at the time it is written, but is not required to perfectly predict costs, timing, contract type, or other details.

(D) A budget at the level identified in the Agency's budget request, or the President's budget request if available at the time of the data call, should be assumed for the purpose of acquisition forecasting.

(E) After the Acquisition Forecast Form is complete, each Agency Element Director shall submit an electronic copy in MS Excel format to OMS/C via e-mail to [bbgconpolicy@bbg.gov](mailto:bbgconpolicy@bbg.gov).

(ii) Acquisition Planning.

(A) Directors shall appoint PMs that shall be responsible for acquisition planning and preparing and submitting written APs.

(B) Directors are responsible for creating an AE/AP in accordance with guidance provided in the data call issued by the Budget Office - COR Team.

(4) Project Manager (PM).

(i) Acquisition Forecast. The PM shall report contract opportunities to the Director of their Agency Element using the attached Acquisition Forecast Form at Attachment A.

(ii) Acquisition Planning.

(A) The PM, or other official responsible for the program, is the Planner and has overall responsibility for acquisition planning and preparing written APs.

(B) When the written AP is complete, the PM, with assistance from the COR, shall submit the written AP for the necessary reviews, coordinations, and approvals. During this process, the PM may be required to make changes to the written AP based upon feedback given by the CO, General Counsel, SPE, small business representative, and/or competition advocate. The COR will work through those changes with the PM.

(C) For complex requirements, it is strongly recommended that the PM, along with guidance from the COR, set up an Integrated Product Team (IPT) to conduct acquisition planning. Members of an IPT should have some level of expertise related

to the requirement<sup>3</sup>, and be able to provide valuable input with drafting the AP and conducting market research. For written APs that require legal review, General Counsel should be invited to participate in planning sessions.

(D) For actions that do not require a written AP, the PM shall include the following statement with the purchase request package affirming that acquisition planning was done:

*Acquisition planning was coordinated with the contracting officer and appropriate subject matter experts (provide names) and completed on (date) with all parties in agreement.*

(5) Contracting Officer's Representative (COR).

(i) Once the COR is made aware of a requirement, either through acquisition forecasting or a requisition, they will guide the PM through the acquisition planning process.

(ii) The Budget Office - COR Team shall use information provided in the Agency Acquisition Forecast and AE/APs to develop the Agency Acquisition Plan.

(6) Contracting Officer (CO). The CO shall provide advice and assistance to the PM, COR, and IPT for acquisition planning, especially regarding areas directly related to the procurement process. Such areas include, but are not limited to, competition, contract type selection, source-selection procedures, acquisition considerations, and milestones.

**(e) DEFINITIONS (AS USED IN THIS POLICY):**

(1) Acquisition forecasting reflects forward thinking of what new or continued acquisitions will be processed in the upcoming fiscal year. It is a listing of expected acquisitions, developed based on the budget formulation process, and knowledge of existing contractual agreements where there is a continued need for requirements beyond the current period of performance, and a need for new requirements in the upcoming fiscal year. Acquisition forecasting is designed to help small businesses (including disadvantaged, service-disabled veteran-owned, and woman-owned small businesses) identify contract opportunities with the Agency. Furthermore, an annual acquisition forecast is a planning tool which enables the Agency to determine workforce requirements, project lead-times, and the best approach to accomplish acquisition needs; as well as ensure office and division requirements adhere to budget limitations.

(2) Acquisition planning is the process by which the efforts of all personnel responsible for an acquisition are coordinated and integrated through a comprehensive plan for fulfilling the agency need. It includes developing the overall strategy for managing the acquisition to ensure procurement needs are met in the most effective, economical, and timely manner.

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<sup>3</sup> See FAR 7.104(a) which states "[i]n developing the plan, the planner shall form a team consisting of all those who will be responsible for significant aspects of the acquisition, such as contracting, fiscal, legal, and technical personnel."

(3) Class of contract opportunities for the purposes of this policy means three or more contract opportunities, grouped by the nature of supplies or services to be acquired.

(4) Consolidated acquisition plan means a written acquisition plan (AP) that includes more than one contract action. Combining the acquisition planning for identical requirements into a single AP would conserve resources by eliminating redundant AP development and AP review/approval/update processes. Consolidated APs are useful for indefinite delivery vehicles, blanket purchasing agreements, and basic ordering agreements.

(5) Contract opportunity means a planned contract award, including both options and new contracts, with a total cost that exceeds the simplified acquisition threshold of \$150,000, including options.

(6) Integrated Product Team (IPT) is a team composed of representatives from appropriate functional disciplines working together to build successful programs, identify and resolve issues, and make sound and timely recommendations to facilitate decision making. FAR 7.104(a) requires the IPT to consist of all who will be responsible for significant aspects of the acquisition, such as contracting, fiscal, legal, and technical personnel.

(7) Other than firm-fixed-price actions include all other contract types listed under FAR Part 16 that are not firm-fixed-price, which include: fixed price contracts with economic price adjustment, fixed price incentive contracts, fixed price contracts with prospective price redetermination, fixed price ceiling price contracts with retroactive price determinations, fixed price level of effort term contracts, cost reimbursement contracts, incentive contracts, time-and-material contracts, labor-hour contracts and letter contracts.

(8) Planner, as defined in the FAR, means the designated person or office responsible for developing and maintaining a written plan, or for the planning function in those acquisitions not requiring a written plan.

**(f) EFFECTIVE DATE AND APPROVAL:**

Approved by:

Effective Date:

  
\_\_\_\_\_  
John F. Lansing  
CEO and Director

  
\_\_\_\_\_

Attachments:

Attachment A – Acquisition Forecast Form

Attachment B – Informal Acquisition Plan Template

Attachment C – Formal Acquisition Plan Template





**Attachment A:**

**ACQUISITION FORECAST FORM**

FY \_\_\_\_ ACQUISITION FORECAST  
LISTING OF PROPOSED PROCUREMENTS/CONTRACTS  
(Exceeding \$150,000)

Entity:

Date: \_\_\_\_\_ POC: \_\_\_\_\_

What Are You Buying? (Proposed Contract Title)	Type of Contract	Estimated Total of Contract (including options)	Duration of Contract	Proposed COR (name, phone #, & email address)	Planned Requisition Submission Date	Desired Award Date	Remarks (e.g., Division, current/previous contract no., new requirement, etc.)
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Total FY \_\_\_\_ Estimated Contracts \_\_\_\_\_ \$0

\*\*\*The Excel version of these spreadsheets is available in the Adobe Attachments tab\*\*\*

**FY17 ACQUISITION FORECAST  
LISTING OF PROPOSED PROCUREMENTS/CONTRACTS  
(Exceeding \$150,000)**

Entity: Technology, Services, and Innovation (TSI)

Date: August 1, 2016

POC: Larry Baker

What Are You Buying? (Proposed Contract Title)	Type of Contract	Estimated Total of Contract (including options)	Duration of Contract	Proposed COR (name, phone #, & email address)	Planned Requisition Submission Date	Desired Award Date	Remarks (e.g., Division, current , /previous contract no. new requirement, etc.)
Digital Video File Server	Service	\$500,000	3 years	Moe Able 202-382-0001, mable@bbg.gov	11/10/2016	03/31/2017	TSI - Technologies BBG50-13-F-0001
Vacuum Tubes & Capacitors	Supply	\$350,000	1 year	Larry Baker 202-382-0055, lbaker@bbg.gov	10/28/2016	06/30/2017	TSI - Operations New Requirement
Roofing	Construction	\$600,000	3 years	Curley Charles 202-382-0012, ccharles@bbg.gov	12/02/2016	05/31/2017	TSI - Philippines TS BBG50-C-09-0001
Security Guard Services	Service	\$150,000	1 year	Jill Tumble 202- 382-0007 jtumble@bbg.gov	11/28/2016	02/01/2017	TSI - Kuwait TS New Requirement
<b>Total FY17 Estimated Contracts</b>		<b>\$1,600,000</b>					



**Attachment B:**

**INFORMAL ACQUISITION PLAN  
TEMPLATE**

<b>BACKGROUND INFORMATION</b>			
1. DATE PREPARED:		2. PREPARED BY:	
3. DESCRIPTION OF REQUIREMENT:			
4. REQUESTOR:		5. PHONE NO.:	
6. PLAN/ACTUAL DATE SUBMITTED:		7. REQUIRED AWARD DATE:	
8. ESTIMATED TOTAL COST:		9. ESTIMATED INITIAL FUNDS:	
<b>OTHER CONSIDERATIONS</b>			
10. COMPETITIVE: YES <input type="checkbox"/> NO <input type="checkbox"/>		11. REASON FOR OTHER THAN FULL AND OPEN COMPETITION:	
12. POTENTIAL SOURCES:	a.	d.	
	b.	e.	
	c.	f.	
13. DESCRIPTION OF MARKET RESEARCH EFFORTS CONDUCTED OR TO BE CONDUCTED:			
14. SMALL BUSINESS PROGRAMS:	<input type="checkbox"/> Small Business Set-Aside	<input type="checkbox"/> 8(a) Competitive Set-Aside <input type="checkbox"/> 8(a) Sole Source	<input type="checkbox"/> Economically Disadvantaged Women-Owned Small Business Set-Aside
	<input type="checkbox"/> Veteran-Owned Small Business Set-Aside	<input type="checkbox"/> Historically Underutilized Business Zone Competitive Set-Aside	<input type="checkbox"/> Service-Disabled Veteran-Owned Small Business Competitive Set-Aside
	<input type="checkbox"/> Women-Owned Small Business Set-Aside	<input type="checkbox"/> Historically Underutilized Business Zone Sole Source	<input type="checkbox"/> Service-Disabled Veteran-Owned Small Business Sole Source
15. FEDERAL SUPPLY SCHEDULE: YES <input type="checkbox"/> NO <input type="checkbox"/>			
16. PLANNED CONTRACT TYPE:**			
17a. COMMERCIAL ITEM OR SERVICE: YES <input type="checkbox"/> NO <input type="checkbox"/>		17b. If NO, could the requirement be changed to provide for commercial item or service: YES <input type="checkbox"/> NO <input type="checkbox"/>	
18. IF SERVICES, ARE INHERENTLY GOVERNMENTAL FUNCTIONS INVOLVED: YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>			
19a. SUITABLE FOR PERFORMANCE-BASED: YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>		19b. If performance-based unacceptable, provide reason:	

20a. OPTIONS: YES <input type="checkbox"/> NO <input type="checkbox"/>	20b. If options required, number and type:
21a. GOVERNMENT PROPERTY TO BE FURNISHED: YES <input type="checkbox"/> NO <input type="checkbox"/>	21b. If YES, describe (attach additional sheets, if necessary):
22a. GOVERNMENT INFORMATION TO BE PROVIDED: YES <input type="checkbox"/> NO <input type="checkbox"/>	22b. If YES, describe:
23a. CONTRACTOR SECURITY CLEARANCE REQUIRED: YES <input type="checkbox"/> NO <input type="checkbox"/>	23b. If YES, describe:
24. IS PERFORMANCE IN AN AREA WHERE CONTINGENCY OPERATIONS ARE OCCURRING: YES <input type="checkbox"/> NO <input type="checkbox"/>	
25. SOURCE SELECTION PROCEDURES TO BE USED:	
26. EVALUATION FACTORS:	

**Milestones for the acquisition cycle:**

*[Detail the major milestones for the procurement as follows:]*

MILESTONE	Projected Date	Revised Date	Actual Date
1) Acquisition plan approval			
2) Completion of acquisition package including: requisition, Statement of Need/ Statement of Work/Statement of Objectives, data requirements, evaluation factors, evaluation plan, Quality Assurance Surveillance Plan			
3) Justification for Other than Full and Open Competition			
4) Any other required D & F approvals			
5) Issuance of synopsis			
6) Solicitation drafted; reviews begin			
7) Solicitation reviews completed			
8) Issuance of solicitation			
9) Proposals due			
10) Initial evaluation of proposals			
11) Begin negotiations			
12) Complete negotiations			
13) Request final proposal revisions			

14) Final proposal revisions received			
15) Final proposal revisions evaluation			
16) Contract preparation, reviews, and clearances obtained			
17) Notify unsuccessful offerors			
18) Contract award			

**SIGNATURE PAGE**

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Program Official  
Dept. /Bureau:

-----  
Date  
Phone Number:

-----  
Contracting Officer's Representative  
Dept. /Bureau: Budget Office

-----  
Date  
Phone Number:

-----  
Contracting Officer  
Dept. /Bureau: Office of Contracts

-----  
Date  
Phone Number:

-----  
Small Business Representative  
Dept. /Bureau: Office of Contracts

-----  
Date  
Phone Number:

-----  
Dept. /Bureau: Budget Office

-----  
Date  
Phone Number:

-----  
Assistant General Counsel  
Dept. /Bureau: Office of the General Counsel

-----  
Date  
Phone Number:

-----  
Competition Advocate  
Dept. /Bureau: Office of Contracts

-----  
Date  
Phone Number:

-----  
Senior Procurement Executive  
Dept. /Bureau: Office of Contracts

-----  
Date  
Phone Number:

-----  
Chief Executive Officer

-----  
Date



**INSTRUCTIONS FOR COMPLETION:**

1. **DATE PREPARED** - The date the document is completed.
2. **PREPARED BY** - The name of the individual completing the form.
3. **DESCRIPTION OF REQUIREMENT** - A brief but concise narrative of the products or services to be acquired.
4. **REQUESTOR** - The name of the program official requesting the products or services.
5. **PHONE NO.** - The phone number of the program official.
6. **PLAN/ACTUAL DATE SUBMITTED** - The date the program office plans to submit or actually submits the request.
7. **REQUIRED AWARD DATE** - The date the award needs to be made so the products or services are delivered in a timely manner.
8. **ESTIMATED TOTAL COST** - The total amount of the entire project including any optional quantities or extensions of performance.
9. **ESTIMATED INITIAL FUNDS** - The amount of funds currently available for the award.
10. **COMPETITIVE** - Check the appropriate block.
11. **IF NON-COMPETITIVE - BASIS** - A brief description of the reason the requirement cannot be made available for competition (FAR 6.3).
12. **NAMES OF POTENTIAL SOURCES** - Identify any firms known to be contenders for the required products or services based on past experience, existing vendor lists, or market research conducted.
13. **MARKET RESEARCH EFFORTS CONDUCTED OR TO BE CONDUCTED** - Describe actions taken or planned to allow the government to identify existing capabilities, technologies, and competitive forces to meet the current need. The extent to which commercial sources, Federal Supply Schedule (FSS) contracts, including blanket purchase agreements (BPAs) under those contracts, government-wide acquisition contracts (GWACs), multi-agency contracts (MACs) and other instruments intended for use by multiple agencies can possibly fulfill the agency's needs must be considered.
14. **SOCIO-ECONOMIC PARTICIPATION** - Identify whether known potential sources include any of the various types of firms specified by checking the appropriate block(s).
15. **FEDERAL SUPPLY SCHEDULE** - Check the appropriate block.
16. **PLANNED CONTRACT TYPE** - The type or combination of contract types expected to best meet the needs of the government. See \*\* note below regarding justification for contract type.

17. **COMMERCIAL ITEM OR SERVICE** - Indicate if the requirement can be satisfied by use of commercial items or services rather than government specified products or services. As currently described, if the need cannot be satisfied by a commercial item, indicate if it could be changed to convert to a commercial item.
18. **IF SERVICES, ARE INHERENTLY GOVERNMENTAL FUNCTIONS INVOLVED** - Refer to IX BAM 750 Performance of Inherently Governmental Functions to identify the services which are considered necessary for performance by government employees to ensure that any services being acquired do not fall within this category.
19. **SUITABLE FOR PERFORMANCE-BASED** - Indicate if the requirement can be met through performance-based services contracting and, if not, indicate the basis for not using this technique.
20. **OPTIONS** - Indicate if options will be required and, if so, the number and type of options (e.g. four one-year options to extend the period of performance or one option to purchase an additional quantity of a product).
21. **GOVERNMENT PROPERTY TO BE FURNISHED** - Indicate if government property will be furnished. If so, document the type of property.
22. **GOVERNMENT INFORMATION TO BE PROVIDED** - Indicate if government information will be furnished. If so, document the type of information.
23. **CONTRACTOR SECURITY CLEARANCE REQUIRED** – Indicate if the facility and contractor personnel for certain positions, as noted in the Statement of Work, require a security clearance before performance on the resultant contract. Where possible, it is recommended that contracted personnel requiring unescorted access to Federal facilities be pre-cleared for security purposes at the Tier 3 level with a favorable adjudication as prescribed under 5 CFR 731 and Executive Order 10450. If the contracted personnel are not pre-cleared, they must coordinate their submittal of security documents (SF-86), via the e-QIP application process, through the Contracting Office. Questions concerning security issues may be directed to Andrew Jansen, Office of Security, (202) 382-7789 or [amjansen@bbg.gov](mailto:amjansen@bbg.gov).
24. **IS PERFORMANCE IN AN AREA WHERE CONTINGENCY OPERATIONS ARE OCCURRING** – Indicate if contractor performance will be in an area where contingency operations are occurring. If unsure, consult with the B/COR Team.
25. **SOURCE SELECTION PROCEDURES TO BE USED** - Indicate if the requirement will be satisfied through a "tradeoff" or "technically acceptable/lowest priced" scenario.
26. **EVALUATION FACTORS** - If "tradeoff," indicate the areas to be used for evaluation.

\*\*\*\*\*

[\*\* Per Federal Acquisition Regulation (FAR) 7.105, discuss the rationale for the selection of contract type. In accordance with FAR 16.103(d), document why the particular contract type was selected.

- Explain why the contract type selected must be used to meet the agency need.
- Discuss the Government's additional risks and the burden to manage the contract type selected. For example, when a cost-reimbursement contract is selected, the Government incurs additional cost risks, and the Government has the additional burden of managing the contractor's costs. For such instances, acquisition personnel shall discuss:
  - How the Government identified the additional risks (e.g., pre-award survey, or past performance information);
  - The nature of the additional risks (e.g., inadequate contractor's accounting system, weaknesses in contractor's internal control, non-compliance with Cost Accounting Standards, or lack of or inadequate earned value management system); and
  - How the Government will manage and mitigate the risks.
- Discuss the Government resources necessary to properly plan for, award, and administer the contract type selected (e.g., resources needed and the additional risks to the Government if adequate resources are not provided).
- For other than a firm -fixed -price contract, at a minimum the documentation should include –
  - An analysis of why the use of other than a firm-fixed-price contract (e.g., cost reimbursement, time and materials, labor hour) is appropriate;
  - Rationale that details the particular facts and circumstances (e.g., complexity of the requirements, uncertain duration of the work, contractor's technical capability and financial responsibility, or adequacy of the contractor's accounting system), and associated reasoning essential to support the contract type selection;
  - An assessment regarding the adequacy of Government resources that are necessary to properly plan for, award, and administer other than firm-fixed price contracts; and
  - A discussion of the actions planned to minimize the use of other than firm-fixed-price contracts on future acquisitions for the same requirement and for transition to firm-fixed-price contracts to the maximum extent practicable. During the requirements development stage, consider structuring the contract requirements, e.g., contract line items (CLINs), in a manner that will permit some, if not all, of the requirements to be awarded on a firm-fixed-price basis, either in the current contract, future option years, or follow-on contracts. This will facilitate an easier transition to a firm-fixed-price contract because a cost history will be developed for a recurring definitive requirement.
- Discuss why a level-of-effort, price redetermination, or fee provision was included.

Acquisition personnel must document the acquisition plan with findings that detail the particular facts and circumstances, (e.g., complexity of the requirements, uncertain duration of the work, contractor's technical capability and financial responsibility, or adequacy of the contractor's

accounting system), and associated reasoning essential to support the contract type selection. The contracting officer must ensure that requirements and technical personnel provide the necessary documentation to support the contract type selection.]



**Attachment C:**

**FORMAL ACQUISITION PLAN  
TEMPLATE**

## **PART I - ACQUISITION BACKGROUND AND OBJECTIVES**

### **A. Statement of Need**

*[Summarize the requirement using a synopsis of the government's described need. The detailed description of the need should generally be an attachment to the acquisition plan.]*

*In describing the need, agencies have the ability to use existing requirements documents, modifying or combining existing documents, or creating new requirement documents. In developing these documents, it should be noted that various terms are used to describe the government's requirements based on the approach and the type of supplies or services being acquired. These are summarized below:*

*Specification* - The term "specification" generally refers to the description of the minimum essential technical characteristics of materials, products, or services to be acquired. There are a number of types of specifications. While the government often uses its own uniquely developed specifications and standards, preference should be given to using commercial item descriptions where possible. For a commercial item procurement, the government's requirement must be sufficiently detailed to permit offerors to know which of its products or services may be appropriate to propose. Therefore, the government's description should detail the type of product or service to be acquired and explain how the government intends to use it in terms of functions to be performed, performance requirements, or essential physical characteristics. Detailed, design-oriented specifications are less preferred as they impose a risk upon the drafter if performance fails. Performance-oriented specifications are preferred.

*Statement of Work* - A Statement of Work (SOW) describes the work to be performed in a detailed manner by using a series of orderly written directions or instructions on how to achieve an end product or service. The SOW provides the information necessary for offerors to prepare their response to the requirements of the solicitation and, after award, the SOW serves as the standard to measure if the work is being performed properly. The assumption is that if the reader follows the government's instructions, the performance will be acceptable. As with design-oriented specifications, a concern for using this type of solution is that it places responsibility on the government for accuracy as the drafter of the SOW.

*Performance Work Statement* - A Performance Work Statement (PWS) is a form of SOW that is used for performance-based contracting. Instead of being "process oriented" as a typical SOW is, a PWS is "results oriented" and places the burden of accomplishing the desired results on the contractor. This means the government advises what the end result should be without attempting to describe how to get to the end result. This has many benefits for the government since it often does not have the expertise to prepare a SOW with fully-developed requirements. Using a PWS is preferred as generally the government understands the problem that needs to be solved and the constraints to solving it, while industry is in the business of understanding and providing solutions. As a part of the PWS development, the government must also develop a quality assurance surveillance plan (QASP) and the acceptable quality level (AQL).

*Statement of Objectives- A Statement of Objectives (SOO) is a more preferred approach for describing needs for performance-based contracting. The objective of a SOO is to provide maximum flexibility to permit each offeror to propose its own innovative approach. Many agencies have had difficulty using the performance-based approach as it is difficult to conduct a job analysis and break the work down into measurable outputs. One significant problem with job analysis is that it may tend to focus the drafters on the "status quo" and analyzing the current process, which may not be the most efficient or effective means of performing. By using a SOO, the process is changed by permitting the offerors to provide the SOW based on their unique solution. Offerors use the solicitation and SOO as the basis for preparing their proposal. This technique also shifts the preparation of the appropriate performance measures and metrics (QASP and AQL) to the contractor. This often permits their performance to be judged based on their existing commercial practices.*

*This section should also include any information about various acquisition alternatives considered, including any market research efforts which led to the alternative chosen, any history of the procurement, and any related procurements or in-house efforts.]*

## **B. Applicable Conditions**

*[Describe any circumstances that will impact the acquisition. These may include the need for compatibility, constraints on performance, cost, schedule, or capability. If such conditions exist, discuss steps that will be taken to promote competition and socio-economic goals.]*

## **C. Cost**

*[Detail the estimated cost of the acquisition. If options are planned, the cost should be broken out to detail the base period and each option year's estimate. Include a discussion of the Independent Government Cost Estimate and how it was developed. Also address issues that may impact the cost and how they will be addressed or mitigated. Specific cost concepts or techniques that may be employed and which should be addressed, if applicable, include:*

- i. **Life-cycle cost** - This technique considers not just the cost of the item being acquired, but the cost of the item over its life. For example, if purchasing a piece of office equipment such as a copier, life-cycle costing could consider the cost of operation, including parts, supplies, maintenance, etc., in addition to the initial outlay for the piece of equipment.*
- ii. **Design-to-cost** - This technique is employed to try to achieve a balance between life-cycle cost, acceptable performance, and schedule. Cost is used as a constraint during the design or development phases and as a management tool throughout the acquisition and use of the system or component. An example of when design-to-cost might be used is in development of a prototype before full production. Because the highest percentage of product costs are committed based on decisions made during concept development and design, it is imperative that costs be monitored during key decision points.*
- iii. **Application of should-cost** - A should-cost evaluation is a special form of cost-analysis that reviews the economy and efficiency of the contractor's existing work force, methods or materials (see FAR 15.407-4). Should-cost reviews are conducted by a multi-functional team that looks at contracting, contract administration, pricing, audit, and engineering issues to identify short and long-term improvements to reduce the cost of*

*performance and to put the government in a better position to develop a realistic objective for negotiation. Should-cost techniques can be applied to both a program as a whole or to overhead costs. This complex process is often appropriate for a major system acquisition (FAR subpart 34.)]*

#### **D. Capability or Performance**

*[Describe the needed capabilities or performance characteristics of the supplies or the performance standards of the service to be acquired. If the government's requirements are sufficiently different from those of existing commercial or non-developmental items or services, discuss the feasibility of changing these requirements or why these requirements cannot be waived or revised to accept commercial or non-developmental products or services.]*

#### **E. Delivery or Performance Period Requirements**

*[Discuss the government's requirement in terms of delivery or performance period. In accordance with FAR 11.4, the delivery or performance schedule must be realistic and meet the needs of the government; however, it should not be unnecessarily short or difficult to attain, as such actions restrict competition, result in higher prices, and are inconsistent with small business policies. The acquisition plan should explain and provide reasons for any urgency.*

*In establishing schedules, factors such as urgency of the need, industry practices, market conditions, production time, small business capabilities, and the time needed for the government to fulfill its obligations such as furnishing government property or inspections should be considered. Also explain how performance will be monitored during performance.*

*If delivery or performance is very important, liquidated damages may be appropriate and a clause used in the solicitation. When using liquidated damages, it is imperative that there be a reasonable and verifiable basis for the amounts used. They should represent a reasonable forecast of what constitutes just compensation for the harm that is caused by late delivery or untimely performance. Such amounts cannot be considered to be punitive. Making a decision for using liquidated damages and how they will be calculated should be addressed in this section.]*

#### **F. Trade-Offs**

*[Address any trade-offs that might be employed among various factors or aspects of the acquisition and the potential consequences of such action. General categories for trade-offs include:*

- *Cost*
- *Capability or performance*
- *Technology obsolescence*
- *Schedule*

*This section might discuss how much money the government is willing to spend to increase technical capability and at what point the cost would become prohibitive. The pros and cons of specifying technical capabilities or performance criteria that are close to state-of-the-art versus going with more proven technology might be a topic for this section. In a highly volatile and changing market, provisions for technology up-date to prevent obsolescence might be discussed*



*along with a trade-off of cost to the government. If appropriate, discuss impacts to the schedule that might result from changes in capability or performance and cost.]*

## **G. Risks**

*[Risk management is an important aspect of any procurement plan. It is a technique for assessing what could go wrong during contract performance, determining which risks are important enough to deal with, and implementing strategies to deal with these risks. Risk assessment should be done as a preventative measure to prevent catastrophic problems that cannot be overcome once they occur. Risk response strategies include:*

- Avoidance - To avoid a risk, requirements may be changed.*
- Transference - A risk can be transferred by other actions such as allocating the risk to another system.*
- Mitigation - A risk can be mitigated by taking action to handle the unwanted outcome in an acceptable way.*
- Acceptance - Some risks may be appropriately accepted through recognition and control. For example, sometimes the cost of risk reduction far outweighs the benefits of reducing the risk.*

*Assessment of risks for an acquisition should be looked at for trade-off areas described above--cost, technology, and schedule. In addition, other risks that might be addressed are strategic risks in the market, legal risks, people risks, and change management risks. Risk assessment involves all stages of the procurement—pre-award, award, and post-award or contract administration.]*

## **H. Acquisition Streamlining**

*[Discuss the plans that have been or will be taken to streamline the acquisition. Efforts taken to stimulate industry involvement such as pre-solicitation conferences, industry briefings, one-on-one industry meetings, draft specifications or statements of work/objectives, draft solicitations, and attempts to use commercial items or products as well as commercial terms and conditions may be discussed. Another type of streamlining might be the use of innovative techniques such as reverse auctions or the multi-step process described at FAR 15.202.]*

## **PART II - PLAN OF ACTION**

### **A. Sources**

*[Indicate the potential sources of supplies and/or services that can meet the requirement, including consideration of FAR Part 8, Required Sources of Supplies and Services. Describe the efforts that have been or will be made to identify all qualified sources, including small, small disadvantaged, small women-owned, small service-disabled veteran-owned, and historically underutilized zone (HUBZone) business concerns (see FAR Part 19).*

*Any impact of bundling on the requirement and how that would impact the use of the various socio-economic programs should be addressed (see FAR 1.107). Combining several small requirements into one large or major acquisition or "bundling" may provide benefits to the government; however, it can have serious adverse impact on small business participation.*

*Therefore, if the requirement will involve bundling, explain the market research conducted which led to the decision that bundling was necessary and justified. Substantial benefits to the agency in terms of cost savings, improved performance or efficiency, reduced acquisition cycle time, etc. should be detailed*

*Also, discuss the results of market research and/or surveys and indicate the impact on the various parts of the plan in this section (see FAR Part 10). The extent to which commercial sources, Federal Supply Schedule (FSS) contracts, including blanket purchase agreements (BPAs) under those contracts, government-wide acquisition contracts (GWACs), multi-agency contracts (MACs) and other instruments intended for use by multiple agencies can possibly fulfill the agency's needs must be considered.]*

## **B. Competition**

*[Describe how competition will be promoted and sustained throughout the life of the acquisition. If there are impediments or barriers to competition, all steps to mitigate these issues should be discussed—for example, breaking out aspects or unbundling the procurement to promote competition. For procurements involving systems with spares and repair parts, address how competition will be sustained for these items. If subcontracting during performance is expected and desired, discuss how competition for subcontracting will be promoted.*

*Describe how the acquisition will be structured to encourage participation by and among companies within the small business programs outlined in FAR Part 19 (small business set-aside, woman-owned small business set-aside, 8(a) competitive set-aside, 8(a) sole source, HUBZone competitive set-aside, HUBZone sole source, service-disabled-veteran-owned small business competitive set-aside, service-disabled-veteran-owned small business sole source, woman-owned small business set-aside, or economically disadvantaged women-owned small business set-aside).*

*If the procurement is not competitive, describe the appropriate authority under FAR 6.302, and provide convincing evidence of why competition cannot be obtained. A Justification for Other Than Full and Open Competition should be attached to the acquisition plan.*

***For indefinite-delivery indefinite-quantity contracts, in accordance with FAR 16.504(c)(1)(ii)(C), a decision must be made as to whether or not to use multiple awards. In accordance with FAR 16.504(c)(1)(i), except for indefinite-quantity contracts for advisory and assistance services as provided in FAR 16.504(c)(2), to the maximum extent practicable, preference must be given to making multiple awards of indefinite-quantity contracts under a single solicitation for the same or similar supplies or services to two or more sources. In accordance with FAR 16.504(c)(1)(ii)(A) and (B), the contracting officer must avoid situations in which awardees specialize exclusively in one or a few areas within the statement of work, thus creating the likelihood that orders in those areas will be awarded on a sole-source basis; however, each awardee need not be capable of performing every requirement as well as any other awardee under the contracts. The contracting officer should consider the following when determining the number of contracts to be awarded:***

- *The scope and complexity of the contract requirement*
- *The expected duration and frequency of task or delivery orders*

- *The mix of resources a contractor must have to perform expected task or delivery order requirements*
- *The ability to maintain competition among the awardees throughout the contracts' period of performance*

*The multiple award approach must not be used if:*

- *Only one contractor is capable of providing performance at the level of quality required because the supplies or services are unique or highly specialized;*
- *Based on the contracting officer's knowledge of the market, more favorable terms and conditions, including pricing, will be provided if a single award is made;*
- *The expected cost of administration of multiple contracts outweighs the expected benefits of making multiple awards;*
- *The projected task orders are so integrally related that only a single contractor can reasonably perform the work;*
- *The total estimated value of the contract is less than the simplified acquisition threshold;*  
*or*
- *Multiple awards would not be in the best interests of the government.]*

### **C. Contract type selection.**

*[Discuss the rationale for the contract type. The acquisition plan must include findings that detail the particular facts and circumstances (e.g. complexity of the requirements, uncertain duration of the work, contractor's technical capability and financial responsibility, or adequacy of the contractor's accounting system) and associated reasoning necessary to support the contract type selection. The contracting officer must ensure that requirements and technical personnel provide the necessary documentation to support the contract type selection. In accordance with FAR 16.103(d), document why the particular contract type was selected.*

- *Explain why the contract type selected must be used meet the agency need.*
- *Discuss the government's additional risks and the burden to manage the contract type selected (e.g., when a cost-reimbursement contract is selected, the government incurs additional cost risks, and the government has the additional burden of managing the contractor's costs. For such instances, acquisition personnel shall discuss –*
  - *How the government identified the additional risks (e.g., pre-award survey, or past performance information)*
  - *The nature of the additional risks (e.g., inadequate contractor's accounting system, weaknesses in contractor's internal controls, non-compliance with Cost Accounting Standards, or lack of or inadequate earned value management system)*
  - *How the government will manage and mitigate the risks*
- *Discuss the government resources necessary to properly plan for, award, and administer the contract type selected (e.g., resources needed and the additional risks to the government if adequate resources are not provided).*
- *For other than a firm-fixed price contract, at a minimum the documentation should –*

- *Include an analysis of why the use of other than a firm-fixed-price contract (e.g., cost reimbursement, time and materials, labor hour) is appropriate.*
- *Detail the particular facts and circumstances (e.g., complexity of the requirements, uncertain duration of the work, contractor's technical capability and financial responsibility, or adequacy of the contractor's accounting system) and associated reasoning essential to support the contract type selection.*
- *Assess the adequacy of government resources that are necessary to properly plan for, award, and administer other than firm-fixed price contracts.*
- *Discuss the actions planned to minimize the use of other than firm-fixed-price contracts on future acquisitions and for the same requirement to transition to firm-fixed-price contracts to the maximum extent practicable. During the requirements development stage, consider structuring the contract requirements, e.g., contract line items (CLINs) in a manner that will permit some, if not all, of the requirements to be awarded on a firm-fixed-price basis, either in the current contract, future option years, or follow-on contracts. This will facilitate an easier transition to a firm-fixed-price contract because a cost history will be developed for a recurring definitive requirement.*
- *Discuss why a level-of-effort, price redetermination, or fee provision was included.*

*Acquisition personnel must document the acquisition plan with findings that detail the particular facts and circumstances, (e.g., complexity of the requirements, uncertain duration of the work, contractor's technical capability and financial responsibility, or adequacy of the contractor's accounting system), and associated reasoning essential to support the contract type selection. The contracting officer must ensure that requirements and technical personnel provide the necessary documentation to support the contract type selection.]*

#### **D. Source-selection procedures**

*[Discuss how the decision for award of the acquisition will be made. Who will be the Source Selection Official—the contracting officer, or another agency official? In determining the best value for the government, will a "trade-off" process be employed, or will a "lowest price technically acceptable" process be used? If using a trade-off process, describe the evaluation factors and their relationship to the goals of the procurement (see FAR 15.304). Describe the relative importance between technical, business management, past performance, and cost factors in the selection process. Discuss how options, if utilized, will be evaluated. When EVMS is required and a pre-award Integrated Baseline Review (IBR) is contemplated, discuss how the IBR will be considered, conducted, and if compensation will be given to offerors. (See FAR 34.202(d).)]*

#### **E. Acquisition considerations**

*[This section should describe the basic contracting decisions made with respect to the acquisition. These include:*

- *Contract type and the rationale for the choice (see Section C).*

- *Special contracting methods to be employed – multi-year contracting, options, etc.*
- *Any special clauses or provisions which may be required.*
- *Any FAR deviations that may be needed.*
- *Whether Sealed Bidding or Negotiated procurement was chosen and why.*
- *If acquiring equipment, the decision to acquire by lease or purchase and why.*
- *A discussion of performance-based contracting and rationale if not used.*
- *Rationale behind using another agency either through consolidation of requirements for a new acquisition or use of their existing procurement vehicles. Discussion should include the impact on the various socio-economic programs and sources.*
- *For information technology requirements, how compliance with capital planning and investment control requirements of OMB A-130 and 40 U.S.C. 1422 were assured.]*

#### **F. Budgeting and funding**

*[Describe how the budget estimates were developed. If all necessary funds are not currently available, discuss the schedule for obtaining the additional funds. Provide detailed information on the funding amounts by providing data such as appropriation account, fiscal year, line item and project name. If funding is obtained from multiple projects, provide a complete listing of each source.]*

#### **G. Product or Service Descriptions**

*[In accordance with FAR Part 11, set forth the rationale for the choice made for the product or service description as detailed in Part I, Section A- Statement of Need.]*

#### **H. Priorities, Allocations, and Allotments**

*[Certain urgent requirements with short delivery schedules may be subject to the Defense Production Act of 1950. If this requirement is listed as an authorized program for priorities, allocations, and allotments, the reasons should be detailed in this section. (See FAR 11.6.)]*

#### **I. Contractor Versus Government Performance**

*[The long-standing policy of the federal government has been to rely on the private sector for needed commercial services. Agencies are required by OMB Circular A-76, dated May 29, 2003, to classify all activities performed by government personnel as either commercial or inherently governmental functions. OMB Circular A-76 requires that commercial activities should be subject to the forces of competition through either a streamlined or standard competition between the government and industry. This section should address the requirements of OMB Circular A-76 if applicable to this acquisition.]*

#### **J. Inherently Governmental Functions**

*[An inherently governmental activity is an activity that is so intimately related to the public interest as to require performance by government personnel. These activities involve the exercise of substantial discretion in applying government authority and/or in making decisions for the government. Inherently governmental activities normally fall into two categories: the exercise of sovereign government authority or the establishment of procedures and processes related to the*

*oversight of monetary transactions or entitlements. OFPP Policy Letter 11-01 <http://www.gpo.gov/fdsys/pkg/FR-2011-09-12/pdf/2011-23165.pdf> addresses actions needed to ensure inherently governmental functions are not part of any procurement action. Actions taken to comply with these requirements should be addressed in this section (see FAR 7.5 and IX BAM 750).]*

## **K. Management Information Requirements**

*[Discuss what type of monitoring system the government will employ to ensure timely, effective, and efficient performance under the contract. Examples might include use of performance monitoring techniques such as use of computer programs like Microsoft Project, PERT or Gantt charts, regularly scheduled meetings, key milestone reviews, etc. If an earned value management system (EVMS) is to be used, discuss the methodology the government will employ to analyze and use the earned value data to assess and monitor contract performance. In addition, discuss how the offeror's/contractor's EVMS will be verified for compliance with the American National Standards Institute/Electronics Industries Alliance (ANSI/EIA) Standard-748, Earned Value Management Systems, and the timing and conduct of integrated baseline reviews (whether before or after award, see FAR 34.202).]*

## **L. Make or Buy**

*[Generally the contractor is given wide latitude in determining whether during performance of a contract it should make or buy any items required. Such decisions are made based on factors such as lowest overall cost or technical risk. For acquisitions >\$12.5 million (or at lower dollar values if circumstances justify their use) as described in FAR 15. 407-2(c), a "make or buy" plan may be required of a contractor. Detail the decision to require or not require a "make or buy" plan.]*

## **M. Test and Evaluation**

*[Describe the test program the government plans to employ during contract performance and the test program to be required of the successful contractor. Any special test procedures of the contract should be addressed such as prototype development, dual development, milestone testing, special inspections, etc.]*

## **N. Logistics Considerations**

*[Discuss the logistics issues involved for reliability and maintainability of the equipment or systems to be acquired over its expected life. Discuss whether support will be by the contractor or the agency, both in the beginning and over the life of the acquisition. Other important considerations include:*

- *Any special maintenance and servicing considerations*
- *Quality assurance requirements*
- *Use of warranties*
- *Standardization concepts, including use of commercial repair products*
- *Requirements for contractor data (including repurchase data)*
- *Data rights, including the estimated cost and how the data will be used]*

## **O. Government-Furnished Property**

*[Discuss any plans to provide government-furnished property (GFP) (which includes materials or facilities) and indicate whether the property is currently owned or will be acquired (see FAR 45.102). Other issues that may be addressed include:*

- *Any schedule for providing the property*
- *The condition of the property*
- *Whether use of the GFP is optional or required*
- *Any plans for ensuring appropriate control and accountability for GFP*
- *If potential contractors may have existing GFP, steps that will be taken to mitigate any competitive advantage that might arise from use of the existing GFP]*

## **P. Government-Furnished-Information**

*[Detail any government-furnished information that will be provided. This may include manuals, schematics, drawings, test data, reports, etc. Also describe how this data will be provided during the competitive process, such as through individual copies to offerors, providing data on the agency web site, or by establishing a reading library. The schedule and means for providing the information to the successful contractor after award should be discussed as well as any impact delays by the government in providing the data might have on contract performance.]*

## **Q. Environmental and Energy Conservation Objectives**

*[Discuss the impact of any environmental or energy conservation efforts associated with the acquisition, including use of recovered materials and preference for environmentally preferable products and services. If hazardous or toxic materials might be involved or be a byproduct of contract performance, indicate actions which may be taken to mitigate potential environmental damage. If the contract performance requires an environmental assessment or environmental impact statement, provide the details of this requirement. (See FAR Part 23, FAR 11.002, and FAR 11.303)]*

## **R. Security Considerations**

*[If the requirement involves classified or unclassified but sensitive data, discuss how appropriate security will be established, maintained, and monitored during contract performance. Discuss service contracts where contractor employees will be granted continuing and official access to government buildings and facilities to perform the work. Discuss the level of risk and security requirements for the contractor facility and contract personnel who will perform the work and how this will be handled during contract performance. Where possible, it is recommended that contracted personnel requiring unescorted access to Federal facilities be pre-cleared for security purposes at the Tier 3 level with a favorable adjudication as prescribed under 5 CFR 731 and Executive Order 10450. If the contracted personnel are not pre-cleared, they must coordinate their submittal of security documents (SF-86), via the e-QIP application process, through the Contracting Office. Questions concerning security issues may be directed to Andrew Jansen, Office of Security, (202) 382-7789 or amjansen@bbg.gov. (See FAR 4.4 and 4.13)]*

*If the requirement involves contractors performing in critical environments overseas, discuss how security will be handled. A detailed security plan may also be required.]*

## **S. Contract Administration**

*[Provide particulars of how the contract will be administered to ensure timely, effective, and compliant performance. If all or part of the administrative functions will be delegated, they should be set forth in this section. Discuss if a post-award conference is planned or desired. Also discuss special requirements of the contract such as quality control procedures, inspection, and acceptance criteria. In accordance with FAR 1.602-2, for all contracts and orders other than those that are firm-fixed-price, a contracting officer's representative (COR) must be designated and authorized by the contracting officer after nomination by the requirements official. A COR may be designated for firm-fixed price contracts and orders as appropriate. However, the contracting officer is not precluded from retaining and executing the COR duties as appropriate.]*

## **T. Other Considerations**

*[Discuss other issues that may be applicable to the procurement and are not covered elsewhere. These may include, among others items:*

- *Value engineering provisions*
- *Pre-proposal or pre-solicitation conferences*
- *Site visits for contractors*
- *Pre-award surveys*
- *Technology update provisions*
- *Standardization concepts*
- *The industrial readiness program*
- *The Defense Production Act*
- *The Occupational Safety and Health Act*
- *Support Anti-terrorism by Fostering Effective Technologies Act of 2002 (SAFETY Act)*
- *Foreign sales implications*
- *Special requirements for contract to be performed in a designated operational area or supporting a diplomatic or consular mission]*

## **U. Additional Requirements for Major Systems**

*[If the requirement is designated as a Major System under agency procedures, address the requirements of FAR 7.106, FAR Part 34, and the following:*

- *Address alternatives, and set forth the strategy to satisfy the mission need in the most effective, economical, and timely manner.*
- *In the Statement of Need, include current deficiencies in meeting the Agency's mission, and the objective of the project.*
- *If the major system is for information technology, a discussion of the consideration given to acquiring it by using modular contracting (dividing the large requirement into several smaller acquisitions that would be easier to manage, reduce the risk of obsolescence, and improve the ultimate system to be provided).*



- *Address non-procurement factors involved, such as impact on other Agency elements (i.e., space requirements, equipment usage, supply purchases, etc.).*
- *OMB Circular A-76 Performance of Commercial Actions, revised May 29, 2003, if applicable.*
- *Life –cycle costs and the basis for the estimate.*
- *Total project schedule, including built-in review points (milestones).]*

**V. Additional Requirements for Acquisitions Involving Bundling**

*[If the acquisition involves bundling, the requirements of FAR 7.107 must be addressed.]*

**W. Additional Requirements for Telecommuting**

*[To ensure compliance with section 1428 of Public Law 108-136, the requirements of FAR 7.108 must be followed.]*

**X. Identification of participants in the acquisition process**

*[List the names and contact information (phone numbers, titles, or organizational code) for the following individuals:*

- 1) Responsible Contracting Officer*
- 2) Contract specialist, if assigned*
- 3) Responsible Program Manager*
- 4) Contracting Officer's Representative, if different from (3)*
- 5) Additional individuals who helped prepare the acquisition plan*
- 6) Source Selection Official]*

**Y. Attachments to the Acquisition Plan**

*[List all documents that are incorporated and made a part of the acquisition plan.]*

**Z. Milestones for the acquisition cycle.**

*[Detail the major milestones for the procurement as follows:]*

<b>MILESTONE</b>	<b>Projected Date</b>	<b>Revised Date</b>	<b>Actual Date</b>
1) Acquisition plan approval			
2) Completion of acquisition package including: requisition, Statement of Need/Statement of Work/Statement of Objectives, data requirements, evaluation factors, evaluation plan, Quality Assurance Surveillance Plan			
3) Justification for Other than Full and Open Competition			
4) Any other required D & F approvals			
5) Issuance of synopsis			
6) Solicitation drafted; reviews begin			
7) Solicitation reviews completed			
8) Issuance of solicitation			
9) Proposals due			
10) Initial evaluation of proposals			
11) Request audits or field pricing reports			
12) Receive audits or field pricing reports			
13) Begin negotiations			
14) Complete negotiations			
15) Request final proposal revisions			
16) Final proposal revisions received			
17) Final proposal revisions evaluation			
18) Contract preparation, reviews, and clearances obtained			
19) Notify unsuccessful offerors			
20) Contract award			

**SIGNATURE PAGE**

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Program Official Dept. /Bureau:	Date Phone Number:
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Contracting Officer's Representative Dept. /Bureau: Budget Office	Date Phone Number:
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Contracting Officer Dept. /Bureau: Office of Contracts	Date Phone Number:
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Small Business Representative Dept. /Bureau: Office of Contracts	Date Phone Number:
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Dept. /Bureau: Budget Office	Date Phone Number:
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Assistant General Counsel Dept. /Bureau: Office of the General Counsel	Date Phone Number:
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Competition Advocate Dept. /Bureau: Office of Contracts	Date Phone Number:
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Senior Procurement Executive Dept. /Bureau: Office of Contracts	Date Phone Number:
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Chief Executive Officer	Date

**Title:** IX BAM 750 - Performance of Inherently Governmental Functions

**Policy Tracking #:** IBB-12-05

**Effective Date:** July 10, 2014

**Originating Office:** IBB Office of Administration (202) 203-4595

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**(a) PURPOSE:** The purpose of this policy is to protect the Government's interests by preventing contractors from performing Inherently Governmental Functions. In addition, this policy implements Office of Federal Procurement Policy guidance on performance of Inherently Governmental Functions.

**(b) AUTHORITIES AND SCOPE:**

(1) Authorities.

- (i) [FAR Subpart 7.3 – Contractor Versus Government Performance](#);
- (ii) [FAR Subpart 7.5 – Inherently Governmental Functions](#);
- (iii) [OMB Circular A-76](#) (revised May 29, 2003);
- (iv) [OFPP Policy Letter 11-01, Performance of Inherently Governmental and Critical Functions, 09-12-2011](#);
- (v) [Technical Correction to OFPP Policy Letter 11-01](#).

(2) Scope.

- (i) This policy applies to all offices and divisions of the Federal Government supervised by the Broadcasting Board of Governors (collectively “the Agency”).
- (ii) This policy applies to all requirements for procuring services, including contract awards, modifications to awards for services, task orders against Blanket Purchase Agreements, and other contract vehicles.

**(c) POLICY:**

(1) Prohibitions. The Agency shall not use contractors to perform Inherently Governmental Functions, including but not limited to the following examples:

- (i) Conducting foreign relations or determining foreign policy;
- (ii) Determining Agency policy, such as determining the content and application of regulations;
- (iii) Determining Federal program priorities for budget requests;
- (iv) Determining budget policy, guidance, and strategy;

- (v) Supervising Federal employees;
- (vi) Selecting individuals for Federal Government employment, including interviewing individuals for employment;
- (vii) Approving position descriptions or performance standards for Federal employees;
- (viii) Determining what Government property to dispose of and on what terms;
- (ix) Federal procurement activities, including but not limited to:
  - (A) Determining what supplies or services are to be acquired by the Government;
  - (B) Participating as a voting member on any source selection board;
  - (C) Approving any contractual documents, such as documents defining requirements, incentive plans, and evaluation criteria;
  - (D) Awarding contracts;
  - (E) Administering contracts on behalf of the Government, including but not limited to:
    - (1) Serving as a Contracting Officer's Representative;
    - (2) Ordering changes in contract performance or contract quantities;
    - (3) Taking action based on evaluations of contractor performance; and
    - (4) Accepting or rejecting contractor products or services.
  - (F) Terminating contracts;
  - (G) Determining whether contract costs are reasonable, allocable, and allowable; and
  - (H) Participating as a voting member on contractor performance evaluation boards.
- (x) Approving Agency responses to Freedom of Information Act requests or approving Agency responses to administrative appeals of denials of Freedom of Information Act requests;
- (xi) Conducting administrative hearings to determine the eligibility of any person for a security clearance, or involving actions that affect matters of personal reputation or eligibility to participate in Government programs;
- (xii) Collecting, controlling, or authorizing disbursement of public funds, such as fees, royalties, duties, fines, or taxes, unless specifically authorized by statute;
- (xiii) Controlling the Agency's treasury accounts;

(xiv) Administering public trusts; and

(xv) Drafting Congressional testimony, responses to Congressional correspondence, or agency responses to audit reports from the Inspector General, the Government Accountability Office, or other Federal audit entity.

(2) Service Classifications. All requisitions for services and statements of work shall include a Service Classification of Closely Associated with Inherently Governmental Functions, Critical Functions, or Other Functions (see paragraph (e) below for definitions).

(3) Contract Oversight. When the Agency contracts for services that are Critical Functions or Closely Associated with Inherently Governmental Functions, the Contracting Officer and Contracting Officer Representative will implement appropriate managerial oversight to:

(i) Prevent contractors from performing Inherently Governmental Functions;

(ii) Maintain control over the Agency's mission and operations; and

(iii) Protect the Government's interests.

**(d) PROCEDURES AND PRIMARY RESPONSIBILITIES:**

(1) Program and project managers, the Agency's acquisition workforce, and all employees who prepare or approve requisitions for services shall familiarize themselves with [FAR Subpart 7.5](#) and [OFPP Policy Letter 11-01](#), paying special attention to the lists of examples, tests, and guidelines for classifying functions as Inherently Governmental Functions (IGF), Critical Functions (CF), or Closely Associated with an Inherently Governmental Function (CA/IGF).

(2) For further guidance on how to apply these tests and guidelines, contact the IBB Office of Contracts, Policy and Procedures Branch.

(3) Requisitioning Office Responsibilities. Whoever develops the statement of work, requisition, or other documents defining the Agency's requirements for a service contract shall:

(i) Classify the services in accordance with [OFPP Policy Letter 11-01](#), consulting with the IBB Office of Contracts, Policy and Procedures Branch as required;

(ii) Identify services as Closely Associated with Inherently Governmental Functions, Critical Functions, or Other Functions, in all statements of work, requisitions, or other procurement requests; and

(iii) Write a meaningful description of the services in requisitions or other procurement requests.

(4) Administrative Officer Responsibilities. If an Administrative Officer receives a requisition for services that are classified as Inherently Governmental Functions, he or she shall return the requisition to the requesting official.

(5) Approving Official Responsibilities.

(i) Approving officials must confirm, in writing, that services the Agency plans to procure comply with [OFPP Policy Letter 11-01](#). Approving officials may satisfy this requirement by signing a requisition, prepared in Momentum, with the following text incorporated into either the description or extended description fields in the requisition's header: "I, the approving official, confirm that, to the best of my knowledge and understanding, the services that will be procured pursuant to this requisition do not include work that must be reserved for performance by Federal employees, and that the Agency will be able to manage contractor performance consistent with its responsibility to perform inherently governmental functions and maintain control over the Agency's mission and operations."

(ii) No approving official shall approve a requisition for IGF services. If an Approving Official is asked to sign a requisition for IGF services, he or she shall return the requisition to the requesting official.

(6) Contracting Officer Responsibilities.

(i) If a Contracting Officer receives a requisition for services that include IGF, he or she shall return the requisition without action to the appropriate Administrative Officer, or other official from the requisitioning office, for deletion of the IGF services requirement.

(ii) If a requisition for services does not include a Service Classification and a description of work, the Contracting Officer shall:

(A) Return the requisitions to the Requesting Official and remind that official that he or she is required to provide a Service Classification and a meaningful description of services with each requisition for services; and

(B) Notify the Requesting Official that the Office of Contracts, Policy and Procedures Branch provides guidance on how to categorize services.

(iii) For procurement of services above the simplified acquisition threshold, the Contracting Officer shall include the following in the contract file:

(A) The approving official's confirmation that the procurement complied with OFPP Policy Letter 11-01; and

(B) Analysis, developed in coordination among the requisitioning office, the Contracting Officer, and the Office of the General Counsel, which establishes that:

(1) The contract does not include functions that appear on the list of IGF in the FAR or Appendix A to OFPP Policy Letter 11-01;

(2) No statutes or other authority identify functions included in the contract as IGF, or otherwise require performance of these functions by Federal employees;

(3) The proposed role for the contractor is not so extensive that it would preempt or inappropriately restrict Agency management from developing, considering, or taking courses of action;

(4) If the contract includes functions that are CA/IGF, that:

(i) The Agency has given special consideration to using Federal employees to perform the function; and

(ii) The Agency has sufficient capacity and capability to give special management attention to contractor performance, limit or guide the contractor's exercise of discretion, ensure reasonable identification of contractors work products, avoid conflicts of interest, and preclude unauthorized personal services.

(5) If the function is a CF, that the Agency has sufficient internal capability to control its mission and operations.

(iv) If, after contract award, a Contracting Officer discovers that a contractor has performed IGF, the Contracting Officer shall take prompt corrective action, as necessary, such as strengthening contract oversight, in-sourcing work, the non-exercise of option periods, issuing a cure notice, terminating the contract, or terminating the portion of the contract being used to fulfill inherently governmental responsibilities.

(v) If a Contracting Officer discovers that any Agency employee directed a contractor to perform IGF, the Contracting Officer shall notify the employee's supervisor for appropriate action. In addition, if a Contracting Officer discovers that a COR directed a contractor to perform IGF, the Contracting Officer may immediately terminate the COR's designation.

(vi) Required Training.

(A) The Office of Contracts Policy Branch, the Office of the General Counsel, The IBB Office of Administration, and the Office of Human Resources Training Division shall coordinate to develop training for Agency staff on management of IGF, CA/IGF, and CF.

(B) All Agency Contracting Officers, Contract Specialists, Contracting Officer Representatives, Administrative Officers, and all Agency personnel who have authority to approve requisitions shall take this training no less than every two years.

(vii) Review and Updates to this Policy. In order to comply with [OFPP Policy Letter 11-01](#), and in accordance with [BAM Title II, Section 100](#), the IBB Office of Administration,



in coordination with the Office of Contracts Policy Branch, shall review this policy annually.

**(e) DEFINITIONS:**

(1) Service Classification means the Agency's determination that services fall into one of the following categories: Inherently Governmental Functions, Closely Associated with Inherently Governmental Functions, Critical Functions, or Other Functions.

(2) Inherently Governmental Functions (IGF) are activities so intimately related to the public interest as to require performance by Government employees, including all examples listed in [FAR Subpart 7.5](#) and [OFPP Policy Letter 11-01](#).

(3) Closely Associated with Inherently Governmental Functions (CA/IGF) – While [OFPP Policy Letter 11-01](#) does not provide a precise definition of “Closely Associated with Inherently Governmental Functions,” generally tasks that are Closely Associated with Inherently Governmental Functions are those contractor duties that could expand to become IGF. [OFPP Policy Letter 11-01, Appendix B](#) (page 15 of the linked document) lists examples of functions Closely Associated with Inherently Governmental Functions, including but not limited to:

- (i) Supporting or providing advice or recommendations with regard to inherently governmental activities;
- (ii) Work in a situation that permits or might permit access to confidential business information or other sensitive information;
- (iii) Dissemination of information regarding agency policies or regulations;
- (iv) Participation in a situation where it might be assumed that the participants are agency employees or representatives;
- (v) Provision of legal advice and interpretations of regulations and statutes to Government officials; and
- (vi) Provision of non-law-enforcement security activities.

(4) Critical Functions (CF) means functions that are necessary to the Agency being able to effectively perform and maintain control of its mission and operations. Typically, critical functions are recurring and long-term in duration. A critical function is not necessarily so intimately related to the public interest as to mandate performance by Government employees.

(5) Other Functions means all tasks or services that are not IGF, CA/IGF, or CF. That is, functions which are neither so intimately related to the public interest as to mandate performance by Government employees, nor necessary to an agency's maintaining control of its mission and operations.



**Title:** 9 BAM 940 – Contractor Debarment, Suspension, and Ineligibility

**Policy Tracking #:** CON-13-07

**Effective Date:** 09/29/2016

**Originating Office:** Office of Management Services – Contracts (OMS/C), (202) 382-7838,  
[bbgconpolicy@bbg.gov](mailto:bbgconpolicy@bbg.gov)

**(a) PURPOSE:** The purpose of this policy is to implement suspension and debarment procedures to protect the Agency, as well as the Federal Government as a whole, from doing business with individuals or organizations that are not responsible.

**(b) AUTHORITY & SCOPE:**

(1) Authorities.

(i) [The Federal Acquisition Streamlining Act of 1994, Pub. L. 103-355 § 2455, 108 Stat. 3327 \(See 31 U.S.C. § 6101 NOTE\).](#)

(ii) [Federal Acquisition Regulation \(FAR\) Subpart 9.4 – Debarment, Suspension, and Ineligibility.](#)

(iii) [Executive Order 12549, Debarment and Suspension.](#)

(iv) [Executive Order 12689, Debarment and Suspension.](#)

(v) [48 Code of Federal Regulations \(CFR\) Part 1909, Contractor Qualifications.](#)

(vi) [Delegation Order 99-11, Redelelegation of Contracting Authority to the Senior Procurement Executive, Office of Contracts](#) or current version (delegations of authority are attached to [2 BAM 480 - Delegations of Authority](#)).

(2) Scope. This policy applies to the Federal Government elements of the Broadcasting Board of Governors (i.e., Voice of America; Office of Cuba Broadcasting; Office of Technology, Services, and Innovation; and the International Broadcasting Bureau), referred to in this policy as “the Agency.”

(3) Relation to Other Policies. This policy supersedes [9 BAM 160, Debarred, Suspended, and Ineligible Bidders](#) regarding contractor suspension or debarment under [FAR Subpart 9.4](#). The policies in [9 BAM 160](#) relating to non-procurement suspension and debarment remain in effect until repealed or superseded.

**(c) POLICY:**

- (1) The Agency shall not award contracts or other procurement instruments, or solicit offers from contractors listed in the System for Award Management (SAM) Exclusions at website address <http://www.sam.gov><sup>1</sup>.
- (2) The Agency shall do business with responsible contractors and consent to subcontracts with responsible contractors only (see paragraph (e) Definitions below).
- (3) The Agency shall suspend or debar contractors only when necessary to protect the Government from doing business with non-responsible contractors.

**(d) PROCEDURES AND PRIMARY RESPONSIBILITIES:**

- (1) The Senior Procurement Executive (SPE) is the Agency's Suspending and Debarring Official (SDO). The SDO shall suspend or debar contractors in consultation with the Office of General Counsel, in accordance with [FAR Subpart 9.4](#), and in accordance with the procedures in this policy.
- (2) Role of the Office of Inspector General. The Office of the Inspector General for the Department of State and the Broadcasting Board of Governors (OIG) is responsible for investigating waste, fraud, and abuse of Government funds.
- (3) The Chief of the OMS/C Policy Branch, or designee within the OMS/C Policy Branch, shall:
  - (i) Serve as the primary point of contact with the OIG for purposes of suspension and debarment under [FAR Subpart 9.4](#), and related investigations;
  - (ii) Provide support to the SDO, as required, by making recommendations regarding individual suspension or debarment actions, drafting or reviewing suspension or debarment determinations, reviewing administrative agreements offered as an alternative negotiated resolution to suspension or debarment actions, or performing any other tasks related to general management of suspensions or debarment;
  - (iii) Maintain records on each suspension or debarment; and
  - (iv) Enter the required information of suspended or debarred contractors in the SAM Exclusions in accordance with FAR 9.404.
- (4) The Office of the General Counsel (OGC) shall:
  - (i) Advise the SDO on all suspensions and debarments;
  - (ii) Advise the Chief of the OMS/C Policy Branch on suspension and debarment support activities;

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<sup>1</sup> SAM Exclusions has replaced the Excluded Parties List System.

(iii) Review and clear all notices of suspension, notices of proposal to debar, decision memos regarding suspension, decision memos regarding debarment, and administrative agreements to ensure the documents satisfy all legal and regulatory requirements;

(iv) Advise contracting officers (COs), project managers (PMs), contracting officer representatives (CORs), and other individuals regarding the preparation of suspension and debarment consideration packages;

(v) Attend suspension and debarment hearings; and

(vi) Coordinate with the Department of Justice to defend the Agency if the SDO's suspension or debarment decisions are challenged in court.

(5) Investigations Initiated by Agency Personnel:

(i) All Agency personnel shall promptly report information they suspect is cause for a contractor's suspension or debarment to the appropriate CO. Causes for suspension or debarment are fully described at [FAR 9.406-2](#) and [9.407-2](#), but generally include:

(A) Committing fraud, or any other criminal offense, in connection with obtaining, attempting to obtain, or performing a contract with the Agency;

(B) Violations of the Drug-Free Workplace Act of 1988;

(C) Commission of any offenses that indicate a lack of business integrity or business honesty (e.g. submitting false claims for payment, theft, forgery, embezzlement, falsification or destruction of records, making false statements, or tax evasion);

(D) Serious, willful, or repeated violation of the terms of a Government contract; or

(E) Any other cause that is so serious and compelling that it affects the present responsibility of the contractor.

(ii) When the appropriate CO receives information that they believe is cause for a contractor's suspension or debarment, the CO shall write an Action Referral Memo (ARM) to the SDO. The ARM shall include:

(A) Identification of the contractor(s) involved and their address, available in the [SAM](#);

(B) A statement of the acquisition history with the contractor(s) identified. This section should include the procurement instrument identifier for any current contract between the contractor(s) identified and the Agency, a summary of what the Agency is purchasing under any current contract with the contractor(s) identified, and the procurement instrument identifiers for any previous contracts the Agency has awarded the contractor(s) identified.

- (C) A statement of facts regarding why the CO recommends suspending or debarring the contractor(s) identified. This section should answer the questions what happened, who was involved, and when and where each event occurred;
  - (D) Identification of all the causes for suspension and debarment from [FAR 9.406-2](#) or [9.407-2](#) that apply to the statement of facts;
  - (E) Copies of any supporting or documentary evidence;
  - (F) A list of necessary or probable witnesses, along with their contact information, who may need to testify at a fact-finding hearing; and
  - (G) Recommendation regarding whether to suspend or debar the contractor(s) involved, and in the case of debarment, regarding the period of debarment.
- (iii) When the CO does not have first-hand knowledge of the facts that support suspension or debarment, the person(s) who have first-hand knowledge should draft the statement of facts. However, the ARM must reflect the CO's independent judgment recommending suspension or debarment.
- (iv) After receiving an ARM, the SDO, or designee within the OMS/C Policy Branch, shall coordinate with the heads of all offices within the Agency that receive services from the contractor(s) involved to determine whether suspending or debarring the contractor would deny the Government of its only source for critical supplies or services.
- (v) After receiving an ARM, the SDO, or designee within the OMS/C Policy Branch, shall coordinate with the OIG. The SDO must report waste, fraud, and abuse of Government funds, or other criminal activity to the OIG. Furthermore, suspension and debarment actions initiated by the Agency must be coordinated with the OIG in case they relate to matters already under investigation by the OIG.
- (vi) After coordination with the OIG, the SDO, or designee within the OMS/C Policy Branch, shall coordinate with the Interagency Suspension and Debarment Committee<sup>2</sup> to determine if other federal agencies have an interest in the proposed suspension or debarment and to determine which agency should act as lead agency.
- (6) Investigations Initiated by Referral from the Office of Inspector General:
- (i) The OIG conducts investigations of waste, fraud, abuse, or other criminal activity, by Government contractors, and may initiate suspension or debarment proceedings by issuing a Report of Investigation (ROI).
  - (ii) The SDO, or designee from within the OMS/C Policy Branch, reviews the ROI and drafts a determination memo which recommends suspension, debarment, or no action based on the information provided by the OIG.

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<sup>2</sup> See <http://isdc.sites.usa.gov/>.

(iii) If the SDO decides to proceed with suspension or debarment, the SDO, or designee within the OMS/C Policy Branch, shall coordinate with the heads of all offices within the Agency that receive services from the contractor(s) involved to determine whether suspending or debarring the contractor would deny the Government of its only source for critical supplies or services.

(iv) After coordinating with affected offices, the SDO, or designee within the OMS/C Policy Branch, shall coordinate with the Interagency Suspension and Debarment Committee to determine if other federal agencies have an interest in the proposed suspension or debarment and to determine which agency should act as lead agency.

(7) Suspension Decisions and Hearings:

(i) Standard for Suspension - The SDO may only suspend a contractor when the SDO determines that there is adequate evidence that immediate action is necessary to protect the interests of the Federal Government pending completion of an investigation, legal proceedings, or debarment proceedings. Although adequate evidence is a low evidentiary threshold, analogized to probable cause, the SDO shall seek counsel from the OGC on whether the facts in each case constitute adequate evidence.

(ii) Notice of Suspension - After completing all the steps in sections (d)(5) or (d)(6) above, if the SDO determines there is adequate evidence to suspend a contractor, the SDO shall issue a formal, written notice of suspension to that contractor via certified mail which includes all of the required information under [FAR 9.407-3\(c\)](#), including the contractor's opportunity to respond (see (d)(7)(iv) below). The SDO shall seek OGC's clearance regarding the notice of suspension before issuing the notice and shall notify the OIG when the notice has been issued.

(iii) Immediate Effect of Suspension - Suspension shall be effective at the time the contractor receives the notice of suspension and shall remain in effect:

(A) Unless the SDO decides to terminate the suspension, which may be based on information submitted by the contractor or a suspension hearing;

(B) Until the end of the investigation, legal proceeding, or debarment hearing identified in the notice of suspension; or

(C) As otherwise detailed in FAR 9.407-4.

(iv) Deadline to Respond to a Notice of Suspension - Any opposition to a suspension must be submitted within 30 calendar days after receiving a notice of suspension. The opposition is submitted at the time of delivery, mailing, e-mailing, or transfer to a courier service. The Agency is not required to accept a contractor's untimely submission.

(v) Decisions Without a Suspension Hearing - When a fact-finding suspension hearing is not required, as explained in [FAR 9.407-3\(d\)\(1\)](#), the SDO shall issue a suspension decision memo based on the administrative record, including an ARM, a ROI, and any information submitted by the contractor in opposition to suspension. The SDO shall seek

OGC's clearance regarding the decision memo and issue a suspension decision memo within 30 working days after receiving the contractor's opposition to suspension; or, if the contractor chooses not to submit information in opposition to suspension, within 30 working days after the contractor's deadline to submit information.

(vi) Suspension Hearings - If a contractor's submission in opposition to a suspension raises genuine issues of material facts, and if otherwise required by [FAR 9.407-3](#), the Agency shall hold a suspension hearing, according to the requirements in [FAR 9.407-3](#), which affords the contractor an opportunity to appear with counsel, submit evidence, and present and confront witnesses.

(A) Scheduling Suspension Hearings. If the circumstances warrant a suspension hearing, the hearing shall be scheduled within 20 calendar days after the Agency receives a contractor's opposition to suspension, unless the contractor requests a longer period of time. However, the Agency reserves the right to refuse an unreasonable request for delay.

(B) Fact-Finding Board. Suspension hearings shall be headed by a three-member fact-finding board consisting of one representative appointed by (1) the Director of Management Services, (2) the Senior Procurement Executive (other than the CO who submitted the ARM to the SDO), and (3) a Director of an affected Agency Element<sup>3</sup> (other than someone that has worked as a PM or COR on a procurement with the contractor), from each of their respective offices.

(C) Agency Representation. The CO who submitted the ARM to the SDO shall present the Agency's case. If the contractor is represented by counsel at the suspension hearing, OGC shall assign an attorney to present the Agency's case at the suspension hearing.

(D) Written Findings of Fact. The three-person fact-finding board shall deliver written findings of fact addressing all issues of material fact in dispute between the contractor and the Agency, to the SDO within 10 calendar days after the suspension hearing.

(vii) Decision Memo - Based on the written findings of fact from the suspension hearing, the SDO shall issue a written decision memo to the contractor that either sustains or terminates the existing suspension. The SDO shall seek OGC's clearance regarding the decision memo and issue the suspension decision memo to the contractor within 30 calendar days after the suspension hearing.

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<sup>3</sup> Agency Elements: International Broadcasting Bureau; Office of Cuba Broadcasting; Office of Technology, Services, and Innovation; and Voice of America



(8) Debarment Decisions and Hearings:

(i) Standard for Debarment - The SDO may only debar a contractor when the SDO finds there is a preponderance of evidence that the Government needs to be protected from a non-responsible contractor. The preponderance of evidence standard in this context requires that the SDO compare proof supporting debarment to proof opposing debarment, and to conclude whether it is more probably true than not that the Government needs to be protected from a non-responsible contractor. The SDO shall consult with the OGC regarding whether the facts in each case meet the preponderance of evidence standard.

(ii) Notice of Proposal to Debar - After completing all the steps in sections (d)(5) or (d)(6) above, if the SDO determines there is preponderance of evidence supporting debarment of a contractor, the SDO shall issue a formal, written notice of proposal to debar that contractor via certified mail which includes all of the required information under [FAR 9.406-3\(c\)](#), including the contractor's opportunity to respond (see (d)(8)(iii) below). The SDO shall seek OGC's clearance regarding the notice of proposal to debar before issuing the notice and shall notify the OIG when the notice has been issued.

(iii) Deadline to Respond to a Notice of Proposal to Debar - Any opposition to a debarment must be submitted within 30 calendar days after receiving a notice of proposed debarment. The opposition is submitted at the time of delivery, mailing, e-mailing, or transfer to a courier service. The Agency is not required to accept a contractor's untimely submission.

(iv) Decisions Without a Debarment Hearing - When a fact-finding debarment hearing is not required, as explained in [FAR 9.406-3\(d\)\(1\)](#), the SDO shall issue a debarment decision memo based on the administrative record, including an ARM, a ROI, and any information submitted by the contractor in opposition to debarment. The SDO shall seek OGC's clearance regarding the decision memo and issue the debarment decision memo within 30 working days after receiving the contractor's opposition to debarment; or, if the contractor chooses not to submit information in opposition to debarment, within 30 working days after the contractor's deadline to submit information.

(v) Debarment Hearing - If a contractor's submission in opposition to a debarment raises genuine issues of material facts, and if otherwise required by [FAR 9.406-3](#), the Agency shall hold a debarment hearing, according to the requirements in [FAR 9.406-3](#), which affords the contractor an opportunity to appear with counsel, submit evidence, and present and confront witnesses.

(A) Scheduling Debarment Hearings. If the circumstances warrant a debarment hearing, the hearing shall be scheduled within 20 calendar days after the Agency receives a contractor's opposition to debarment, unless the contractor requests a longer period of time. However, the Agency reserves the right to refuse an unreasonable request for delay.

(B) Fact-Finding Board. Debarment hearings shall be headed by a three-member fact-finding board consisting of one representative appointed by (1) the Director of Management Services, (2) the Senior Procurement Executive (other than the CO who submitted the ARM to the SDO), and (3) a Director of an affected Agency Element (other than someone that has worked as a project manager (PM) or contracting officer's representative (COR) on a procurement with the contractor), from each their respective offices.

(C) Agency Representation. The CO who submitted the ARM to the SDO shall present the Agency's case. If the contractor is represented by counsel at the debarment hearing, the OGC shall assign an attorney to present the Agency's case at the debarment hearing.

(D) Written Findings of Fact. The three-person fact-finding board shall deliver written findings of fact addressing all issues of material fact in dispute between the contractor and the Agency, to the SDO within 10 calendar days after the debarment hearing.

(vi) Decisions after a Debarment Hearing - Based on the written findings of fact from the debarment hearing, the SDO shall issue a written decision memo, according to the requirements in [FAR 9.406-3\(e\)](#), to the contractor that either imposes debarment or notifies the contractor that the Agency will not impose debarment. The SDO shall seek OGC's clearance regarding the decision memo and issue the debarment decision memo to the contractor within 30 calendar days after the debarment hearing.

(9) Maintaining List of Contractors Excluded from Federal Procurement Programs. The OMS/C Policy Branch shall maintain the list of contractors debarred, suspended, or otherwise ineligible for bidding on contracts.

**(e) DEFINITIONS:**

(1) Contractor means any individual or other legal entity that:

(i) Directly or indirectly, submits offers for or is awarded, or reasonably may expect to submit offers for or be awarded, a Government contract, including a contract for carriage under Government or commercial bills of lading, or subcontracts under a Government contract; or

(ii) Conducts business, or reasonably may be expected to conduct business, with the Government as an agent or representative of another contractor.

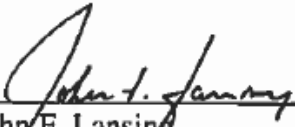
(2) Responsible contractor means a contractor that meets the standards in [FAR 9.104](#), including but not limited to: ability to comply with delivery or performance schedules, satisfactory performance record, satisfactory record of integrity and business ethics, and all other applicable standard in [FAR 9.104](#).

(3) Suspending and Debarring Official (SDO) means a designee authorized by the head of agency to impose suspension or debarment.

**(f) EFFECTIVE DATE AND APPROVAL:**

Approved by:

Effective Date:

  
\_\_\_\_\_  
John F. Lansing  
CEO and Director

9.29.16

**Title:** IX BAM 1310 – Fair and Reasonable Price Determination

**Policy Tracking #:** CON-16-02

**Effective Date:** May 25, 2016

**Originating Office:** Office of Contracts, (202) 382-7838, [bbgconpolicy@bbg.gov](mailto:bbgconpolicy@bbg.gov)

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**(a) PURPOSE:** The purpose of this policy is to provide guidance to contracting officers on the requirement to determine price reasonableness, and guidelines for making that determination.

**(b) AUTHORITY & SCOPE:**

(1) Authorities.

- (i) [Federal Acquisition Regulation \(FAR\) Subpart 8.4 -- Federal Supply Schedules.](#)
- (ii) [FAR 13.106-3 Award and documentation.](#)
- (iii) [FAR Subpart 14.4 -- Opening of Bids and Award of Contract.](#)
- (iv) [FAR Subpart 15.4 -- Contract Pricing.](#)

(2) Scope.

- (i) This policy applies to all contracting officers (COs) employed by the Federal Government elements of the Broadcasting Board of Governors (i.e., International Broadcasting Bureau; Office of Cuba Broadcasting; Office of Technology, Services, and Innovation; and Voice of America), referred to in this policy as “the Agency” or “BBG”.
- (ii) This policy applies to all contract actions above the micro-purchase threshold<sup>1</sup>.

**(c) POLICY:**

- (1) Prior to awarding a contract or placing an order, COs must determine that the proposed price is fair and reasonable.
- (2) Simplified Acquisitions. For actions below the simplified acquisition threshold, price reasonableness shall be determined in accordance with the procedures set forth in FAR 13.106-3 -- Award and documentation, and documented on the BBG Fair and Reasonable Price Determination - Simplified Acquisition Procedures form<sup>2</sup>, or an equivalent document.
- (3) Sealed Bidding. When contracting by sealed bidding, an Abstract of Offers shall be completed in accordance with FAR 14.403 -- Recording of bids, and the CO must determine

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<sup>1</sup> See FAR 13.203 Purchase guidelines for further guidance regarding micro-purchases.

<sup>2</sup> The form is an attachment to CON Directive/Action Memo “Procedures for Price Reasonableness Determinations (Contract Pricing)”.

that the price of the winning bid is fair and reasonable using the price analysis techniques in FAR 15.404-1(b) as a guideline. That analysis shall be documented in the contract file.

(4) Contracting by Negotiation. When contracting by negotiation, price reasonableness shall be determined in accordance with FAR Subpart 15.4 -- Contract Pricing, and documented on the BBG Price Negotiation Memorandum template<sup>3</sup> or equivalent document.

(5) Simplified Procedures for Certain Commercial Items. For the acquisition of commercial items above the simplified acquisition threshold using FAR Subpart 13.5:

(i) Using simplified acquisition procedures, which is strongly encouraged, price reasonableness shall be determined in accordance with Section (c)(2) of this policy.

(ii) Using sealed bidding (FAR Part 14), price reasonableness shall be determined in accordance with Section (c)(3) of this policy.

(iii) Using contracting by negotiation (FAR Part 15), price reasonableness shall be determined in accordance with Section (c)(4) of this policy.

(6) General Services Administration (GSA) Federal Supply Schedule (FSS) contracts. When establishing a blanket purchasing agreement (BPA) or placing an order against a FSS contract for:

(i) Supplies and fixed price services for performance of a specific task that do not require a statement of work (e.g., installation, maintenance, and repair) -

(A) A price reasonableness determination is not required as GSA has already determined prices and rates under schedule contracts to be fair and reasonable<sup>4</sup>. The CO shall include the following statement affirming this in the contract file:

*In accordance with FAR Subpart 8.4 – Federal Supply Schedules, a separate determination of fair and reasonable pricing is not required because GSA has already determined the prices under schedule contracts for supplies and fixed priced services for performance of a specific task to be fair and reasonable.*

(B) However, a price reasonableness determination is required if the solicited services result in the proposal of a level of effort or labor mix by schedule holders for the performance of a specific task. In such cases neither the level of effort nor the labor mix has been determined to be reasonable by GSA. This applies even if the schedule holders use their schedule rates in their proposals to arrive at the offered prices. Rates alone are not sufficient information to determine a price fair and reasonable.

(C) Furthermore, the CO shall use the ordering procedures detailed in FAR 8.405-1 when placing an order under a schedule contract and FAR 8.405-3 when establishing

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<sup>3</sup> See previous footnote.

<sup>4</sup> See FAR 8.404(d) Pricing.

a BPA, and ensure the contract type complies with the requirements of FAR 8.404(h) Type-of-order preference for services.

(ii) Services that require a statement of work -

(A) A price reasonableness determination is required<sup>5</sup>. A technical analysis shall be conducted to evaluate the proposed level of effort and labor mix for the CO to use in combination with the hourly rate, either from the schedule contract or contractor quote, to determine whether the total price is reasonable. The CO shall document findings on the BBG Fair and Reasonable Price Determination - Simplified Acquisition Procedures form<sup>6</sup>, or an equivalent document.

(B) The CO shall use the ordering procedures detailed in FAR 8.405-2 when placing an order under a schedule contract and FAR 8.405-3 when establishing a BPA, and ensure the contract type complies with the requirements of FAR 8.404(h) Type-of-order preference for services.

**(d) PROCEDURES AND PRIMARY RESPONSIBILITIES FOR CONTRACTING OFFICERS (COs):**

(1) COs, and no other Agency official, shall make the determination and affirm that the proposed price is fair and reasonable. COs shall maintain the written fair and reasonable price determination in the contract file.

(2) Techniques to Evaluate Price Reasonableness: Based on the types of acquisitions within the Agency, the following are the most commonly used techniques:

(i) Price Analysis<sup>7</sup>: When an offeror is not required to provide cost or pricing data, price analysis must be used to ensure the overall price is fair and reasonable.

(ii) Cost and Price Analysis<sup>8</sup>: When an offeror is required to provide cost or pricing data, cost analysis must be used to evaluate the reasonableness of individual cost elements. Price analysis must then be used to verify that the overall price offered is fair and reasonable.

(iii) Cost Realism Analysis<sup>9</sup>: Cost realism analysis shall be performed on cost-reimbursement contracts, and may be used for actions such as competitive fixed-priced contracts<sup>10</sup>.

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<sup>5</sup> See FAR 8.405-2(d) Evaluation and FAR 8.405-3(b)(2)(vi).

<sup>6</sup> The form is an attachment to CON Directive/Action Memo "Procedures for Price Reasonableness Determinations (Contract Pricing)".

<sup>7</sup> See FAR 13.106-3(a) Basis for award and FAR 15.404-1(b) Price analysis for commercial and non-commercial items.

<sup>8</sup> For cost analysis, see FAR 15.404-1(c) Cost analysis.

<sup>9</sup> See FAR 15.404-1(d) Cost realism analysis.

<sup>10</sup> COs may consider using cost realism analysis to evaluate offers for competitive fixed-price contracts when one of the factors at FAR 15.404-1(d)(3) applies, however, the Agency strongly advises that this analysis not be used for this contract type without the involvement and guidance of the Office of Contracts Policy Division.

(A) Please note that the government's cost realism analysis is frequently challenged by contractors in protest venues, and the CO's judgment is likely to be upheld in a protest if it is (1) in accordance with the evaluation criteria stated in the solicitation, (2) informed, (3) thorough, (4) reasonable and not arbitrary, and (5) adequately documented.

(iv) Technical Analysis<sup>11</sup>: When "similar to" items or commercial items that are "of a type" or requiring minor modification are being purchased, the CO should request a technical analysis from personnel having specialized knowledge, skills, experience, or capability in the areas applicable to the procurement. COs should request technical assistance to evaluate the types and quantities of material proposed, and the need for the types and quantities of labor hours and the labor mix.

(3) Comparing proposed prices of competitors is the preferred basis for price reasonableness, so COs should use this method whenever possible<sup>12</sup>, along with all bases for which there is recent, reliable, and valid data.

(4) When price reasonableness is based on comparison to prior/historical prices, the CO must ensure that the previous pricing was determined fair and reasonable based on adequate and documented price or cost analysis, which must be validated<sup>13</sup> (for example, by confirming there has been no significant time lapse).

(5) When establishing a blanket purchasing agreement (BPA), placing an order against a FSS contract, or in conjunction with the annual BPA review, COs are strongly encouraged to request an additional discount off schedule contract prices and rates for all actions, however, COs shall seek a price reduction when the order or BPA exceeds the simplified acquisition threshold<sup>14</sup>.

(6) Once quotes or proposals are received for competitive and sole source procurements, COs must ensure that safeguards are taken to protect proprietary information, both technical and cost related, from unauthorized disclosure.

(7) Waivers: Requests to waive the requirement for submission of certified cost or pricing data in accordance with FAR 15.403-1(c)(4) shall be sent via e-mail to [bbgconpolicy@bbg.gov](mailto:bbgconpolicy@bbg.gov).

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<sup>11</sup> See FAR 15.404-1(e) Technical analysis.

<sup>12</sup> See FAR 13.106-3(a)(1) and FAR 15.404-1(b) Price analysis for commercial and non-commercial items.

<sup>13</sup> See FAR 15.404-1(b)(2)(ii) for further guidance.

<sup>14</sup> See FAR 8.405-4 – Price reductions.

**(e) DEFINITIONS (AS USED IN THIS POLICY):**

(1) Contract action means an action resulting in a contract, or an addition to the contract scope, or an action issued pursuant to the Changes clause that results in an equitable adjustment to the contract price. This term does not include a contract modification issued pursuant to the Changes clause for funding and other administrative changes.

(2) Cost analysis refers to the review and evaluation of any of the separate cost elements and profit or fee in an offeror's proposal to determine a fair and reasonable price or cost realism. Cost analysis generally cannot be used without price analysis.

(3) Cost or pricing data consists of all the facts that can be reasonably expected to contribute to the soundness of estimates of future costs and to the validity of determinations of costs already incurred<sup>15</sup>.

(4) Cost realism analysis is required in cost-reimbursement contracting and is the process of independently reviewing and evaluating specific elements of each offeror's proposed cost estimate to determine whether the estimated proposed cost elements are realistic for the work to be performed; reflect a clear understanding of the requirements; and are consistent with the unique methods of performance and materials described in the offeror's technical proposal. In other words, this analysis evaluates whether an offeror's estimate is too high or too low.

(5) Fair and reasonable price is the price that a prudent business person would pay for an item or service under competitive market conditions.

(6) The Federal Supply Schedule (FSS) program, as defined in the FAR, is directed and managed by GSA and provides Federal agencies with a simplified process for obtaining commercial supplies and services at prices associated with volume buying.

(7) Price analysis is the evaluation and review of the total price of an item (or program) without regard to the individual elements of cost or proposed profit. This analysis always involves some form of comparison with other prices.

(8) Technical analysis is an examination and evaluation to determine and report on the need for and reasonableness of the resources proposed by the offeror to complete the contract.

**(f) EFFECTIVE DATE AND APPROVAL:**

Approved:

  
\_\_\_\_\_  
John F. L.  
CEO and

<sup>14</sup> See FAR

<sup>15</sup> See FAR Subpart 2.1 -- Definitions for the full definition of cost or pricing data.



**Title:** IX BAM 3290 – Payment Documentation

**Policy Tracking #:** CON-16-04

**Effective Date:** June 29, 2016

**Originating Office:** Office of Contracts, (202) 382-7838, [bbgconpolicy@bbg.gov](mailto:bbgconpolicy@bbg.gov)

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**(a) PURPOSE:** The purpose of this policy is to ensure that invoices are efficiently processed and proper supporting documentation is provided for all contractor invoices as evidence that federal funds were expended in an appropriate manner.

**(b) AUTHORITY & SCOPE:**

(1) Authorities.

- (i) [Federal Acquisition Regulation \(FAR\) 32.905 -- Payment documentation and process.](#)
- (ii) The Prompt Payment Act, [31 U.S.C. §3901, et seq.](#)
- (iii) [Office of Management and Budget Memorandum dated July 17, 2015, Improving Government Efficiency and Saving Taxpayer Dollars Through Electronic Invoicing \(M-15-19\).](#)

(2) Scope.

- (i) This policy applies to all contracting officers (COs), contracting officer representatives (CORs), project managers (PMs), and other Government contracting officials employed by the Federal Government elements of the Broadcasting Board of Governors (i.e., Voice of America; Office of Cuba Broadcasting; Office of Technology, Services, and Innovation; and the International Broadcasting Bureau), referred to in this policy as “the Agency”.
- (ii) This policy applies to all contract actions.

**(c) POLICY:**

(1) Electronic Invoicing. Invoices for new awards must be submitted electronically through the Agency’s web-based service, which is currently the [Invoice Processing Platform \(IPP\)](#).

- (i) Electronic invoicing is not required for such activities as utilities, purchase card transactions, contracts with vendors using personally identifiable information (PII) for identification, relocation services, Purchase Order Vendor (POV) contracts where performance is in the Cohen Building, and other areas where Federal electronic invoicing processes do not match common industry practices.
- (ii) If a contractor is unable to comply with the electronic invoicing requirement, the contractor must submit a written waiver request to the CO for approval.

(2) All invoice payments, with the exception of interim payments on cost-reimbursement contracts for services, must be supported by a receiving report (or other Government documentation authorizing payment) and supporting documentation to validate that all supplies and services were received in accordance with the contract. The receiving report or other Government documentation authorizing payment must include the information detailed in FAR 32.905(c) Authorization to pay.

(3) When contract financing, such as advance or interim payments, are approved and authorized<sup>1</sup>, supporting documentation must be obtained to ensure that all supplies and services were actually received in accordance with the contract, and maintained in the contract file.

**(d) PROCEDURES AND PRIMARY RESPONSIBILITIES:**

(1) Contracting Officer (CO).

(i) As stated in the Broadcasting Administrative Manual (BAM), the CO has primary responsibility and accountability for administering contracts<sup>2</sup>, which includes ensuring proper invoices are received and there is satisfactory contractor performance. If the CO designates a COR in writing, the COR will then have responsibility of monitoring contractor performance and invoice processing<sup>3</sup>.

(ii) COs shall include the clause “Electronic Invoicing and Payment Requirements – Invoice Processing Platform – (IPP)” in every written solicitation and contract action.

(2) Project Manager (PM). The PM, or receiving official, shall forward a receiving report or equivalent document to the CO within 5 days after government acceptance or approval of supplies or services, unless other arrangements have been made in writing<sup>4</sup>. Documenting acceptance should be completed as expeditiously as possible. In other words, the PM should not wait until an invoice is received to document acceptance.

(3) Invoice Review Process.

(i) Timeframe for Review.

(A) Electronic invoices must be reviewed and either approved or rejected within 7 days of receipt to ensure compliance with the Prompt Payment Act. If no action is taken on an invoice within 5 days, the invoice will be forwarded to the designated back-up in IPP to ensure action is taken within 7 days.

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<sup>1</sup> See FAR Part 32 -- Contract Financing.

<sup>2</sup> See IX BAM 165 Contracting Officers.

<sup>3</sup> See IX BAM 164 Designation of Contracting Officers’ Representatives and Implementation of BBG Federal Acquisition Certification for Contracting Officer’s Representatives, section (d)(1)(iii) CO responsibilities.

<sup>4</sup> Other arrangements may include requiring the PM or the receiving official to forward receiving reports directly to the designated payment office.

- (B) Non-electronic invoices, once approved, must be submitted to the Accounts Payable Office within 7 days of receipt. If the invoice cannot be reviewed in the required time, the Accounts Payable Office must be notified in writing within 5 days of receiving the invoice.
- (ii) Once an invoice is submitted, the CO shall review the invoice to ensure it complies with contract terms and contains all the items of a proper invoice as required by the FAR<sup>5</sup>.
- (iii) If the PM has not already submitted a receiving report or equivalent document, the CO shall request the receiving report along with any additional supporting documentation.
- (iv) The CO shall review the receiving report and supporting documentation submitted by the PM. If there is a proper invoice and the CO has documentation of satisfactory contractor performance:
- (A) For electronic invoices, the CO shall upload the receiving report and supporting documentation as invoice attachments in IPP, and approve the invoice in IPP within 7 days of receiving the invoice<sup>6</sup>.
- (B) For non-electronic invoices, the CO shall approve the invoice and submit only the invoice to the Accounts Payable Office within 7 days of receiving the invoice. A copy of the invoice, receiving report, supporting documentation, related correspondence, and payment documentation must be maintained in the contract file.
- (v) If the invoice does not comply with FAR requirements, is not accurate, or further information is needed from the contractor before processing the invoice, the CO shall reject and return the invoice to the contractor immediately, along with an explanation as to why the invoice is improper. Rejecting the invoice shall be done within 7 days of receiving the invoice, and input from the PM may be required in this determination.
- (A) For electronic invoices, the CO shall provide the explanation in the “reject comments” section.
- (B) For non-electronic invoices, the “Letter Returning Invoice to Contractor” in the BAM<sup>7</sup> may be used as a template.
- (vi) This process shall be accelerated in accordance with the FAR for food items detailed in FAR 32.905(b)(3).

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<sup>5</sup> See FAR 32.905(b) Content of invoices.

<sup>6</sup> Please note the invoice will be escalated to the designated back-up in IPP after 5 days.

<sup>7</sup> See IX BAM 164, Attachment D – Sample of COR Level I Designation Letter for BPA/PO Purchase Order Vendor.

**(e) DEFINITIONS (AS USED IN THIS POLICY):**

(1) Contract financing payment, as defined in the FAR, means an authorized government disbursement of monies to a contractor prior to acceptance of supplies or services by the government<sup>8</sup>.

(2) Day means calendar day.

(3) Designated payment office, as defined in the FAR, means the office designated in the contract to make invoice payments or contract financing payments.

(4) Electronic invoice is an invoice that is submitted through the Agency's web-based system, which is currently IPP.

(5) Invoice refers to all types of payment requests.

(6) Invoice payment, as defined in the FAR, means a government disbursement of monies to a contractor under a contract or other authorization for supplies or services accepted by the Agency. Invoice payments do not include contract financing payments.

(7) Non-electronic invoice is an invoice that is not submitted through the Agency's web-based system, which is currently IPP. Examples include a hardcopy invoice or an invoice submitted via e-mail.

(8) Receiving report, as defined in the FAR, means written evidence that indicates Government acceptance of supplies delivered or services performed. A receiving report or equivalent document must meet the requirements of FAR 32.905(c).

**(f) EFFECTIVE DATE AND APPROVAL:**

Approved by:

Effective Date:

  
\_\_\_\_\_  
John F. Lansing  
CEO and Director

  
\_\_\_\_\_

<sup>8</sup> See FAR 32.001 Definitions for additional information.

**Title:** IX BAM 4110 System for Award Management and required use of the Data Universal Numbering System

**Policy Tracking #:** CON-15-01

**Effective Date:** April 27, 2016

**Originating Office:** Contracts, x7843, [bbgconpolicy@bbg.gov](mailto:bbgconpolicy@bbg.gov)

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**(a) PURPOSE:**

(1) This policy establishes Agency procedures regarding required contractor registration in the System for Award Management (SAM) and required use of the Data Universal Numbering System (DUNS).

(2) Requiring contractor registration in SAM establishes a common source of vendor data for the Government and increases visibility of vendor sources (including their geographical locations) for specific supplies and services.

**(b) AUTHORITY AND SCOPE:**

(1) Scope. This policy applies to the Federal Government elements of the Broadcasting Board of Governors (i.e., VOA, OCB, TSI, and IBB), referred to in this policy as, “The Agency.” This policy applies to all Contracting Officers (CO) employed by the Agency.

(2) Authority.

(i) [FAR Subpart 4.6](#);

(ii) [FAR Subpart 4.11](#); and

(iii) [Delegation Order 99-11, Redlegation of Contracting Authority to the Senior Procurement Executive, Office of Contracts](#) or current version (delegations of authority are attached to [II BAM 480 - Delegations of Authority](#)).

(3) Related References. Class Deviation from Federal Acquisition Regulation (FAR) 4.1102 and 4.1103, effective December 8, 2005 (Attachment 1).

**(c) PROCEDURES AND PRIMARY RESPONSIBILITIES:**

(1) DUNS.

(i) In accordance with FAR Section [4.605](#), the CO must identify and report a DUNS number for the successful offeror on a contract action (as defined in [FAR 4.601](#)). The DUNS Number must identify the successful offeror’s name and address, except in cases when the CO decides that a generic DUNS number is appropriate per [FAR 4.605\(c\)](#).

(ii) The CO’s use of a generic DUNS number should be limited and is only permitted in the situations described in FAR [4.605\(c\)](#). When the CO determines that a contract action

requires a generic DUNS number, the CO shall follow the procedures under FAR [4.605\(c\)](#).

(2) SAM.

(i) In accordance with [FAR Section 4.1102](#), the CO shall verify that prospective contractors are registered in the SAM database prior to award of a contract or agreement (as defined in [FAR Section 4.1101](#)) except if one of the exemptions described in [FAR Section 4.1102](#) apply.

(ii) The CO shall ensure that evidence of the prospective contractors SAM registration is included in the contract file.

(iii) All contracts or orders to contractors not registered in SAM must be documented using the attached Memorandum to File – Vendor SAM Registration Exception form, or its equivalent. The completed form must be included in the contract file.

(iv) Unless the acquisition is exempt under FAR Section [4.1102](#), the CO shall follow the procedures under [FAR Section 4.1103](#).

(v) In accordance with the Class Deviation dated December 8, 2005, individuals who are engaged by the Agency because of their talent and intellectual content as well as policy and journalistic expertise are not required to be registered in SAM, provided their awards total less than \$2,500 per fiscal year. See the attached FAR deviation.

(vi) COs are required to incorporate the appropriate provisions and contract clauses in solicitations, agreements, and resultant contracts that are applicable to [FAR Subpart 4.11 – SAM](#) and [FAR Subpart 4.6 – Contracting Reporting](#).

**(d) DEFINITIONS:**

(1) Per [FAR Section 2.101](#), Registered in the SAM database means that:

(i) The contractor has entered all mandatory information, including the DUNS number or the DUNS+4 number, the Contractor and Government Entity (CAGE) code, as well as data required by the Federal Funding Accountability and Transparency Act of 2006 (see subpart 4.14), into the SAM database; and

(ii) The contractor has completed the Core, Assertions, Representations and Certifications, and Points of Contact sections of the registration in the SAM database;

(iii) The Government validated all mandatory data fields, to include validation of the Taxpayer Identification Number (TIN) with the Internal Revenue Service (IRS). The contractor will be required to provide consent for TIN validation to the Government as a part of the SAM registration process; and

(iv) The Government has marked the record “Active”



MEMORANDUM TO FILE (MTF) - Vendor SAM Registration Exception Form

References: (a) Requisition # \_\_\_\_\_  
(b) FAR 4.1102(a) Policy  
(c) FAR 4.1103 Procedures

- 1) The purpose of the Memorandum to File is to document the reasoning for prospective contractors being exempt for System for Award Management (SAM) registration prior to award of a contract or agreement.
- 2) Prospective contractors are not required to be registered in SAM when it is due to one of the following circumstances (Contracting Officer shall *circle* the most relevant reason):
  - a) FAR exceptions:
    - i) Purchases under the micro-purchase threshold that use a Government-wide commercial purchase card as both the purchasing and payment mechanism, as opposed to using the purchase card for payment only;
    - ii) Classified contracts (See FAR 2.101) when registration in the SAM database, or use of SAM data, could compromise the safeguarding of classified information or national security;
    - iii) Contracts awarded by: deployed contracting officers in the course of military operations (See FAR 4.1102(a)(3)(i) for more detail); contracting officers located outside the United States and its outlying areas, as defined in FAR 2.101, for work to be performed in support of diplomatic or developmental operations (See FAR 4.1102(a)(3)(ii) for more detail); or contracting officers in the conduct of emergency operations (See FAR 4.1102(a)(3)(iii) for more detail);
    - iv) Contracts with individuals for performance outside the United States and its outlying areas;
    - v) Contracts to support unusual or compelling needs (See FAR 6.302-2);
    - vi) Contract actions at or below \$30,000 awarded to foreign vendors for work performed outside the United States, if it is impractical to obtain SAM registration (Note: State in comments section why registration is impractical); and
    - vii) Micro-purchases that do not use the electronic funds transfer (EFT) method for payment and are not required to be reported (See FAR Subpart 4.6).
  - b)
    - i) Class Deviation dated November 17, 2005. State in comment section how the deviation applies to this award.

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Contracting Officer Name and Signature

Date



**Title:** IX BAM 4215 Contractor Performance Information (CPI) and Contracting Performance Assessment Reporting System (CPARS)

**Policy Tracking #:** CON-14-06

**Effective Date:** June 10, 2015

**Originating Office:** Office of Contracts, x7840

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**(a) PURPOSE:** This policy provides guidance and procedures for reporting contractor performance information (CPI) to the Contractor Performance Assessment Reporting System (CPARS) and related past performance databases in accordance with [Federal Acquisition Regulation \(FAR\) Subpart 42.15 – Contractor Performance Information](#).

**(b) AUTHORITY & SCOPE:**

(1) Authority.

- (i) [The Federal Acquisition Streamlining Act of 1994, Pub. L. 103-355 § 1091](#), as amended (Codified at [41 U.S.C. § 1126](#));
- (ii) [FAR Subpart 42.15 – Contractor Performance Information](#);
- (iii) [FAR Subpart 17.2 – Options](#), specifically including but limited to [FAR 17.207](#) regarding exercise of options;
- (iv) FAR Parts [9](#), [13](#), [15](#), and [36](#); and
- (v) [Delegation Order 99-11, Redlegation of Contracting Authority to the Senior Procurement Executive, Office of Contracts](#) or current version (delegations of authority are attached to [II BAM 480 - Delegations of Authority](#)).

(2) Related References.

- (i) [Guidance for the Contractor Performance Assessment Reporting System \(CPARS\) manual dated July 2014](#) or current version;
- (ii) [User Manual for CPARS Reporting dated December 2014](#) or current version; and
- (iii) [User Manual for the Federal Awardees Performance and Integrity Information System Reporting dated July 2014](#) or current version.

(3) Scope. This policy applies to all Agency personnel responsible for preparing, submitting, reviewing, or evaluating contractor past performance information in accordance with the FAR.

**(c) POLICY:**

- (1) The Agency's Contracting Officers (COs), with assistance from the Contracting Officer Representatives (CORs), technical office, and other end users of the product or service where

appropriate, are responsible for and shall assist with preparing past performance evaluations at least annually and at the time the work under a contract or order is completed.

(2) Past performance evaluations are required for contracts and orders for supplies, services, research and development, and contingency operations, including contracts and orders performed inside and outside the United States. See Paragraph (d)(13) below for specific guidance on when contractor performance evaluations must be prepared in CPARS. Financial assistance agreements and awards (e.g., Grants and Cooperative Agreements) are not entered into CPARS.

(3) The Office of Contracts (CON), Policy Branch shall monitor the Agency's compliance with past performance evaluation requirements, and use CPARS and Past Performance Information Retrieval System (PPIRS) metric tools to measure the quality and timely reporting of past performance information.

(4) The Government-wide guidance for the CPARS, and Federal Awardees Performance and Integrity Information System (FAPIIS) guides shall be utilized in conjunction with [FAR Subpart 42.15](#) and this policy.

**(d) DEFINITIONS, PRIMARY RESPONSIBILITIES, AND PROCEDURES:**

(1) CPARS is a web-enabled system that is used to input, collect, and manage contractor Past Performance Information (PPI) for applicable, unclassified contracts and orders that exceed the simplified acquisition threshold in [FAR Subpart 42.15](#), for architect-engineer (A-E) contracts/orders at or above \$30,000, for construction contracts/orders at or above \$650,000, and for all A-E and construction contracts/orders terminated for default. The CPARS generated past performance evaluation is used to communicate a contractor's strengths and weaknesses on a given contract or order for a specific period of time that is used for future source selection purposes. These evaluations are automatically transmitted to PPIRS at website <http://www.ppirs.gov>. The following systems are part of the overall CPARS tool:

(i) Past Performance Information Retrieval System (PPIRS): A web-based system that is used to retrieve contractor past performance information. PPIRS consists of three components, Report Card (RC), Statistical Reporting (SR), and the Federal Awardees Performance and Integrity Information System. These three components support the FAR requirement to consider past performance information prior to making a contract award and exercising any contract option (FAR Parts [9](#), [13](#), [15](#), [17](#), [36](#), and [42](#)).

(ii) Federal Awardees Performance and Integrity Information System (FAPIIS): A web-based system that contains specific information on the integrity and performance of covered Federal agency contractors and grantees. FAPIIS is available to Federal acquisition professionals for their use in award and responsibility determinations. FAPIIS provides users access to integrity and performance information from the FAPIIS reporting module in the CPARS, proceedings information from the Entity Management section of the System for Award Management (SAM) database, and suspension/debarment information from the Performance Information section of SAM.

(2) CPI means Contractor Performance Information.

(3) Contractor Performance and Integrity Information (CPII): CPII is the integrity and past performance information recorded in the FAPIIS.

(4) *Each report requires the below roles (for ease of reference, these roles are provided in the order in which they are utilized during the CPARS reporting process). For a further description of these roles, see the Guidance for the Contractor Performance Assessment Reporting System (CPARS) Manual found at <http://www.cpars.gov/refmatl.htm>. See the CPARS manual for a basic CPARS workflow that includes most of the below roles.*

(5) Focal Point: A Focal Point is a Government employee who serves as the CPARS system administrator and liaison between the systems users. The Focal Point is in the CON Policy Branch and can be reached via email at [bbgcpars@bbg.gov](mailto:bbgcpars@bbg.gov). This individual is responsible for initiating the assessment process for all applicable awards. Responsibilities also include but are not limited to:

- (i) Setting up and maintaining user accounts and general user assistance;
- (ii) Registering contracts in CPARS within 30 calendar days of contract award using the auto- registration function or by entering them manually;
- (iii) Providing notifications to Assessing Officials (who are COs, as further explained in paragraphs (d)(8)-(9) below) Assessing Officials and their Assessing Official Representatives (AORs) (further explained in paragraph (d)(10) below), and controlling registration of contracts for assessments;
- (iv) Granting CPARS system access as necessary for Assessing Officials, AORs, Reviewing Officials (ROs), and Contractor Representatives;
- (v) Controlling and monitoring of CPARS, including the status of overdue evaluations;
- (vi) Informing relevant Agency personnel of CPARS online and classroom training, and facilitating this training as needed.
- (vii) Assigning Alternate Focal Points (limited to 5) to assist the Focal Point with his or her duties;
- (viii) As a best practice, notifying the Agency Point-of-Contact of reports more than 30 calendar days overdue;

(6) Alternate Focal Point. Alternate Focal Points may assist the Focal Point in performing any of the duties listed above under the Focal Point with the exception of assigning additional Alternate Focal Points.

(7) Agency Point-of-Contact. This individual is the overall coordinator of all the focal points at the Agency level. This person is also in the CON Policy Branch and can be reached via email at [bbgcpars@bbg.gov](mailto:bbgcpars@bbg.gov). This individual serves as the point of contact for the Agency for resolving system issues, and recommending/coordinating changes to the CPARS. Responsibilities also include but are not limited to:

(i) Granting individual access to the various past performance and integrity systems, approves and assigns focal points, and maintains regular progress and compliance reporting at the Agency level.

(ii) As a best practice, periodically reviewing the quality and timeliness of the Agency's CPARS submissions and referring late submissions or submissions with insufficient detail to the Senior Procurement Executive (SPE), and the appropriate Assessing Official, AOR, or supervisor for appropriate action.

(8) Assessing Official. The Contracting Officer (CO) is the Assessing Official. The Assessing Official executes contracts or orders and is responsible for the accurate and timely reviewing and processing of past performance evaluations in CPARS. The CPAR should be completed no later than 120 calendar days after the end of the contract or order's performance period. Assessing Officials are encouraged to discuss contract/order performance with the contractor during the performance period and CPAR process. Responsibilities also include but are not limited to:

(i) Manually registering contract information for specific contracts/orders within 30 calendar days after award if the Focal Point has not auto-registered the contract/order. The Assessing Official and Focal Point will coordinate registration of contracts/orders;

(ii) Reviewing the quality of the entire evaluation and validating the proposed ratings and remarks entered by the AORs;

(iii) Forwarding the assessments to the Contractor Representative for review and comment through the CPARS. After the contractor's comments are received or the allotted comments period has passed, the Assessing Official may close, modify, and/or forward the assessment to the Reviewing Official; and

(iv) Ensuring that the Focal Point is informed about who will fill all CPARS roles, including the AORs, Contractor Representatives, and Reviewing Official immediately after the contract is awarded.

(9) As used in this policy the terms CO and Assessing Official are synonymous.

(10) Assessing Official Representative (AOR). The Contracting Officer Representative (COR) is typically the AOR and must be a Government employee. The COR is also the AOR, provided the CO delegated this responsibility to the COR in the COR designation letter, in which case the COR/AOR is responsible for inputting timely and quality narrative information in the CPARS. The Contract Specialist (CS) may also serve in this capacity, provided the CS has sufficient knowledge of the contractor's performance to provide a quality assessment. Multiple AORs may be assigned to a contract. Assessing Officials and AORs shall refer to the referenced Guidance for the CPARS manual, Section 3.5.3 – AOR, for additional responsibilities for the AOR.

(11) Contractor Representative (CR). The individual the contractor or vendor designates as the CR is responsible for receiving, reviewing, and submitting comments, if the contractor chooses to do so, under a specific contract or task order within the FAR-prescribed time

period. The Assessing Official shall obtain the name, title, email address and telephone number of the designated CR, who will in turn, provide that information to the Focal Point for authorization access to CPARS. Assessing Officials, AORs, and ROs shall refer to the referenced Guidance for the CPARS manual, Section 3.5.5 – Designated Contractor Representative for additional responsibilities for the CR.

(12) Reviewing Official (RO). The RO provides the check-and-balance when there is a disagreement between the Assessing Official and the CR regarding the Agency's assessment of the contractor's performance. This RO must review and sign the evaluation when the contractor indicates non-concurrence with the CPAR. The RO shall be a warranted CO within CON, as assigned by the SPE or the SPE's designee.

(13) GUIDANCE ON PAST PERFORMANCE REPORTING.

(i) In accordance with the FAR Subparts 42.302(b)(11) (Contract Administration Functions) and FAR Subpart 42.1502, The Assessing Official shall prepare performance evaluations of contractors' performance in CPARS for each contract or task/delivery order that meets or exceeds the below dollar values:

(A) Architect-engineer (A-E) services contract of \$30,000 or more, and each A-E services contract that is terminated for default regardless of contract value;

(B) Construction contracts of \$650,000 or more, and for each construction contract terminated for default regardless of contract value.

(C) Other services and commodities that exceeds the Simplified Acquisition Threshold (currently \$150,000), as explained in [FAR 42.1502\(b\)](#). An evaluation is required if a modification to the contract/order causes the dollar amount to exceed the simplified acquisition threshold.

(ii) Ongoing Responsibility to Monitor Contractor Performance. Continuously monitoring, documenting, and assessing contractor performance is an ongoing responsibility throughout a contract's period of performance. This includes frequent, meaningful communication and feedback with the contractor. Assessing Officials and AORs are strongly encouraged to document contractor performance throughout the period of performance in order to maximize detail in the final report and minimize details forgotten when the report is due. Assessing Officials and AORs should meet at least quarterly to discuss and document contractor performance.

(iii) Exception to Above Requirements. [FAR Subpart 42.15](#) exempts contracts awarded under [FAR Subpart 8.7](#), Acquisition from Nonprofit Agencies Employing People Who Are Blind or Severely Disabled (AbilityOne Program) from the evaluation requirement.

(iv) Administrative Requirements. The completed evaluation reports shall only be released to U.S. Government personnel who have a legitimate need to access the reports as a part of their duties (e.g., participants on a source selection committee) and to the contractor whose performance is being evaluated. Disclosure of such information to other than the aforementioned U.S. Government personnel could harm the commercial

interests of the Government, harm the competitive position of the contractor being evaluated, and impede the efficiency of Government operations. Since contractor reports may be used to support future award decisions, they must be marked “For Official Use Only/Source Selection Information.” COs shall refer to the referenced Guidance for the CPARS manual, Section F, 6.0 – 6.4, for additional guidance on marking and protection of the CPAR.

(v) Reporting Agency Indefinite Quantity Contracts (IQC) and Orders against them, Indefinite Delivery Indefinite Quantity (IDIQ) Contracts and Order against them, Basic Purchase Agreements (BPA), Basic Ordering Agreements (BOA), Orders Against Another Agency’s Indefinite Delivery Vehicle (IDV), and Other Types of Awards.

COs shall consider the guidance in the referenced Guidance for the CPARS manual, Section B, 2.1 – 2.13, for guidance on reporting the Agency’s IQCs and orders against them, reporting orders against BPAs and BOAs, reporting orders against another Agency’s IDVs including Federal Supply Schedule (FSS), Government Wide Acquisition Contracts (GWAC), Multiple Agency Contracts (MAC), reporting 8(a) Direct Awards, and reporting other types of contracts and orders.

#### (14) FREQUENCY OF REPORTING FOR CONTRACTS AND ORDERS AND TYPES OF REPORTS.

(i) COs and CORs must ensure that contractor performance is assessed in CPARS at least annually throughout the entire period of the performance for contracts and orders exceeding one year in duration and on completion of the contract’s period of performance. For contracts and/or orders with a period of performance of less than one year, a single report is due when the period of performance expires.

(ii) As a best practice, the Assessing Official should complete interim evaluation reports frequently enough to ensure the Agency can rely on CPI when making determinations whether or not to exercise an option to extend a contract’s period of performance. Accordingly, for contracts that exceed one year or contain option years, the Assessing Official should complete interim evaluation reports on either a quarterly or semiannual basis.

(iii) COs and CORs shall consider the guidance in the referenced Guidance for the CPARS, Section E, 5.1 –5.5, for frequency in reporting contracts and orders, e.g., interim reports, annual interim reports, final report, addendum reports, administrative reports, etc.

#### (15) ACKNOWLEDGING PERFORMANCE OF SMALL BUSINESS SUBCONTRACTORS.

(i) CPARS assessments apply to the performance of prime contractors only. However, if a small business subcontractor completes a critical aspect or 25 percent or more of the work under a contract, evaluators may acknowledge subcontractor efforts by including comments about the subcontractor in the assessment area entitled “Small Business Utilization.” Including the subcontractor’s full legal name and its DUNS number in this section is a best practice and is strongly recommended.

(ii) COs must use the assessment area entitled “Small Business Utilization” to evaluate the contractor’s performance in meeting the goals in its small business subcontracting plan or other similar small business incentive programs set out in the contract.

(iii) COs shall consider the guidance in the referenced Guidance for the CPARS manual, Section B, 2.12 Subcontractor Evaluations and Attachment 3, Sections A3.23 and A3.30 – A3-30.6 Utilization of Small Business (USB) for reporting subcontractors and their utilization of small businesses.

(16) RATING, NARRATIVE, AND EVALUATION AREAS.

(i) A common five-level assessment rating system is used to evaluate a contractor's performance. Ratings range from Unsatisfactory to Exceptional. The definitions of each rating, together with related guidance for preparing the narrative, are provided in the Evaluation Ratings Definitions found in the [FAR Subpart 42.15](#), Table 42-1 – Evaluation Rating Definitions and in the referenced Guidance for the CPARS manual.

(ii) Areas of Evaluation.

(A) Past performance information is relevant information for future source selection purposes, regarding an offeror’s performance under previously awarded contracts. It includes, for example, the contractor’s record of conforming to contract requirements and to standards of good workmanship; the contractor’s record of forecasting and controlling costs; the contractor’s adherence to contract schedules, including the administrative aspects of performance; the contractor’s history of reasonable and cooperative behavior and commitment to customer satisfaction; the contractor’s record of integrity and business ethics, and generally, the contractor’s business-like concern for the interest of the customer.

(B) COs shall consider the guidance in the referenced Guidance for the CPARS manual, Section E, 5.0 – Past Performance Reporting Requirement: Compliance and Quality Information, Attachment 3, Sections A3.25 – A3.31 for the common evaluation areas to rate the contractor’s performance.

(iii) Narrative.

(A) It is essential that the evaluation report includes clear, relevant information, which accurately depicts the contractor’s performance, and is based on objective facts supported by performance data. The report must include a clear, non-technical description of the principal purpose of the contract or order.

(B) The narrative must be robust and must clearly and definitively support the correlating rating.

(C) Do not use acronyms or Agency-specific terminology. The completed report may be viewed and considered by source selection officials across U.S. Government agencies. Therefore, the report must be easily understood by any U.S. Government Official assessing it.



(D) COs shall consider the guidance in the referenced Guidance for the CPARS manual, Section D, 5.0 – CPARS Timeline and Workflow, Sections 4.2 – 4.3 and Attachment 2 – Evaluation Rating Definitions for guidance on ratings and narratives.

(iv) Impact.

(A) Contractors utilize the completed past performance reports in order to secure new contracts, by including references to specific reports in their offers. Assessing Officials and AORs must be vigilant to ensure that the report contains an accurate portrayal of the contractor's performance. The past performance reports are a tool for use by the CO and COR in order to encourage contractors to provide the Agency with superior products and services.

(B) Per [Office of Federal Procurement Policy Memorandum dated April 1, 2002](#), the filing of protests, the filing of claims, or the use of alternative dispute resolution, must not be considered by Agency personnel in either past performance evaluations or source selection decisions.

(17) CPARS REPORTING TIMELINE AND WORKFLOW. The Assessing Official, AOR, and RO shall consider the guidance in the referenced Guidance for the CPARS manual, Section D, – CPARS Timeline and Workflow, Sections 4.1, 4.4 – 4.9 for CPARS reporting schedule and workflow.

(18) INSTRUCTIONS FOR COMPLETING A CPAR. The Assessing Official, AOR, and RO shall consider the guidance in the referenced Guidance for the CPARS manual, and the User Manual for CPARS Reporting, for instructions on how to complete a CPAR.

(19) CONTRACT FILE. Copies of all evaluations (final, interim evaluations, etc.) shall be maintained in the contract file.

(20) FAPIIS.

(i) Separate from CPARS requirements above, [FAR 42.1503\(h\)](#) requires contractor data to be reported in FAPIIS within 3 calendar days after a CO:

(A) Issues a final determination that a contractor has submitted defective cost or pricing data;

(B) Makes a subsequent change to the final determination concerning defective cost or pricing pursuant to [FAR 15.407-1\(d\)](#);

(C) Issues a final termination for cause or default notice; or

(D) Makes a subsequent withdrawal of termination for default, or a conversion of termination for default to a termination for convenience.

(ii) Immediately upon entering the information into FAPIIS, the CO must also transmit copies of all relevant documents to the CON, Policy Branch at email [bbgcpars@bbg.gov](mailto:bbgcpars@bbg.gov),



including a brief explanation of the actions taken and the date the information was posted in FAPIIS.

(iii) COs shall refer to [FAR Part 9](#) for additional required contractor data that must be reported into FAPIIS.

(iv) COs shall refer to the Federal Awardee Performance and Integrity Information System (FAPIIS) User Manual found at website address (<https://www.cpars.gov/pdfs/FAPIISUserManual.pdf>), for the workflow process for entering the above documents into FAPIIS.

(v) COs must contact the Agency CPARS Focal Point at [bbgcpars@bbg.gov](mailto:bbgcpars@bbg.gov) to request access to the FAPIIS input module.

**(21) CONSIDERING CPII BEFORE AWARDING A CONTRACT OR ORDER (SOURCE SELECTION), OR EXERCISING AN OPTION.**

(i) Prior to awarding a contract (including a task/delivery order under a multiple-award IQC, BPA, IDIQ, or any other ordering vehicle) anticipated to exceed the simplified acquisition threshold or prior to exercising any option, the CO must consider CPII in the following circumstances:

(A) When making a best-value award decision. The CO must assess the offeror's past performance to make a comparative evaluation of that performance as an indicator of how well the offeror is likely to perform the contract.

(B) As part of a responsibility determination. The CO must consider whether the offeror has a satisfactory record of performance and integrity in order to make a positive determination that the offeror is responsible, and, therefore, eligible to receive the award.

(ii) The CO retains the documented CPII, as discussed below, in the contract file as part of the source selection and responsibility determination documentation.

**(22) CPI AS A COMPARATIVE EVALUATION FACTOR.** When using CPI as a comparative evaluation factor for source selection purposes in best-value awards, the CO must comply with the elements required by the FAR (See FAR Parts [12](#), [13](#), or [15](#), as applicable).

**(23) OBTAINING CPI.**

(i) The CO or CS must attempt to obtain CPI for an offeror's contracts by searching PPIRS-RC, the primary source for contractor performance information for U.S. Government contractors.

(ii) If the CO or CS does not have access to PPIRS-RC, he/she must request an account from the Agency's Focal Point at [bbgcpars@bbg.gov](mailto:bbgcpars@bbg.gov), who will provide instruction for how to navigate the PPIRS website ([www.ppirs.gov](http://www.ppirs.gov)) for access to search the database. If

the Technical Evaluation Panel (TEP) is responsible for evaluating past performance, the TEP members may be granted access for a maximum of 90 days at a time.

(iii) If the CO determines that PPIRS-RC does not contain sufficient data for the purpose of adequate comparative evaluation, the CO has broad discretion to consider or authorize consideration of CPI from other sources, which he/she deems relevant and reliable. Other sources of CPI may include, but are not limited to:

(A) Contractor performance assessments of contractors not registered in the System of Award Management (SAM) or assigned unique DUNS numbers. These contractors will not have their CPARs posted to PPIRS-RC, and the CO or CS accesses them by contacting the CPARS help desk and querying the Past Performance Coordinator, who maintains a database of CPARs not accepted by PPIRS-RC;

(B) Business references named in the offeror's proposal;

(C) Commercial databases such as Dun and Bradstreet, etc.; and

(D) Others who have relevant information about the offeror's performance, including the COR or members of the technical evaluation panel who have direct, personal knowledge of the offeror's performance.

(iv) The offeror must be provided an opportunity to address adverse CPI obtained from references on which the offeror has not had a previous opportunity to comment, if that information makes a difference in the Agency's decision to include the offeror in or exclude the offeror from the competitive range. Any past performance deficiency or significant weakness must be discussed with offerors within the competitive range during discussions.

(v) CPARS provides contractors the opportunity to comment on any information included in individual performance reports during the assessment process. Therefore, if a CPAR states that a contractor elected not to comment on an assessment that includes adverse past performance information, a CO reviewing that CPAR may conclude that the contractor had previous opportunity to respond to this adverse past performance information, including for purposes described in [FAR Subpart 15.3](#).

(24) CPI IN DETERMINING RESPONSIBILITY. COs must use the information available through PPIRS to support responsibility determinations for prospective contractors, giving particular attention to any information concerning the offeror in FAPIIS (available through PPRIS at <https://www.ppirs.gov>). When FAPIIS contains information concerning an offeror, COs must document the contract file to explain how the information in FAPIIS was considered and what actions were taken as a result.

(25) CPARS SYSTEM REMINDER EMAILS. To assist in the reporting process, CPARS provides a variety of system reminder e-mails for the Government and the contractor. Assessing Officials, AORs, ROs, Focal Points, and Alternate Focal Point shall refer to [The User Manual for CPARS Reporting](#) for a complete list of email notifications available.

(26) CPARS TRAINING.

(i) The Assessing Official is responsible for ensuring that the AOR is knowledgeable about the CPARS and the availability of on-line training. There are several web-based training modules for CPARS Overview, Quality and Narrative Writing, Focal Point and Agency Point-of-Contact Functions, Contractor Overview, and FAPIIS Overview. These on-line, web-based training classes are interactive and at no charge to participants.

(ii) Training is *mandatory* for all Agency employees who are responsible at any stage of past performance evaluations. COs, CSs, the Focal Point, Alternate Focal Points, and the Agency Point-of-Contact must complete the CPARS Overview, Narrative and Writing, and FAPIIS Overview training classes. CORs must complete the CPARS Overview, and Narrative and Writing training classes. The Focal Point, Alternate Focal Points, and the Agency Point-of-Contact must complete the Focal Point and Agency Point-of-Contact Functions training class.

(iii) Online CPARS training is also available to contractors. The Assessing Official is responsible for ensuring that the contractor is knowledgeable about the CPARS and the availability of on-line training. The Assessing Official shall recommend that the contractor complete The Contractor Overview training class, so the contractor becomes familiar with CPARS.

(iv) To register for classes or view the on-line training cancellation policy, access <http://www.cpars.gov/allapps/cpcbtdlf.htm>.

(v) Completed CPARS training courses may be used towards continuing learning points (CLPs) needed to maintain contracting authority and COR designation. Please send certificates of completion to [bbgcpars@bbg.gov](mailto:bbgcpars@bbg.gov) for inclusion in CON's acquisition training log.

(27) RESOURCES FOR CPARS. In addition to the training described above, the CPARS website provides access to user manuals for [CPARS](#) and [FAPIIS](#), as well as in-depth guidance at <https://www.cpars.gov>. In the event there is an inconsistency between this policy and any of the CPARS systems user manuals or guidance, please contact the Agency Point-of-Contact for guidance, via email at [bbgcpars@bbg.gov](mailto:bbgcpars@bbg.gov).



**Attachment A:**

**QUALITY ASSURANCE SURVEILLANCE PLAN  
(QASP)  
TEMPLATE**

**QUALITY ASSURANCE SURVEILLANCE PLAN (QASP)**  
**for**  
**[Insert Project Title]**

[Insert Brief Description of Services and Activity/Program Office as Appropriate]

Issued [Insert Date]

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# **QUALITY ASSURANCE SURVEILLANCE PLAN (QASP)**

## **1 INTRODUCTION**

This quality assurance surveillance plan (QASP) is pursuant to the requirements listed in the performance work statement (PWS) entitled [insert name of services]. This plan sets forth the procedures and guidelines Broadcasting Board of Governors (BBG) will use in ensuring the required performance standards or service levels are achieved by the contractor.

### **1.1 Purpose**

1.1.1 The purpose of the QASP is to describe the systematic methods used to monitor performance and to identify the required documentation and the resources to be employed. The QASP provides a means for evaluating whether the contractor is meeting the performance standards/quality levels identified in the PWS and the contractor's quality control plan (QCP), and to ensure that the government pays only for the level of services received.

1.1.2 This QASP defines the roles and responsibilities of all members of the integrated product team (IPT), identifies the performance objectives, defines the methodologies used to monitor and evaluate the contractor's performance, describes quality assurance documentation requirements, and describes the analysis of quality assurance monitoring results.

### **1.2 Performance Management Approach**

1.2.1 The PWS structures the acquisition around "what" service or quality level is required, as opposed to "how" the contractor should perform the work (i.e., results, not compliance). This QASP will define the performance management approach taken by [insert name of program office/monitoring activity] to monitor and manage the contractor's performance to ensure the expected outcomes or performance objectives communicated in the PWS are achieved. Performance management rests on developing a capability to review and analyze information generated through performance assessment. The ability to make decisions based on the analysis of performance data is the cornerstone of performance management; this analysis yields information that indicates whether expected outcomes for the project are being achieved by the contractor.

1.2.2 Performance management represents a significant shift from the more traditional quality assurance (QA) concepts in several ways. Performance management focuses on assessing whether outcomes are being achieved and to what extent. This approach migrates away from scrutiny of compliance with the processes and practices used to achieve the outcome. A performance-based approach enables the contractor to play a large role in how the work is performed, as long as the proposed processes are within the stated constraints. The only exceptions to process reviews are those required by law (federal, state, and local) and compelling business situations, such as safety and health. A "results" focus provides the contractor flexibility to continuously improve and innovate over the course of the contract as long as the critical outcomes expected are being achieved and/or the desired performance levels are being met.

### **1.3 Performance Management Strategy**

1.3.1 The contractor is responsible for the quality of all work performed. The contractor measures that quality through the contractor's own quality control (QC) program. QC is work output, not workers, and therefore includes all work performed under this contract regardless of whether the work is performed by contractor employees or by subcontractors. The contractor's QCP will set forth the staffing and procedures for self-inspecting the quality, timeliness, responsiveness, customer satisfaction, and other performance requirements in the PWS. The contractor will develop and implement a performance management system with processes to assess and report its performance to the designated government representative. The contractor's QCP will set forth the staffing and procedures for self-inspecting the quality, timeliness, responsiveness, customer satisfaction, and other performance requirements in the PWS. This QASP enables the government to take advantage of the contractor's QC program.

1.3.2 The government representative(s) will monitor performance and review performance reports furnished by the contractor to determine how the contractor is performing against communicated performance objectives. The government will make a determination regarding incentives based on performance measurement metric data and notify the contractor of those decisions. The contractor will be responsible for making required changes in processes and practices to ensure performance is managed effectively.

## **2 ROLES AND RESPONSIBILITIES**

### **2.1 The Contracting Officer**

The contracting officer (CO) is responsible for monitoring contract compliance, contract administration, and cost control and for resolving any differences between the observations documented by the [Insert title of BBG authority for performance management: "contracting officer's representative (COR)," "quality assurance representative (QAR)," or "program manager (PM)"] and the contractor. The CO will designate one full-time COR as the government authority for performance management. The number of additional representatives serving as technical inspectors depends on the complexity of the services measured, as well as the contractor's performance, and must be identified and designated by the CO.

### **2.2 The Contracting Officer's Representative**

The contracting officer's representative (COR) is designated in writing by the CO to act as his or her authorized representative to assist in administering a contract. COR limitations are contained in the written appointment letter. The COR is responsible for technical administration of the project and ensures proper government surveillance of the contractor's performance. The COR is not empowered to make any contractual commitments or to authorize any contractual changes on the government's behalf. Any changes that the contractor deems may affect contract price, terms, or conditions shall be referred to the CO for action. The COR will have the responsibility for completing QA monitoring forms used to document the inspection and evaluation of the contractor's work performance. Government surveillance may occur under the inspection of services clause for any service relating to the contract.

## **3 IDENTIFICATION OF REQUIRED PERFORMANCE STANDARDS/QUALITY LEVELS**



The required performance standards and/or quality levels are included in the PWS and in Attachment 1, "Performance Requirements Summary." [Adjust the following sentences to reflect the instant acquisition.] If the contractor meets the required service or performance level, it will be paid the monthly amount agreed on in the contract. If the contractor exceeds the service or performance level, it is eligible to receive an incentive or award fee as stated in the contract. Failure to meet the required service or performance level will result in a deduction from the monthly amount.

## **4 METHODOLOGIES TO MONITOR PERFORMANCE**

### **4.1 Surveillance Techniques**

In an effort to minimize the performance management burden, simplified surveillance methods shall be used by the government to evaluate contractor performance when appropriate. The primary methods of surveillance are [include those that apply]

- Random monitoring, which shall be performed by the COR designated inspector.
- 100% Inspection – Each month, the COR, shall review the generated documentation and enter summary results into the Surveillance Activity Checklist.
- Periodic Inspection – COR typically performs the periodic inspection on a monthly basis.

### **4.2 Customer Feedback**

The contractor is expected to establish and maintain professional communication between its employees and customers. The primary objective of this communication is customer satisfaction. Customer satisfaction is the most significant external indicator of the success and effectiveness of all services provided and can be measured through customer complaints.

Performance management drives the contractor to be customer focused through initially and internally addressing customer complaints and investigating the issues and/or problems but the customer always has the option to communicate complaints to the [CO, COR], as opposed to the contractor.

Customer complaints, to be considered valid, must set forth clearly and in writing the detailed nature of the complaint and must be forwarded to the COR. The COR will accept those customer complaints and investigate using the Quality Assurance Monitoring Form – Customer Complaint Investigation, identified in Attachment 3.

Customer feedback may also be obtained either from the results of formal customer satisfaction surveys or from random customer complaints.

### **4.3 Acceptable Quality Levels**

The acceptable quality levels (AQLs) included in Attachment 1, Performance Requirements Summary Table, for contractor performance are structured to allow the contractor to manage how the work is performed while providing negative incentives for performance shortfalls. For certain critical activities such as those involving [insert names of any critical services], the desired performance level is established at 100 percent. Other levels of performance are keyed to the

relative importance of the task to the overall mission performance at [insert name of government activity receiving services].

## **5 QUALITY ASSURANCE DOCUMENTATION**

### **5.1 The Performance Management Feedback Loop**

The performance management feedback loop begins with the communication of expected outcomes. Performance standards are expressed in the PWS and are assessed using the performance monitoring techniques shown in Attachment 1.

### **5.2 Monitoring Forms**

The government's QA surveillance, accomplished by the [insert COR, QAR, or PM], will be reported using the monitoring forms in Attachments 2 and 3. The forms, when completed, will document the government's assessment of the contractor's performance under the contract to ensure that the required results [or service or quality levels] are being achieved.

5.2.1 The [insert COR, QAR, or PM] will retain a copy of all completed QA surveillance forms.

## **6 ANALYSIS OF QUALITY ASSURANCE ASSESSMENT**

### **6.1 Determining Performance**

6.1.1 Government shall use the monitoring methods cited to determine whether the performance standards/service levels/AQLs have been met. If the contractor has not met the minimum requirements, it may be asked to develop a corrective action plan to show how and by what date it intends to bring performance up to the required levels. [Insert when appropriate: Failure to meet the AQL may result in a deduction from the monthly payment, using the deduction percentages shown in Attachment 1. Likewise, if the contractor exceeds the performance standards, an incentive or award fee will be paid, in accordance with the incentive fee or award fee plan included in the contract.]

### **6.2 Reporting**

6.2.1 At the end of each month, the [Insert title of person who will prepare the report – COR, QAR, or PM] will prepare a written report for the [Insert title of government representative responsible for overall monitoring of performance – COR, QAR, or PM] summarizing the overall results of the quality assurance surveillance of the contractor's performance. This written report, which includes the contractor's submitted monthly report and the completed quality assurance monitoring forms (Attachment 2), will become part of the QA documentation. It will enable the government to demonstrate whether the contractor is meeting the stated objectives and/or performance standards, including cost/technical/scheduling objectives.

### **6.3 Reviews and Resolution**

6.3.1 The [insert title of government representative responsible for overall monitoring of performance – COR, QAR, or PM] may require the contractor's project manager, or a designated alternate, to meet with the [insert CO, COR, QAS, or PM] and other government IPT personnel as deemed necessary to discuss performance evaluation. The [insert CO, COR, QAR, or PM] will define a frequency of in-depth reviews with the contractor, including appropriate self-assessments

by the contractor; however, if the need arises, the contractor will meet with the [insert COR, QAR, or PM] as often as required or per the contractor's request. The agenda of the reviews may include:

- Monthly performance assessment data and trend analysis
- Issues and concerns of both parties
- Projected outlook for upcoming months and progress against expected trends, including a corrective action plan analysis
- Recommendations for improved efficiency and/or effectiveness
- [Insert if appropriate: Issues arising from the performance monitoring processes]

6.3.2 The QAR must coordinate and communicate with the contractor to resolve issues and concerns regarding marginal or unacceptable performance.

6.3.3 The [insert COR, QAR, or PM] and contractor should jointly formulate tactical and long-term courses of action. Decisions regarding changes to metrics, thresholds, or service levels should be clearly documented. Changes to service levels, procedures, and metrics will be incorporated as a contract modification at the convenience of the CO. *[Only include this if paragraph if the QASP is incorporated into the contract.]*

## ATTACHMENT 1: PERFORMANCE REQUIREMENTS SUMMARY

Required Services (Tasks)	Performance Standards	Acceptable Quality Levels	Methods of Surveillance	Incentive (Positive and/or Negative) (Impact on Contractor Payments)

**SERVICE or STANDARD:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**SURVEILLANCE METHOD (Check):**

**LEVEL OF SURVEILLANCE (Check):**

**PERCENTAGE OF ITEMS SAMPLED DURING SURVEY PERIOD: \_\_\_\_\_ %**

**Observed Service Provider Performance Measurement Rate: \_\_\_\_\_%**

**Narrative of Performance During Survey Period:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

QASP for [Project Title or Award Number]



**Attachment B:**

**WORKPLAN TEMPLATE**

# WorkplanTemplate

<b>Contract #:</b>	_____		
<b>Project Title:</b>	_____		
<b>Vendor:</b>	_____		
<b>Start Date:</b>	_____	<b>End Date:</b>	_____
<b>Location:</b>	_____	<b>Budget:</b>	_____

## 1. Project Description

*4-6 line description of main project objectives, target audience and key activities.*

*Note: Description should be carefully written since it may be shared with internal or external stakeholders.*

## 2. Work Plan

### a. Project Context

This project will *contribute* to the project GOAL listed below.

This project will be *accountable* for achieving the **project objectives** listed below.

The project will report against the **performance indicators** listed below to measure progress towards achieving the project objectives. Each indicator will include a definition, baseline, target and data source as part of the SOW.

<b>PROJECT GOAL</b>	
_____	
_____	
_____	
<b>Project Objective(s)</b>	
<b>Objective 1:</b>	<b>1.1 Indicator:</b>
_____	<b>Definition:</b>
_____	<b>Target:</b>
_____	<b>Baseline:</b>
_____	<b>Data Source:</b>

	<b>Activity Number:</b>  <b>1.2. Indicator:</b> <b>Definition:</b> <b>Target:</b> <b>Baseline:</b> <b>Data Source:</b> <b>Activity Number:</b>
<b>Objective 2:</b> <hr/> <hr/> <hr/>	<b>2.1. Indicator:</b> <b>Definition:</b> <b>Target:</b> <b>Baseline:</b> <b>Data Source:</b> <b>Activity Number:</b>  <b>2.2. Indicator:</b> <b>Definition:</b> <b>Target:</b> <b>Baseline:</b> <b>Data Source:</b> <b>Activity Number:</b>

## b. Activities

The major activities the project will carry out to reach these objectives are listed below. Activities which are public events are indicated. **Public events** are significant project activities to which the general public and/or PRT officials are invited.

**Objective 1:** \_\_\_\_\_

Activity	Estimated Completion date	Public event?
1.1.	MM/DD/YYYY	Yes/No
1.2.	MM/DD/YYYY	Yes/No
1.3.	MM/DD/YYYY	Yes/No

**Objective 2:** \_\_\_\_\_

Activity	Estimated Completion date	Public event?
----------	---------------------------	---------------



Activity	Estimated Completion date	Public event?
2.1.	MM/DD/YYYY	Yes/No
2.2.	MM/DD/YYYY	Yes/No
2.3.	MM/DD/YYYY	Yes/No

### 3. Quarterly Reporting Schedule *(adjust according to grant timeframe)*

Reporting Period	QR Submission Date
January 01 – March 31	April 30
April 01 – June 30	July 31
July 01 – September 30	October 31
October 01 - December 31	January 31



**Attachment C:**

**EXAMPLES OF PERFORMANCE MEASURES**

Category	Focus	Purpose	Measure of Success
Schedule performance	Tasks completed vs. tasks planned at a point in time.	Assess project progress. Apply project resources.	100% completion of tasks on critical path; 90% all others
	Major milestones met vs. planned.	Measure time efficiency.	90% of major milestones met.
	Revisions to approved plan.	Understand and control project "churn."	All revisions reviewed and approved.
	Changes to customer requirements.	Understand and manage scope and schedule.	All changes managed through approved change process.
	Project completion date.	Award / penalize (depending on contract type).	Project completed on schedule (per approved plan).
Budget performance	Revisions to cost estimates.	Assess and manage project cost.	100% of revisions are reviewed and approved.
	Dollars spent vs. dollars budgeted.	Measure cost efficiency.	Project completed within approved cost parameters.
	Return on investment (ROI).	Track and assess performance of project investment portfolio.	ROI (positive cash flow) begins according to plan.
	Acquisition cost control.	Assess and manage acquisition dollars.	All applicable acquisition guidelines followed.
Product Quality	Defects identified through quality activities.	Track progress in, and effectiveness of, defect removal.	90% of expected defects identified (e.g., via peer reviews, inspections).
	Test case failures vs. number of cases planned.	Assess product functionality and absence of defects.	100% of planned test cases execute successfully.
	Number of service calls.	Track customer problems.	75% reduction after three months of operation.
	Customer satisfaction index.	Identify trends.	95% positive rating.
	Customer satisfaction trend.	Improve customer satisfaction.	5% improvement each quarter.
	Number of repeat customers.	Determine if customers are using the product multiple times (could indicate satisfaction with the product).	"X"% of customers use the product "X" times during a specified time period.
	Number of problems reported by customers.	Assess quality of project deliverables.	100% of reported problems addressed within 72 hours.
Compliance	Compliance with award standards.	Alignment, interoperability, consistency.	No significant negative findings during architect assessments.
	For web site projects, compliance with Style Guide.	To ensure standardization of web site.	All web sites have the same "look and feel."



Category	Focus	Purpose	Measure of Success
<b>Redundancy</b>	Compliance with Section 508.	To meet regulatory requirements.	Persons with disabilities may access and utilize the functionality of the system.
	Elimination of duplicate or overlapping systems.	Ensure return on investment.	Retirement of 100% of identified systems as noted in XX
	Decreased number of duplicate data elements.	Reduce input redundancy and increase data integrity.	Data elements are entered once and stored in one database.
	Consolidate help desk functions.	Reduce \$ spent on help desk support.	Approved consolidation plan by XX.
<b>Cost Avoidance</b>	System is easily upgraded.	Take advantage of e.g., COTS upgrades.	Subsequent releases do not require major "glue code" project to upgrade.
	Avoid costs of maintaining duplicate systems.	Reduce IT costs.	100% of duplicate systems have been identified and eliminated.
	System is maintainable.	Reduce maintenance costs.	New version (of COTS) does not require "glue code."
<b>Customer Satisfaction</b>	System availability (up time).	Measure system availability.	100% of requirement is met. (e.g., 99% M-F, 8am to 6pm, and 90% S & S, 8am to 5pm).
	System functionality (meets customer's / user's needs).	Measure how well customer needs are being met.	Positive trend in customer satisfaction survey(s).
	Absence of defects (that impact customer).	Number of defects removed during project lifecycle.	90% of defects expected were removed.
	Ease of learning and use.	Measure time to becoming productive.	Positive trend in training survey(s).
	Time it takes to answer calls for help.	Manage/reduce response times.	95% of severity one calls answered within 3 hours.
	Rating of training course.	Assess effectiveness and quality of training.	90% of responses of "good" or better.
<b>Business Goals/ Mission</b>	Functionality tracks reportable inventory.	Validate system supports program mission	All reportable inventory is tracked in system.
	Turnaround time in responding to Congressional queries.	Improve customer satisfaction and national interests.	Improve turnaround time from 2 days to 4 hours.
	Maintenance costs.	Track reduction of costs to maintain system.	Reduce maintenance costs by 2/3 over 3-year period.
	Standard desktop platform.	Reduce costs associated with upgrading user's systems.	Reduce upgrade costs by 40%.



**Attachment D:**

**TYPES OF SURVEILLANCE METHODS**

## Types of Surveillance Methods

### 100 Percent Inspection

This is usually the most appropriate method only for infrequent tasks or tasks with stringent performance requirements, e.g., where safety or health is a concern. 100 percent inspection is too expensive to be used in most cases.

### Random Sampling

This is the most appropriate method for recurring task. For example, services are sampled to determine if the level of performance is acceptable. Random sampling works best for when number of instances and a statistically valid sample can be obtained. Computer programs may be available to assist in establishing sample procedures.

### Periodic Inspection

This method, sometimes called "Planned Sampling," consists of the evaluation of tasks selected on other than a 100 percent or random basis. A predetermined plan for inspecting part of the work is established using subjective judgment and analysis of agency resources to decide what work to inspect and how frequently to inspect it.

### Trend Analysis

This method should be used regularly and continually to monitor the contractor's on-going performance over time. Data for tracking trends can be gathered from all other evaluation sources and methods of database upon which the trend analysis is based. This database should be created and maintained by government personnel. The contractor's own metrics may provide most of the information needed for the analysis.

### Customer Input

Although usually not a primary method, it is a valuable supplement to more systematic methods. For example, in a case where random sampling indicates unsatisfactory service, customer complaints can be used as substantiating evidence. In certain situations where customers can be relied upon to complain consistently when the quality of performance is poor, e.g., dining, facilities, building services, and customer surveys. However, use caution when assessing and evaluating customer input. Sometimes customer input can be complaint-oriented and not actually related to actual requirements of the contract.

### Third Party Audits or Assessment

Third party audits or assessments refers to contractor evaluation by a third party organization that is independent of the contractor. All documentation supplied to, and produced by, the third party should be made available to the government by the contractor.

**Title:** IX BAM 4600 – Quality Assurance

**Policy Tracking #:** CON-16-05

**Effective Date:** September 2, 2016

**Originating Office:** Office of Management Services - Contracts (OMS/C), (202) 382-7838,  
[bbgconpolicy@bbg.gov](mailto:bbgconpolicy@bbg.gov)

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**(a) PURPOSE:** The purpose of this policy is to provide guidance and procedures related to inspection of supplies and services prior to acceptance, to ensure that supplies and services acquired under contract conform to the contract action's quality and quantity requirements.

**(b) AUTHORITY & SCOPE:**

(1) Authorities.

- (i) [Federal Acquisition Regulation \(FAR\) Part 46 -- Quality Assurance.](#)
- (ii) [FAR Subpart 37.6 -- Performance-Based Acquisitions.](#)
- (iii) [FAR Part 42 -- Contract Administration and Audit Services.](#)
- (iv) [Office of Management and Budget Circular dated May 29, 2003, Performance of Commercial Activities \(No. A-76 Revised\).](#)

(2) Scope.

(i) This policy applies to all contracting officers (COs), contracting officer representatives (CORs), project managers (PMs), and other Government contracting officials employed by the Federal Government elements of the Broadcasting Board of Governors (i.e., Voice of America; Office of Cuba Broadcasting; Office of Technology, Services, and Innovation; and the International Broadcasting Bureau), referred to in this policy as “the Agency.”

(ii) This policy applies to all contract actions.

**(c) POLICY:**

(1) The Agency is required to perform all actions necessary to verify that contractor supplies and services conform to contract requirements.

(2) Contract Quality Requirements.

(i) The criteria listed in FAR 46.203 – Criteria for Use of Contract Quality Requirements shall be used to determine the extent of contract quality requirements that the contractor is responsible to uphold, which is based on the complexity and criticality of the contract item, as well as its technical description (commercial vs. military-federal). These actions may range from Government relying on the contractor's existing quality assurance

system to requiring the contractor to implement a comprehensive program for controlling quality.

(ii) The FAR clauses related to the appropriate contract quality requirements, as detailed in FAR 46.202 – Types of Contract Quality Requirements, shall be included in the solicitation and contract. The 4 Contract Quality Requirement categories are:

(A) Contracts for Commercial Items. The Agency shall rely on the contractor's existing quality assurance systems for in-process inspection.

(B) Government Reliance on Inspection by Contractor. The Agency shall rely on the contractor's existing quality assurance systems for in-process inspection for actions at or below the simplified acquisition threshold unless the CO determines that there is a need to test supplies or services before tender based on the factors in FAR 46.202-2(b).

(C) Standard Inspection Requirements. The related clauses require the contractor to maintain an inspection system acceptable to the Agency, allow the Agency to perform in-process inspections and tests, and require the contractor to make records of their inspection work available.

(D) Higher-Level Contract Quality Requirements<sup>1</sup>. Due to the type of Agency acquisitions, use of these requirements would rarely be used except for major system acquisitions, and the Senior Procurement Executive (SPE) must approve the standards used for this level.

(iii) In addition to the related inspection FAR clauses<sup>2</sup>, the following clause may be used for Standard Inspection Requirements and Higher-Level Contract Quality Requirements<sup>3</sup>:

Quality Control

- a. Quality Control. The contractor shall establish a complete quality control program to assure the requirements of the contract are provided as specified. One copy of the contractor's basic quality control program shall be provided to the CO at the preaward survey conference or no later than at the pre-performance conference if a preaward survey is not conducted. An updated copy must be provided to the CO on contract start date and as changes occur. The program will include, but not be limited to the following:
- (1) An inspection system covering all the services stated in the Performance Requirements Summary of the Statement of Work. It must specify areas to be inspected on either a scheduled or unscheduled basis, and the individuals who will conduct the inspection.

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<sup>1</sup> "Examples of higher-level quality standards include overarching quality management system standards such as ISO 9001, ASQ/ANSI E4; ASME NQA-1, SAE AS9100, SAE AS9003, and ISO/TS 16949, and product or process specific quality standards such as SAE AS5553." FAR 46.202-4(b).

<sup>2</sup> See FAR Subpart 46.3 – Contract Clauses.

<sup>3</sup> [Office of Federal Procurement Policy, Pamphlet Number 4 "A Guide for Writing and Administering Performance Statements of Work for Service Contracts."](#)



(2) A method of identifying deficiencies in the quality of services performed before the level of performance is unacceptable.

(3) A file of all inspections conducted by the contractor and the corrective action taken. This documentation shall be made available to the Government during the term of the contract.

- b. Quality Assurance. The Government shall monitor the contractor's performance under this contract using the quality assurance procedures specified in the Performance Requirements Summary of the Statement of Work.

(3) Government Contract Quality Assurance. As detailed in FAR Part 46, Government contract quality assurance must be conducted by Agency personnel or under the direction of Agency personnel before acceptance to determine whether the contractor supplies or services meet contract terms and conditions in regards to quality and quantity. For actions that require Government contract quality assurance, it may only be provided in addition to, not as a substitute for, contractor responsibilities for assuring delivery of conforming products or services.

(i) Quality Assurance Surveillance Plan (QASP).

(A) A QASP is required for all performance-based service contracts, and may be used for supplies contracts to detail Government oversight personnel and surveillance methods<sup>4</sup>. The QASP may be developed by Agency personnel or offerors may be required to submit a proposed QASP with their offer or proposal for consideration in development of the Government's plan.

(B) The Agency's QASP can either be incorporated into the contract action, which is strongly recommended, or be provided for informational purposes to detail how the contract will be managed from the Agency's perspective. If the QASP is incorporated into the contract action, it is enforceable and any change to the document must be issued by a bilateral modification. If the QASP is marked "For Informational Purposes Only" and is not a part of the solicitation or award, it is not enforceable but the Agency retains the right to change or modify inspection methods.

(C) The QASP should be developed concurrently with the performance work statement (PWS) or statement of objectives (SOO)<sup>5</sup>. The QASP shall detail the following:

- (1) Required Services/Tasks. This should relate back to a specific task in the PWS or SOO.

---

<sup>4</sup> See Attachment A – QASP Template, from ASI Government which may be used as a guide.

<sup>5</sup> Attachment B – Workplan Template may be used as a tool to assist in drafting PWS and SOO objectives and related activities.

(2) Performance Standards. This standard is set by the Agency. Examples include error rates, accuracy rates, completion of milestones, cost control, staying within the target costs<sup>6</sup>.

(3) Acceptable Quality Levels. This should detail the allowable leeway or variance from a standard before the Government will reject the specific service.

(4) Types of Surveillance Methods.

(i) Several surveillance methods<sup>7</sup> may be used to measure contractor performance. The methods used will depend on resources (availability of the evaluator and associated costs), the task criticality, performance requirements, and the surveillance period.

(ii) The surveillance methods to be used should be discussed with the contractor to confirm they are fully understood. Whatever form of surveillance is used, the Government should take care to ensure that no undue interference with contractor operations occurs. A post-award conference should be held to brief contractors on surveillance requirements and responsibilities.

(5) Incentives. Positive and negative incentives may be listed, and can be used when performance exceeds standards or is below standards. Incentives can be monetary or non-monetary, and must be realistic, attainable, and built on performance objectives and standards.

#### **(d) PROCEDURES AND PRIMARY RESPONSIBILITIES:**

(1) Project Manager (PM).

(i) The PM, or other official responsible for the program, is responsible for developing any specifications for inspection, testing, and other contract quality requirements essential to ensure the integrity of supplies and services.

(ii) For complex requirements, it is strongly recommended that the Integrated Product Team (IPT) used to conduct acquisition planning assist with developing these specifications.

(2) Contracting Officer (CO).

(i) The CO shall work with the PM and, if delegated, COR to ensure the quality requirements match the PWS. The CO shall also ensure such requirements are provided to contractors, and copies of those requirements and inspection results are maintained in the contract file.

---

<sup>6</sup> See Attachment C – Examples of Performance Measures.

<sup>7</sup> See Attachment D – Types of Surveillance Methods.

(ii) If approval for high level quality requirements is needed, the CO shall send the standards via e-mail to [bbgconpolicy@bbg.gov](mailto:bbgconpolicy@bbg.gov) for SPE approval.

**(e) DEFINITIONS (AS USED IN THIS POLICY):**

(1) Acceptable quality level (AQL) is the maximum percent defective, the maximum number of defects per hundred units, or the number of defects in a lot that can be considered satisfactory on the average. The allowable leeway or variance from a standard before the Government will reject the specific service. And AQL does not say that the contractor may knowingly offer defective service. It implies that the Government recognizes that defective performance sometimes happens unintentionally. As long as the percent of defective performance does not exceed the AQL, the service will not be rejected by the Government. The contractor, however, must reperform the defective service when possible.

(2) Contract quality requirements, as defined in the FAR, means the technical requirements in the contract relating to the quality of the product or service and those contract clauses prescribing inspection, and other quality controls incumbent on the contractor, to assure that the product or service conforms to the contractual requirements.

(3) Government contract quality assurance, as defined in the FAR, means the various functions, including inspection, performed by the Government to determine whether a contractor has fulfilled the contract obligations pertaining to quality and quantity.

(4) Integrated product team (IPT) is a team composed of representatives from appropriate functional disciplines working together to build successful programs, identify and resolve issues, and make sound and timely recommendations to facilitate decision making.

(5) Performance work statement (PWS), as defined in the FAR, means a statement of work for performance-based acquisitions that describes the required results in clear, specific and objective terms with measurable outcomes.

(6) Quality assurance are those actions taken by the Government to check goods or services to determine that they meet the requirements of the SOW.

(7) Quality assurance surveillance plan (QASP) is the Agency's inspection plan. The QASP documents methods used to measure performance of the service provider against the requirements in the PWS. The agency relies on the service provider to monitor daily performance using their own quality control plan, but retains the right to inspect all services. When the agency makes a performance decision, the agency re-evaluates and modifies the existing QASP, based upon the selected provider and the selected provider's accepted quality control plan.

(8) Quality control plan is an offeror's self-inspection plan that is included in all offers and tenders. The quality control plan describes the internal staffing and procedures that the prospective provider will use to meet the quality, quantity, timeliness, responsiveness, customer satisfaction, and other service delivery requirements in the PWS.

(9) Statement of objectives (SOO) is a statement of work that states the overall performance objectives. It is used in solicitations when the Government intends to provide the maximum flexibility to each offeror to propose an innovative approach and allows offerors to develop the PWS, performance metrics and a measurement plan, and the QASP for evaluation for contract award.

**(f) EFFECTIVE DATE AND APPROVAL:**

Approved by:

Effective Date:

  
\_\_\_\_\_  
John F. Lansing  
CEO and Director

  
\_\_\_\_\_  
9.2.16

Attachments:

Attachment A – Quality Assurance Surveillance Plan (QASP) Template

Attachment B – Workplan Template

Attachment C – Examples of Performance Measures

Attachment D – Types of Surveillance Methods

## SIMPLIFIED ACQUISITIONS File Review Checklist

**Component:**

**Contract/Order Number:**

**Contractor Name:**

**Award Amount:**

**Award Date:**

**Description of Items/Services Acquired:**

**Date of Review:**

**Reviewer:**

**Contracting Officer:**

	SECTION 1 – PRE-AWARD DOCUMENTS	FAR Reference	Compliant	Comments
<b>1</b>	<b>Procurement Request Documentation</b>			
	a. Procurement Request and Certification of Funding.	FAR 32.702	YES NO N/A	
	b. Bulk funding documentation.	FAR 13.101(b)(4)	YES NO N/A	
	c. Statement of Requirements (PWS/SOO/SOW)	FAR 11.101, FAR 8.405.2, FAR 37.602	YES NO N/A	
	d. Laptop/Desktop Purchase-- approval from TSI.	OMB Memo M-16-02 dtd 10/16/2015	YES NO N/A	
	e. Section 508 Exception documentation.	FAR 39.203(c)(2), FAR 39.204(e)(2)	YES NO N/A	
	f. Hazmat and Material Safety Data.	FAR 23.302	YES NO N/A	
<b>2</b>	<b>Market Research Report and Documentation</b>			
	a. Use of required sources.	FAR 8.002, FAR 8.003	YES NI N/A	
	b. Consideration of other non-mandatory sources prior to use of commercial sources.	FAR 8.004	YES NO N/A	
	c. Market Research determination (comparability with supplies of classes listed in Federal Prison Industries schedule determination).	FAR 8.602(a)	YES NO N/A	
	d. Sources List	FAR 19.501(e), FAR 19.505, FAR 13.003(b)(1) & (2), FAR 13.102(a)	YES NO N/A	
<b>3</b>	<b>Competition, Consideration of Small Business, and Publicizing</b>			
	a. Small Business Review	FAR 19.5, FAR 13.003, FAR 13.102	YES NO N/A	
	b. Small Business Programs (8(a), HUB Zone, SDVOSB, and WOSB), and Set-Asides.	FAR 19	YES NO N/A	

## Simplified Acquisition File Review Checklist

	c. SBA correspondence 8(a) search letters, evaluation documents, Offer/Acceptance letters.	FAR 10.001, FAR 19.202-1, FAR 19.800	YES NO N/A	
	d. Small Business Set-Aside exception.	FAR 13.003, FAR 19.501, FAR 19.502-2	YES NO N/A	
	e. Documentation that WOSB concerns or EDWOSB concerns are underrepresented based on the NAICS code assigned for that area.	FAR 4.803(a)42	YES NO N/A	
	f. Justification and related documentation for: Other Than Full & Open Competition, Limited Sources, or Exception to Fair Opportunity.	FAR 6.3, FAR 8.405-16, FAR 13.106-1, FAR 16.505(b)(2)	YES NO N/A	
	g. FedBizOpps (FBO) Synopsis/Waiver/Exception.	FAR 5.202	YES NO N/A	
	h. Determination and Findings (D&F) establishing or maintaining alternative sources.	FAR 6.202	YES NO N/A	
<b>4</b>	<b>Contract Type and Quantity Determinations</b>			
	a. D&F for use of Time & Materials contract	FAR 16.601(d), FAR 12.207(b)	YES NO N/A	
	b. D&F for use of Labor Hour contract.	FAR 16.602	YES NO N/A	
	c. D&F approval for use of Advance Payments.	FAR 32.4	YES NO N/A	
	d. D&F approval for use of Progress Payments.	FAR 32.102(e)(2)	YES NO N/A	
	e. D&F approval for use of Letter Contract.	FAR 16.603-3	YES NO N/A	
<b>5</b>	<b>Other Approval/Determinations/Justifications</b>			
	a. HCA approval for deviation from FAR.	FAR 1.4	YES NO N/A	
	b. Justification for use of options.	FAR 17.205	YES NO N/A	
	c. D&F not to evaluate options.	FAR 17.206(b)	YES NO N/A	
	d. D&F approval of contract periods exceeding 5 years in duration (inclusive of all options).	FAR 17.204	YES NO N/A	
	e. Personal/Nonpersonal Services Determination (cite authorizing statute).	FAR 37.103, FAR 37.104	YES NO N/A	
	f. Inherently Governmental Function D&F.	FAR 7.503(e)	YES NO N/A	
	g. Justification for inclusion of warranty.	FAR 46.7	YES NO N/A	

## Simplified Acquisition File Review Checklist

	h. List of Government Furnished Property and required approvals.	FAR 45.3	YES NO N/A	
	i. Documentation of Buy American Act exceptions or non-availability.	FAR 25.1	YES NO N/A	
	j. Service Contract Act Wage Determination, SF 98 & 98A and Comparable Government Wage Rates.	FAR 22.1007	YES NO N/A	
	k. Wage Determination, Payroll and Interviews.	FAR 22.404	YES NO N/A	
<b>6</b>	<b>Other Considerations/Issues</b>			
	a. Documentation of substantial Organizational Conflict of Interest Issues or Waiver of FAR Subpart 9.5 HCA.	FAR 9.5	YES NO N/A	
	b. Environmentally Preferable Products and Service (Green) Purchase Considerations (EPA Designated Materials).	FAR 23.7	YES NO N/A	
<b>7</b>	<b>Solicitation Documents</b>			
	a. Commercial Streamlined Combined Synopsis Solicitation.	FAR 12.603	YES NO N/A	
	b. Solicitation amendment and supporting documents	FAR 4.803(a)(8), FAR 14.208, FAR 15.206, FAR 43.301, FAR 13.106-1(d)	YES NO N/A	
	c. Oral solicitation record (SAP)	FAR 13.106-1(c)	YES NO N/A	
	d. Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Items	FAR 12.301	YES NO N/A	
	e. Evidence of posting or exceptions.	FAR 5.201, FAR 5.202	YES NO N/A	
	f. Government Point of Entry (GPE) (FedBizOpps) Notice of Proposed Contract Action or exemption	FAR 5.201, FAR 5.203(a)	YES NO N/A	
	g. GPE Notice of Noncompetitive Acquisition using only one responsible source authority.	FAR 5.201, FAR 6.302-1, FAR 13.106-1	YES NO N/A	
	h. Determination not to synopsise solicitation availability - if applicable.	FAR 5.102(a)(5)	YES NO N/A	
	i. Supervisor/Peer review.		YES NO N/A	
<b>8</b>	<b>Documentation About Offers Received</b>			
	a. Record of quotations, prices, delivery (abstract).	FAR 4.803, FAR 13.106-3	YES NO N/A	

## Simplified Acquisition File Review Checklist

	b. Technical/Price/Cost evaluation documentation.	FAR 8.404, FAR 15.305, FAR 12.602(a), FAR 13.103	YES NO N/A	
	c. Basis for determination of fair and reasonable prices documented.	FAR 12.209, FAR 13.106-3	YES NO N/A	
	d. Documentation of special situations.	FAR 13.106-3	YES NO N/A	
	e. Price reasonableness determination based on competition.	FAR 13.106-3	YES NO N/A	
	f. Statement of price reasonableness if only one response received.	FAR 13.106-3	YES NO N/A	
<b>10</b>	<b>Approvals/Determinations</b>			
	a. Contracting Officer's Determination of Contractor Responsibility.	FAR 9.105-2	YES NO N/A	
	b. Certificate of Competency (COC) referral/issue/denial.	FAR 19.602	YES NO N/A	
	c. System for Award Management (SAM) verification/exception/exclusion.	FAR 4.1102, FAR 9.405(d)(4)	YES NO N/A	
	d. SBA's COC for small business.	FAR 19.6	YES NO N/A	
<b>11</b>	<b>Protests</b>			
	a. Copy of the Protest.	FAR 33.1	YES NO N/A	
	b. Stop-Work order or HCA determination to proceed (post award).	FAR 33.1	YES NO N/A	
	c. CO's Report.	FAR 33.1	YES NO N/A	
	d. Agency Report.	FAR 33.1	YES NO N/A	
	e. Copy of Disposition (Sustained or Denied).	FAR 33.1	YES NO N/A	
<b>12</b>	<b>Award Review and Notifications</b>			
	a. Supervisor/Peer review of proposed order.		YES NO N/A	
	b. Contracting Officer has valid warrant with level greater than or equal to award value.	FAR 1.602-1	YES NO N/A	
	c. Funds in adequate amount to cover the base quantity of supplies requires or period of performance for services.	FAR 32.702	YES NO N/A	



## Simplified Acquisition File Review Checklist

	d. Order includes a statement that award is made subject to availability of funds and includes the appropriate clauses.	FAR 32.703-2	YES NO N/A	
	<b>SECTION 2 – QUOTATIONS</b>	<b>FAR Reference</b>	<b>Compliant</b>	<b>Comments</b>
<b>13</b>	<b>Quotations</b>			
	a. Unsuccessful quotation(s)		YES NO N/A	
	<b>SECTION 3 – AWARD AND MODIFICATIONS</b>	<b>FAR Reference</b>	<b>Compliant</b>	<b>Comments</b>
<b>14</b>	<b>Contract Award</b>			
	a. Signed award document	FAR 4.803, FAR 13.105	YES NO N/A	
	b. FedBizOpps Synopsis of Contract Award.	FAR 5.301	YES NO N/A	
	c. Copy of <i>Final</i> FPDS-NG Record.	FAR 4.602	YES NO N/A	
	d. Award Distribution Record.	FAR 4.2	YES NO N/A	
	e. Post award notice to unsuccessful offerors.	FAR 13.106-3	YES NO N/A	
	f. Ratification of Unauthorized Commitment.	FAR 1.602-3	YES NO N/A	
	g. COR Letter of Acceptance, Training, Certification, and File	FAR 1.602, FAR 1.604	YES NO N/A	
	h. OFCCP Letter (construction)		YES NO N/A	
<b>15</b>	<b>Contract Modifications</b>			
	a. Modification.	FAR 13.302-3	YES NO N/A	
	b. Change Order documentation.	FAR 43.105	YES NO N/A	
	c. Exercise of Options.	FAR 13.106-1(e), FAR 17.2	YES NO N/A	
	<b>SECTION 4 - CONTRACT ADMINISTRATION AND CLOSEOUT</b>	<b>FAR Reference</b>	<b>Compliant</b>	<b>Comments</b>
<b>16</b>	<b>Contract Administration Responsibility Documentation</b>			

## Simplified Acquisition File Review Checklist

	a. Delegation of contract administration functions.	FAR 42.202	YES NO N/A	
	b Memoranda documenting the transfer of contract from one Contracting Officer or Contract Specialist to another; current chronological listing of awarding and successor Contracting Officers with inclusive dates of responsibility.	FAR 42.202(a)	YES NO N/A	
<b>17</b>	<b>Stop Work Orders, Disputes, Terminations</b>			
	a. Stop Work Orders/Suspension of work orders, cancellation of Stop-Work Order.	FAR 42.13	YES NO N/A	
	b. Disputes/Claims/Request for Equitable Adjustment documentation; Contracting Officer's decision.	FAR 33.2, FAR 33.211, FAR 8.406-6(a), (b) & (c)	YES NO N/A	
	c. ADR Agreement including legal approval for use	FAR 33.210, FAR 8.406-6(d)	YES NO N/A	
	d. Documentation regarding Terminations actions.	FAR 49, FAR 8.406-4 & -5	YES NO N/A	
<b>18</b>	<b>Contract Management</b>			
	a. Novation agreement.	FAR 42.1200	YES NO N/A	
	b. Change of name agreement.	FAR 42.1200	YES NO N/A	
	c. Inspection/Receiving/Acceptance Reports, signed by authorized government representative	FAR 46.6	YES NO N/A	
	d. Invoices/Vouchers/Approval for Payment	FAR 32, FAR 42.302	YES NO N/A	
	e. Documentation of deobligation of unexpended funding balances.		YES NO N/A	
<b>19</b>	<b>Contract Closeout</b>			
	a. Contract Close-out summary.	FAR 4.804-5	YES NO N/A	
	b. Physical completion statement.	FAR 4.804-5	YES NO N/A	
	c. Final Contractor Performance Report.	FAR 42.1502	YES NO N/A	
	d. Record of actions taken.	FAR 4.804-5	YES NO N/A	
	e. Property Clearance Documentation.	FAR 4.804-5	YES NO N/A	

## Simplified Acquisition File Review Checklist

	f. Contractor's closing statement/Release of claims.	FAR 4.804-5	YES NO N/A	
	g. Final payment/Settlement.	FAR 4.804-5	YES NO N/A	
	h. Contract funds review/Excess funds deobligation.	FAR 4.804-5	YES NO N/A	
	i. Close out modification	FAR 4-804-5	YES NO N/A	
	j. Contract completion statement.	FAR 4-804-5	YES NO N/A	
<b>20</b>	<b>File Maintenance</b>			
	a. Pre-award milestones established.	FAR 4.8	YES NO	
	b. Post-award milestones established.	FAR 4.8	YES NO	
	c. Automatic notifications utilized.	FAR 4.8	Yes NO	
	d. Simplified Acquisition Summary utilized.	FAR 13.1	YES NO	

## FORMAL CONTRACTS File Review Checklist

**Component:**

**Contract/Order Number:**

**Contractor Name:**

**Award Amount:**

**Award Date:**

**Description of Items/Services Acquired:**

**Date of Review:**

**Reviewer:**

**Contracting Officer:**

	SECTION 1 – PRE-AWARD DOCUMENTS	FAR Reference	Compliant	Comments
1	<b>Procurement Request Documentation</b>			
	a. Procurement Request and Certification of Funding.	FAR 32.702	YES NO N/A	
	b. Independent Government Cost Estimate (IGCE).	FAR 15.404-1(b)(2)(v)	YES NO N/A	
	c. Statement of Requirements (PWS/SOO/SOW)	FAR 11.101, FAR 8.405-2, FAR 37.602	YES NO N/A	
	d. Quality Assurance Surveillance Plan (QASP).	FAR 37.604	YES NO N/A	
	e. Laptop/Desktop Purchase approval from TSI.	OMB Memo M-16-02 dtd 10/16/2015	YES NO N/A	
	f. Section 508 Exception documentation.	FAR 39.203(c)(2), FAR 39.204(e)(2)	YES NO N/A	
	g. Hazmat and Material Safety Data.	FAR 23.302	YES NO N/A	
	h. Contractor Versus Government Performance Compliance	FAR 7.3	YES NO N/A	
	i. Contracting for Environmentally Preferable Products and Services	FAR 23.7	YES NO N/A	
2	<b>Acquisition Planning Documents</b>			
	a. Acquisition Planning Forecast Record.	FAR 7.1	YES NO N/A	
	b. Acquisition Plan (AP) with milestones and updates.	FAR 7.105, FAR 7.102(a), FAR 8.404(c)	YES NO N/A	
	c. Documentation of expected benefits and approval for bundling.	FAR 7.107, FAR 7.104(d)	YES NO N/A	

## Formal Contract File Review Checklist

<b>3</b>	<b>Market Research Report and Documentation</b>			
	a. Report and documentation.	FAR 10.002(e), FAR 12.202, FAR 8.405-1(d)(3)(ii), FAR 8.602(a), FAR 15.201	YES NO N/A	
	b. Sources List	FAR 19.501(e), FAR 19.505, FAR 13.102(a)	YES NO N/A	
<b>4</b>	<b>Competition, Consideration of Small Business, and Publicizing</b>			
	a. Small Business Review	FAR 19.5, FAR 13.003, FAR 13.102(a)	YES NO N/A	
	b. 8(a) Contracting SBA Correspondence (e.g., Search, Offering Acceptance Letters, etc.).	FAR 19.8	YES NO N/A	
	c. Justification and related documentation for: Other Than Full & Open Competition, Limited Sources, or Exception to Fair Opportunity.	FAR 6.3, FAR 8.405-5, FAR 16.505(b)(2)	YES NO N/A	
	d. FedBizOpps (FBO) Synopsis/Waiver/Exception.	FAR 5.202	YES NO N/A	
	e. Determination and Findings (D&F) establishing or maintaining alternative sources.	FAR 6.202	YES NO N/A	
	f. D&F for Small Business Set-Aside exemption.	FAR 19.501(e), FAR 19.502-2	YES NO N/A	
<b>5</b>	<b>Contract Type and Quantity Determinations</b>			
	a. D&F for use of Time & Materials contract.	FAR 16.601(d), FAR 12.207(b)	YES NO N/A	
	b. D&F for use of Labor Hour contract.	FAR 16.602, FAR 12.07(b)	YES NO N/A	
	c. Determination for making single awards if it is an IDIQ contract.	FAR 16.504(c)(1)(ii)(C)	YES NO N/A	
	d. D&F Approval for use of Advance Payments.	FAR 32.4	YES NO N/A	
	e. D&F Approval for use of Progress Payments.	FAR 32.102(e)(2)	YES NO N/A	
	f. D&F Approval for use of Letter Contract.	FAR 16.603-3	YES NO N/A	
<b>6</b>	<b>Other Approvals/Determinations/Justifications</b>			
	a. HCA approval for deviation from FAR.	FAR 1.4	YES NO N/A	

## Formal Contract File Review Checklist

	b. Commercial Item Waiver: Tailoring of Terms/Conditions/Clauses inconsistent with customary commercial practices.	FAR 12.302(c)	YES NO N/A	
	c. Justification for use of options.	FAR 17.205	YES NO N/A	
	d. D&F not to evaluate options.	FAR 17.206(b)	YES NO N/A	
	e. D&F Approval of contract periods exceeding 5 years in duration (inclusive of all options).	FAR 17.204	YES NO N/A	
	f. D&F by SPE of non-availability of government personnel.	FAR 37.204, FAR 37.205	YES NO N/A	
	g. D&F by HCA to use Multi-Year contract.	FAR 17.105-1	YES NO N/A	
	h. Exemption to requirement for Value Engineering clause.	FAR 48.102(a), FAR 48.201(a)	YES NO N/A	
	i. D&F that Liquidated Damages are appropriate.	FAR 11.503(a),(b)&(c)	YES NO N/A	
	j. Personal/Nonpersonal Services determination.	FAR 37.103, FAR 37.104	YES NO N/A	
	k. D&F regarding Inherently Governmental Function.	FAR 7.503(e)	YES NO N/A	
	l. Justification for inclusion of warranty.	FAR 46.7	YES NO N/A	
	m. List of Government Furnished Property and required approvals.	FAR 45.3	YES NO N/A	
	n. Documentation of Buy American Act exceptions or non-availability.	FAR 25.1	YES NO N/A	
	o. Service Contract Act Wage Determination, SF 98 & 98A and Comparable Government Wage Rates.	FAR 22.1	YES NO N/A	
	p. Davis Bacon General Wage Determination, Payroll and Interviews.	FAR 22.404	YES NO N/A	
<b>7</b>	<b>Source Selection Documentation</b>			
	a. Source Selection Plan (SSP)/Technical Evaluation Plan (TEP)/Business Management Evaluation Plan (BMEP) Plan.	FAR 15.3	YES NO N/A	
<b>8</b>	<b>Other Considerations/Issues</b>			
	a. Documentation of substantial Organizational Conflict of Interest Issues or Waiver of FAR Subpart 9.5 HCA.	FAR 9.5	YES NO N/A	
	b. Documentation of Ombudsman issues.	FAR 16.505(b)(8)	YES NO N/A	
	c. Green Purchase Considerations (EPA Designated Materials).	FAR 23.7	YES NO N/A	

## Formal Contract File Review Checklist

9	<b>Procurement Reviews</b>			
	a. Legal Review of Solicitation, Synopsis, RFP and Response for actions.	FAR 1.102-4, FAR 1.602-2	YES NO N/A	
	b. Procurement Reviews of Solicitation (level above and higher).	FAR 1.102-4, FAR 1.602-2	YES NO N/A	
	c. Other Reviews of Solicitation and Responses (e.g., Technical/COR)	FAR 1.102-4, FAR 1.602-2	YES NO N/A	
10	<b>Solicitation Documents</b>			
	a. Issued solicitation document, including attachments.	FAR 4.803(a)(8), FAR 12.603, FAR 14.201, FAR 15.205	YES NO N/A	
	b. Solicitation amendment and supporting documents.	FAR 4.803(a)(8), FAR 14.208, FAR 15.206, FAR 43.301, FAR 13.106-1(d)	YES NO N/A	
	c. Government Point of Entry (GPE) (FedBizOpps) Notice of Proposed Contract Action or Exemption (\$25,000 and up).	FAR 5.201, FAR 5.203(a)	YES NO N/A	
11	<b>Distribution of Solicitation and Amendments</b>			
	a. Exchanges of information/correspondence prior to proposal.	FAR 15.2	YES NO N/A	
12	<b>Pre-Bid (Pre-SF330 for A&amp;E)/Proposal Conference Information</b>			
	a. Pre-Bid or Pre-SF330/Proposal Conference Transcript or Record of Proceedings	FAR 14.207, FAR 15.201	YES NO N/A	
	b. Pre-Bid or Pre-SF330/Proposal Conference Related Correspondence	FAR 15.201	YES NO N/A	
13	<b>Correspondence</b>			
	a. Correspondence with prospective offerors prior to receipt of offers.	FAR 15.201	YES NO N/A	
	b. Notification to Interested Parties under Collective Bargaining Agreements [if applicable].	FAR 22.1010	YES NO N/A	
	<b>SECTION 2 – PROPOSAL/ BID DOCUMENTS</b>	<b>FAR Reference</b>	<b>Compliant</b>	<b>Comments</b>
14	<b>Proposal/Bid Documents.</b>			
	a. Successful Bid or Proposal.	FAR 4.803	YES NO N/A	

## Formal Contract File Review Checklist

	b. Unsuccessful Bid(s) or Proposal(s)	FAR 4.803	YES NO N/A	
<b>15</b>	<b>Documentation About Offers Received</b>			
	a. Abstract of Offers/Bids.	FAR 14.403	YES NO N/A	
	b. Record of late Offers/Determinations/Notices.	FAR 14.304(h), FAR 15.208(f)	YES NO N/A	
	c. Initial check of SAM excluded parties list	FAR 9.105-1	YES NO N/A	
	d. Bid Guarantees or Waiver.	FAR 28.101, FAR 18.121	YES NO N/A	
	e Record of Oral Presentations.	FAR 15.102(e)	YES NO N/A	
	f. Performance Evaluations using PPIRs website.	FAR 42.15	YES NO N/A	
	g. SF330s Received	FAR 36.603	YES NO N/A	
<b>16</b>	<b>Cancellation Determination</b>			
	a. Solicitation Cancellation/Rejection Determination of Bids.	FAR 14.404-1, FAR 14.404-2	YES NO N/A	
<b>17</b>	<b>Down-selection Information</b>			
	a. Competitive Range Determination.	FAR 15.306(c)	YES NO N/A	
	b. Advisory Multi-Step Documentation.	FAR 15.202	YES NO N/A	
	c. Record of Interviews.	FAR 15.3	YES NO N/A	
	d. Selection Board Report.	FAR 15.3	YES NO N/A	
	e. Non-Select Letters to Firms.	FAR 15.3	YES NO N/A	
	f. Pre-award debriefing documentation.	FAR 15.3	YES NO N/A	
<b>18</b>	<b>Unsuccessful Offers Information</b>			
	a. Correspondence with Unsuccessful Offerors.	FAR 15.503	YES NO N/A	
	b. Pre-award Notices (e.g., exclusion from competitive range and pre-award notice for small business programs).	FAR 15.503(a)(1) & (2)	YES NO N/A	



## Formal Contract File Review Checklist

	c. Pre-award debriefing documentation.	FAR 15.505	YES NO N/A	
<b>19</b>	<b>Successful Offer &amp; Correspondence</b>			
	a. Successful offer notification	FAR 15.504, FAR 14.408-1	YES NO N/A	
	b. Unburdened labor rates.	FAR 15.404	YES NO N/A	
	c. Documentation supporting overhead rates.	FAR 15.404	YES NO N/A	
	d. Same Consultants as SF330	FAR 36.6	YES NO N/A	
	e. Audit Reports: DCAA or other relevant audit documentation.	FAR 15.404-2(c), FAR 42.705-2	YES NO N/A	
<b>20</b>	<b>Evaluation Support</b>			
	a. Cost or Pricing Data & Certificate of Current Cost or Pricing Data OR required Justification for Waiver (unless exceptions at 15.403-1 apply).	FAR 15.403-1, FAR 15.4, FAR 15.406-2	YES NO N/A	
	b. Audit reports (in-house staff or DCAA reports) or reason for waiver.	FAR 15.404-2, FAR 42.7	YES NO N/A	
	c. Architect and Engineering Evaluation Board report.	FAR 36.605(a)	YES NO N/A	
<b>21</b>	<b>Evaluation and Negotiation Documentation</b>			
	a. Technical Evaluation Documentation.	FAR 12.602, FAR 15.305	YES NO N/A	
	b. Past Performance Evaluation Documentation.	FAR 15.304-(c)(2) and (c)(3)(ii), FAR 42.1502(a)	YES NO N/A	
	c. Cost and Price Analysis/Evaluation.	FAR 15.4	YES NO N/A	
	d. Competitive Range Determination.	FAR 15.306(c)	YES NO N/A	
	e. Pre-negotiation Memorandum.	FAR 15.406-1, FAR 15.404-1	YES NO N/A	
	f. Documentation of Negotiations, Clarifications, or Discussions.	FAR 15.306 (d), FAR 15.307	YES NO N/A	
	g. Procurement-Influenced Savings Supporting Documentation.		YES NO N/A	
	h Source Selection Document (for RFPs) or Award Decision Document (for IFBs).	FAR 12.206, FAR 14.408-7, FAR 15.308	YES NO N/A	

## Formal Contract File Review Checklist

	i. Price reasonableness determination.	FAR 8.405-2(d), FAR 12.209	YES NO N/A	
	j. Post-negotiation Memorandum.	FAR 15.406-3	YES NO N/A	
	k. Mistakes in Bids documented.	FAR 14.407	YES NO N/A	
<b>22</b>	<b>Required Documentation from/about Prospective Contractor</b>			
	a. Subcontracting Plan & Review Documentation.	FAR 19.702, FAR 19.704	YES NO N/A	
	b. Vets 100 Report or D&F waiver approved by HCA (labor relations).	FAR 22.13, FAR 22.1305(b)	YES NO N/A	
	c. Equal Employment Opportunity Clearance.	FAR 22.805	YES NO N/A	
<b>23</b>	<b>Responsibility Approvals/Determinations</b>			
	a. Contracting Officer's Determination of Contractor Responsibility.	FAR 9.105-2	YES NO N/A	
	b. System for Award Management (SAM) Exclusions Report ( <i>immediately</i> prior to award for <i>all</i> awards - with or without a responsibility determination).	FAR 9.405(d)(4)	YES NO N/A	
	c. SBA Certification of Competency (COC) for small business.	FAR 19.6	YES NO N/A	
	d. Pre-Award Survey Report or Reference to previous reports relied upon.	FAR 9.106	YES NO N/A	
	e. Determination that there are no subcontracting possibilities.	FAR 19.705-2(c), FAR 19.702	YES NO N/A	
<b>24</b>	<b>Protests</b>			
	a. Copy of the Protest.	FAR 33.1	YES NO N/A	
	b. Stop-Work order or HCA determination to proceed.	FAR 33.1	YES NO N/A	
	c. CO's Report.	FAR 33.1	YES NO N/A	
	d. Agency Report.	FAR 33.1	YES NO N/A	
	e. Copy of Disposition (Sustained or Denied).	FAR 33.1	YES NO N/A	
<b>25</b>	<b>Award Review and Notifications</b>			

## Formal Contract File Review Checklist

	a. Contracting Review of Proposed Contract and Responses.	FAR 4.201	YES NO N/A	
	b. Legal Review of Proposed Contract and Responses.	FAR 1.602-2	YES NO N/A	
	c. Other Reviews of Proposed Contract and Responses (e.g., Technical/COR).		YES NO N/A	
	d. Contract Award Notification.	FAR 14.408, FAR 36.213	YES NO N/A	
	e. Subcontracting Plan.	FAR 19.702	YES NO N/A	
	f. Waiver of 14 day pay memo.	FAR 32.9	YES NO N/A	
	g. Site Visit/Pre-Award Survey Documentation.	FAR 9.106	YES NO N/A	
	h. Congressional Notification.		YES NO N/A	
	k. Public announcement, press releases and associated documentation.		YES NO N/A	
	<b>SECTION 3 - AWARD DOCUMENTS</b>	<b>FAR Reference</b>	<b>Compliant</b>	<b>Comments</b>
<b>26</b>	<b>Contract Award</b>			
	a. Original, Signed Award Document.	FAR 4.803, FAR 15.504	YES NO N/A	
	b. FedBizOpps Synopsis of Contract Award.	FAR 5.301	YES NO N/A	
	c. Post-Award Notice to Unsuccessful Offerors.	FAR 14.409(a)(i), FAR 15.503(b)	YES NO N/A	
	d. Copy of <i>Final</i> FPDS-NG Record.	FAR 4.602	YES NO N/A	
	e. Contract Award Distribution Record.	FAR 4.2	YES NO N/A	
	f. Post-Award Debriefing Documentation.	FAR 15.506(f)	YES NO N/A	
	g. Ratification of Unauthorized Commitment.	FAR 1.602-3	YES NO N/A	
	h. COR Letter of Acceptance, Training and Certification	FAR 1.602	YES NO N/A	
	i. OFCCP Letter (construction)	FAR 36.702	YES NO N/A	
<b>27</b>	<b>Bonds and Insurance</b>			

## Formal Contract File Review Checklist

	a. Performance, Payment or Other Bond Documents and Notices to Sureties.	FAR 28.1, FAR 28.2	YES NO N/A	
	b. Insurance Policies or Certificates of Insurance.	FAR 28.3	YES NO N/A	
<b>28</b>	<b>Approvals and Waivers</b>			
	a. Approval for Payment of Overtime Premiums.	FAR 22.103-4(c)	YES NO N/A	
	<b>SECTION 4 – CONTRACT ADMINISTRATION</b>	<b>FAR Reference</b>	<b>Compliant</b>	<b>Comments</b>
<b>29</b>	<b>Contract Administration Responsibility Documentation</b>			
	a. Delegation of contract administration functions.	FAR 42.202	YES NO N/A	
	b. Memoranda documenting the transfer of contract from one Contracting Officer or Contract Specialist to another; current chronological listing of awarding and successor Contracting Officers with inclusive dates of responsibility.	FAR 42.202(a)	YES NO N/A	
<b>30</b>	<b>Novation/Change of Name</b>			
	a. Novation Agreement.	FAR 42.1200	YES NO N/A	
	b. Change of Name Agreement	FAR 42.1200	YES NO N/A	
<b>31</b>	<b>Security Requirements</b>			
	a. For Classified contracts; forms/ correspondence on contractor background investigations.	FAR 4.4	YES NO N/A	
<b>32</b>	<b>Disputes, Claims, Stop Work Orders</b>			
	a. Stop Work Orders/Suspension of Work Orders, cancellation of Stop-Work Order.	FAR 42.13	YES NO N/A	
	b. Disputes/Claims/Request for Equitable Adjustment documentation; Contracting Officer's decision.	FAR 33.2, FAR 33.211, FAR 8.406-6(a), (b) & (c), FAR 50.103-6	YES NO N/A	
	c. ADR Agreement including Legal Approval for Use.	FAR 33.210, FAR 8.406-6(d)	YES NO N/A	
	d. Documentation regarding Termination actions.	FAR 49, FAR 8.406-4 & -5	YES NO N/A	
<b>33</b>	<b>Royalty, Invention, and Copyright Reports</b>			

## Formal Contract File Review Checklist

	a. Royalty Reports.	FAR 27.202	YES NO N/A	
	b. Invention Reports.	FAR 27	YES NO N/A	
	c. Copyright Reports.	FAR 27	YES NO N/A	
<b>34</b>	<b>Liquidated Damages</b>			
	Documentation of application.	<b>FAR 11.5</b>	YES NO N/A	
<b>35</b>	<b>Reports and Records</b>			
	a. Production Progress Report.	FAR 42.11	YES NO N/A	
	b. Quality Assurance Records.	FAR 46.104, FAR 46.4	YES NO N/A	
	c. Property Administration Records.	FAR 45.105	YES NO N/A	
	d. SBA Correspondence.	FAR 19.202-1, FAR 19.812(a)	YES NO N/A	
	e. Warranty Claim.	FAR 46.7	YES NO N/A	
	f. Daily Reports.	FAR 4.8	YES NO N/A	
	g. Submittal Log.	FAR 4.8	YES NO N/A	
	h. Certified Payroll and Interviews.	FAR 22.406	YES NO N/A	
	i. Standard Form 1413 Statement and Acknowledgement.	FAR 52.222-11	YES NO N/A	
	j. A-E Liability.	FAR 36.608	YES NO N/A	
<b>36</b>	<b>Evaluations of Contractor Performance for Current Contract</b>			
	a. Evaluations of Contractor Performance Record (CPARS) and Interim Evaluations for contracts exceeding one year.	FAR 42.1502(a)	YES NO N/A	
	b. Award Fee/Award Term.	FAR 16.4	YES NO N/A	
<b>37</b>	<b>Contract Modifications</b>			
	a. Modification cites correct authority.	FAR 13.302-3, FAR 43.1	YES NO N/A	

## Formal Contract File Review Checklist

	b. Modification includes J&A if out of scope.	FAR 13.302-3, FAR 43.1	YES NO N/A	
<b>38</b>	<b>Receipt and Payment Documentation</b>			
	a. Documentation Supporting Advance or Progress Payments.	FAR 32.411, FAR 32.5	YES NO N/A	
	b. Inspection/Receiving/Acceptance Reports, signed by authorized Government representative.	FAR 46.6	YES NO N/A	
	c. Invoices/Vouchers/Approval for Payment.	FAR 32, FAR 42.302	YES NO N/A	
	<b>SECTION 5 - CONTRACT CLOSEOUT</b>	<b>FAR Reference</b>	<b>Compliant</b>	<b>Comments</b>
<b>39</b>	<b>Contract Closeout Documentation</b>			
	a. Physical Completion Statement from Program Office/COR	FAR 4.804-5(a)	YES NO N/A	
	b. Disposition of Sensitive Records Completed	FAR 4.805-5(b)	YES NO N/A	
	c. Final Contractor Performance Report Received	FAR 42.1502(a)	YES NO N/A	
	d. Final Patent and/or Royalty Reports Received	FAR 4.804-5(a)(2) & (3)	YES NO N/A	
	e. All Outstanding Value Engineering Change Proposals Closed	FAR 4.804-5(a)(4)	YES NO N/A	
	f. Property Clearance Documentation	FAR 4.804-5(a)(6)	YES NO N/A	
	g. All Interim or Disallowed Costs Settled and Release of Claim	FAR 4.804-5(a)(7)	YES NO N/A	
	h. Price Revisions Completed	FAR 4.804-5(a)(8)	YES NO N/A	
	i. Subcontracts Settled	FAR 4.804-5(a)(9)	YES NO N/A	
	j. Prior Year Indirect Cost Rates Settled	FAR 4.804-5(a)(10)	YES NO N/A	
	k. Termination Documentation Completed	FAR 4.804-5(a)(11)	YES NO N/A	
	l. Contract Audit Completed	FAR 4.804-5(a)(12)	YES NO N/A	
	m. Contractor's Closing Statement	FAR 4.804-5(a)(13)	YES NO N/A	
	n. Contractor's Final Invoice	FAR 4.804-5(a)(14)	YES NO N/A	

## Formal Contract File Review Checklist

	o. Contract Funds Review Completion/Deobligation of any Excess Funds Documentation	FAR 4.804-5(a)(15)	YES NO N/A	
<b>40</b>	<b>Contract Completion Statement</b>			
	a Close out modification	FAR 4-804-5(b)	YES NO N/A	
	b. Close out report	FAR 4-804-5(b)	YES NO N/A	
<b>41</b>	<b>File Maintenance</b>			
	a. Pre-award milestones established.	FAR 4.8	YES NO	
	b. Post-award milestones established.	FAR 4.8	YES NO	
	c. Automatic notifications utilized.	FAR 4.8	YES NO	

**Title:** IX BAM 4800 Mandatory Use of Financial Management System and Electronic Contract Files

**Policy Tracking #:** CON-14-08

**Effective Date:** June 15, 2016

**Originating Office:** Contracts, x7843, [bbgconpolicy@bbg.gov](mailto:bbgconpolicy@bbg.gov)

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**(a) PURPOSE:**

(1) This policy and its attachments provide the standard procedures and guidance that mandate documentation to be included in each type of contract file.

(2) This policy also implements:

(i) use of the Financial Management System (FMS) to process all contract actions including contract closeouts; and

(ii) use of the FMS to electronically file and store all documents related to contract actions.

**(b) AUTHORITY AND SCOPE:**

(1) Scope.

(i) This policy applies to the Federal Government elements of the Broadcasting Board of Governors (i.e., VOA, OCB, TSI, and IBB), referred to in this policy as, “The Agency.”

(ii) This policy applies to all Contracting Officers (CO) and all Purchase Card Holders employed by the Agency.

(2) Authorities.

(i) [Federal Acquisition Regulation \(FAR\) Subpart 4.8 – Government Contract Files](#); and

(ii) [Delegation Order 99-11, Redlegation of Contracting Authority to the Senior Procurement Executive, Office of Contracts](#) or current version (delegations of authority are attached to [II BAM 480 - Delegations of Authority](#)).

**(c) POLICY:**

(1) Agency COs who have access to the Agency’s FMS (e.g. all warranted COs at duty stations within the continental U.S.) must:

(i) use the FMS to process all contract actions including contract closeouts; and

(ii) use the electronic contract file function within the FMS to file and store all documents related to contract actions.



(2) Agency COs who do not have access to the Agency's FMS (e.g. locally warranted COs at duty stations outside of the continental U.S.) are not required to use the FMS, but must still maintain paper copies of all contract actions and related documentation in the contract file in accordance with [FAR Subpart 4.8](#). As soon as Agency COs gain access to the FMS, they will be required to use the FMS as described above.

**(d) PROCEDURES:**

(1) Establishing Electronic Contract Files. After the effective date of this policy, Agency COs who have access to the Agency's FMS shall use the FMS to:

- (i) process all contract actions including contract closeouts; and
- (ii) establish electronic contract files to store all documents relating to contract actions.

(2) Contents of Contract Files. Contracting Officers are responsible for ensuring that their contract files meet all requirements described in [FAR Subpart 4.8](#). Contracting Officers shall refer to [FAR Subpart 4.803](#) regarding contents of contract files, as well as the attached simplified acquisitions file review checklist (Attachment 1) and the formal contract file review checklist (Attachment 2). The attached checklists are used by the Office of Contracts Policy Branch to review whether contract files are complete. In addition, the attached checklists are guidance from the Office of Contracts Policy Branch regarding contract file contents. Documentation in addition to the items on these checklists may be required in specific cases, and Contracting Officers are ultimately responsible for ensuring that documentation in their contract files is sufficient to constitute a complete history of the transaction for purposes stated in [FAR 4.801](#). The Office of Contracts Policy Branch shall update the attached checklists at least once annually. However, Contracting Officers should be aware that requirements for contract files in the FAR may be updated more frequently than the attachments.

(3) Optional Functions within the FMS.

- (i) Creating and posting solicitations through the FMS and downloading FAR clauses and provisions to awards through the FMS are encouraged but not required. However, if a CO chooses to create solicitations, post solicitations, or download FAR clauses within the FMS, copies of these documents must be uploaded to in the FMS, attached to the award/procurement document.
- (ii) Purchase cardholders are encouraged, but not required, to use electronic contract files within the FMS. However, if a purchase cardholder decides not to establish an electronic contract file, the cardholder is still responsible for retaining all documentation relevant to the purchase in a manner consistent with Agency policy. Examples of relevant documentation include a copy of form IBB-0042 (Request for Supplies or Services), a copy of form OF 347 (Order for Supplies of Services), approval from the cardholder's Approving Official, special clearances (e.g. for IT equipment, promotional items, memberships, etc.), and any other pertinent documentation.

(4) Guidance regarding using the FMS. For guidance regarding use of the FMS to process contract awards, or to create electronic contract files, contact the Office of Contracts (CON) Policy Branch via email at [bbgconpolicy@bbg.gov](mailto:bbgconpolicy@bbg.gov).

(5) Deviations. Any deviation from the procedures above is subject to advance approval on a case-by-case basis by the Senior Procurement Executive (SPE). To request a deviation, submit a written request via email to the SPE proposing alternative procedures. If approved, the SPE shall issue a written waiver. A copy of the SPE's approved, written waiver must be included in the contract file.

**(e) DEFINITIONS:**

(1) Contract, per [FAR Subpart 2.1](#), means a mutually binding legal relationship obligating the seller to furnish the supplies or services (including construction) and the buyer to pay for them. It includes all types of commitments that obligate the Government to an expenditure of appropriated funds and that, except as otherwise authorized, are in writing. In addition to bilateral instruments, contracts include (but are not limited to) awards and notices of awards; job orders or task letters issued under basic ordering agreements; letter contracts; orders, such as purchase orders, under which the contract becomes effective by written acceptance or performance; and bilateral contract modifications. Contracts do not include grants and cooperative agreements covered by [31 U.S.C. 6301](#), *et seq.* For discussion of various types of contracts, see [FAR Part 16](#).

(2) Contract action means any oral or written action that results in the purchase, rent, or lease of supplies or equipment, services, or construction using appropriated dollars over the micro-purchase threshold, or modifications to these actions regardless of dollar value. Contract action does not include grants, cooperative agreements, other transactions, real property leases, requisitions from Federal stock, training authorizations, or other non-FAR based transactions. (See [FAR 4.601](#))

(3) Financial Management System (FMS) means an information system that may perform all financial functions (including general ledger management, funds management, payment management, receivable management, and cost management), as well as financial portions of information systems that can support both financial and non-financial functions, necessary to support financial management (including automated and manual processes, procedures, and controls, data, hardware, software, and support personnel dedicated to the operation and maintenance of system functions). See [OMB Circular A-127](#). The Agency currently uses the Momentum FMS.

(4) Contract closeout means all actions required to comply with [FAR 4.804](#) or [FAR 42.708](#), where applicable, upon completion of a contract action (examples of completion of a contract action include physical completion of a contract (See [FAR 4.804-4](#)); or delivery, acceptance, and payment pursuant to a purchase order, task order, or delivery order).

**(f) EFFECTIVE DATE AND APPROVAL:**

Approved by:

Date:



John Lan  
CEO and

**Title:** IX BAM 9100 Responsible Prospective Contractors

**Policy Tracking #:** CON-15-02

**Effective Date:** April 27, 2016

**Originating Office:** Contracts, x7843, [bbgconpolicy@bbg.gov](mailto:bbgconpolicy@bbg.gov)

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**(a) PURPOSE:** This policy establishes standards and procedures for determining whether prospective contractors and subcontractors are responsible per [FAR Subpart 9.1](#).

**(b) AUTHORITY AND SCOPE:**

**(1) Scope.**

(i) This policy applies to the Federal Government elements of the Broadcasting Board of Governors (i.e., VOA, OCB, TSI, and IBB), referred to in this policy as, “The Agency.”

(ii) This policy also applies to all Contracting Officers (CO) employed by the Agency.

(iii) This policy further applies to all proposed contracts with any prospective contractors or subcontractors being considered by Agency COs, except as follows:

(A) In accordance with [FAR Section 9.102](#), the determination of Contractor responsibility does not apply to Agency proposed contracts with:

(1) Foreign, State, or local governments;

(2) other U.S. Government agencies or their instrumentalities; or

(3) Agencies for people who are blind or severely disabled (see [FAR Subpart 8.7](#)).

(B) In addition, the Agency is not required to perform a responsibility determination when the Agency places a task or delivery order against a contract for which the General Services Administration has already performed a responsibility determination at the time GSA awarded the underlying contract, e.g. GSA Schedule Federal Supply Schedule (FSS) purchases, Government-wide Acquisition Contracts (GWAC), etc. (See [Advanced Tech. Sys, Inc., B-296493.6 \(Comp. Gen.\), Oct. 6, 2006.](#))

**(2) Authorities.**

(i) [FAR Subpart 9.1](#); and

(ii) [Delegation Order 99-11, Redlegation of Contracting Authority to the Senior Procurement Executive, Office of Contracts](#), or current version (delegations of authority are attached to [II BAM 480 - Delegations of Authority](#)).

**(c) POLICY:**

(1) Agency purchases shall be made from, and Agency contracts shall be awarded to, responsible prospective contractors only.

(2) In accordance with [FAR 9.103\(b\)](#), no purchase or award shall be made unless the CO makes an affirmative determination of responsibility. When the CO lacks sufficient information to determine the prospective contractor is responsible, the CO must make a determination of non-responsibility. If the prospective contractor is a small business concern, the CO shall comply with [FAR Subpart 19.6](#). (If Section 8(a) of the Small Business Act applies, see [FAR Subpart 19.8](#).)

(3) A prospective contractor must satisfy the following general standards, set forth in [FAR Subsection 9.104-1](#), to be determined responsible:

(i) Have adequate financial resources to perform the contract or the ability to obtain them (see FAR Subsections [9.104-1\(a\)](#), [9.104-3\(a\)](#));

(ii) Be able to comply with the required or proposed delivery or performance schedule taking into consideration all existing commercial and Government business commitments(see FAR Subsections [9.104-1\(b\)](#), [9.104-3\(b\)](#));

(iii) Have a satisfactory performance record (see FAR Subsections [9.104-1\(c\)](#), [9.104-3\(c\)](#));

(iv) Have a satisfactory record of integrity and business ethics(see FAR Subsections [9.104-1\(d\)](#)), 42.15;

(v) Have the necessary organization and experience, accounting and operational controls, and technical skills or ability to obtain them, including , as appropriate, such elements as production control procedures, property control systems, quality assurance measures, and safety programs applicable to materials to be produced or services to be performed by the prospective contractor and subcontractors (see FAR Subsection [9.104-1\(e\)](#), [9.104-3\(a\)](#));

(vi) Have the necessary production, construction, and technical equipment and facilities or the ability to obtain them (see FAR Subsection [9.104-1\(f\)](#), [9.104-3\(a\)](#)); and

(vii) Be otherwise qualified and eligible under applicable laws and regulations (see FAR Subsection [9.104-1\(g\)](#)) and FAR 9.108 (inverted domestic corporations).

**(d) PROCEDURES AND PRIMARY RESPONSIBILITIES:**

(1) Contractor Responsibility Clauses. COs are responsible for incorporating the appropriate provisions and contract clauses in solicitations and resultant contracts that are applicable to [FAR Subpart 9.1](#). However, the standards in [FAR 9.104](#), referenced above, apply to all procurements and contracts, even if they are not incorporated into the solicitation.

(2) Obtaining Information for Responsibility Determinations. Before making a determination of responsibility, the CO shall possess or obtain information sufficient to be satisfied that a prospective contractor currently meets the applicable standards in [FAR 9.104](#), referenced above in paragraph (c)(3). The following sub-paragraphs include requirements and guidance regarding obtaining information for responsibility determinations.

(i) Required Checks against System for Award Management Exclusions for all awards. COs shall check all prospective contractors against the exclusion records in the System for Award Management (SAM) for all parties debarred, suspended, proposed for debarment, declared ineligible, or excluded or disqualified under the non-procurement common rule. See [FAR 9.405](#) for further details. COs shall check prospective contractors against SAM Exclusions<sup>1</sup> at each of the times listed below:

(A) upon receipt of offers, bids, and proposals;

(B) again immediately prior to award, modification, or other contract action with a contractor, including placing orders exceeding the minimum guarantee under an indefinite delivery indefinite quantity contract and placing orders under Federal Supply Schedule contracts and Blanket Purchase Agreements; and

(C) prior to awarding new work, exercising options, or otherwise extending the duration of current contracts or orders.

(ii) Guidance on other sources of information for all awards. To support determinations regarding contractor responsibility, COs shall consult sources of information appropriate to the circumstances, which may include the following:

(A) past performance data, including verifiable knowledge of personnel within the Agency;

(B) information submitted to the Agency by the prospective contractor, including bid or proposal information;

(C) commercial sources of supplier information of a type offered to buyers in the private sector;

(D) pre-award survey reports (see [FAR Subsection 9.106](#) for guidance); and

(E) Other sources (e.g., publications; suppliers, subcontractors, and customers of the prospective contractor; financial institutions; other Government agencies; business and trade associations; and DUN & Bradstreet reports).

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<sup>1</sup> Note: SAM Exclusions has replaced the Excluded Parties List System (EPLS).

(iii) Required Checks in the Federal Awardee Performance Integrity Information System (FAPIIS) for awards exceeding the Simplified Acquisition Threshold (SAT).

(A) Before awarding a contract in excess of the simplified acquisition threshold, the CO shall review the performance and integrity information available in the Federal Awardee Performance and Integrity Information System (FAPIIS), (available at [www.ppirs.gov](http://www.ppirs.gov), then select FAPIIS), including FAPIIS information from the System for Award Management (SAM) Exclusions and the Past Performance Information Retrieval System (PPIRS). In accordance with 41 U.S.C. 2313 (d) (3), FAPIIS also identifies:

(1) An affiliate that is an immediate owner or subsidiary of the offeror, if any (see FAR 52.204-17, Ownership or Control of Offeror); and

(2) All predecessors of the offeror that held a Federal contract or grant within the last three years (see FAR 52.204-20, Predecessor of Offeror).

(B) When making a responsibility determination, the CO shall consider all the information available through FAPIIS with regard to the offeror and any immediate owner, predecessor, or subsidiary identified for that offeror in FAPIIS, as well as other past performance information on the offeror (see [FAR Subpart 42.15](#)). For evaluation of information available through FAPIIS relating to an affiliate of the offeror, see FAR 9.104-3(c). For source selection evaluations of past performance, see FAR 15.305(a)(2).

(C) COs shall use sound judgment in determining the weight and relevance of the information contained in FAPIIS and how it relates to the present acquisition.

(1) Since FAPIIS may contain information on any of the offeror's previous contracts and information covering a five-year period, some of that information may not be relevant to a determination of present responsibility, for example, a prior administrative actions such as debarment or suspension that is expired or otherwise has been resolved, or information relating to contracts for completely different products or services.

(2) Because FAPIIS is a database that provides information about prime contractors, the CO posts information required to be posted about a subcontractor, such as trafficking in persons violations, to the record of the prime contractor (see 42.1503(h)(1)(v)). The prime contractor has the opportunity to post in FAPIIS any mitigating factors. The CO shall consider any mitigating factors posted in FAPIIS by the prime contractor, such as degree of compliance by the prime contractor with the terms of FAR clause 52.222-50.

(D) The CO shall document the contract file to indicate how FAPIIS was considered in any responsibility determination, as well as action taken as a result of the information.



- (E) When considering information in FAPIIS before awarding contracts in excess of the SAT pursuant to [FAR 9.104-6](#) and subparagraph (A) above, if the CO obtains relevant information from FAPIIS regarding criminal, civil, or administrative proceedings in connection with the award or performance of a Government contract; terminations for default or cause; determinations of non-responsibility because the contractor does not have a satisfactory performance record or a satisfactory record of integrity and business ethics; or comparable information relating to a grant, unless the contractor has already been debarred or suspended, the CO shall do the following:
- (1) Promptly request additional information from the offeror in order for the offeror to demonstrate responsibility to the CO (but see [FAR Section 9.405](#)); and
  - (2) If the information appears appropriate for debarment or suspension, prior to proceeding with award and in accordance with Agency procedures, the CO shall notify the CON Policy Branch via email at [bbgconpolicy@bbg.gov](mailto:bbgconpolicy@bbg.gov), so that the CON policy branch can review the information before alerting the Agency official responsible for initiating debarment or suspension actions.
- (3) Documenting Responsibility Determinations in the Contract File. The contract file shall include support documentation to adequately reflect the CO's decision regarding responsibility of a prospective contractor (See [FAR 9.105-2](#)).
- (i) Documentation for simplified acquisitions. For simplified acquisitions, the CO shall, *at a minimum*, document the contract file to state that no active exclusion record was found in SAM for a prospective contractor and to identify the date that SAM was reviewed. To satisfy this requirement, it is Agency best practice that COs include a screenshot or printout from the SAM dashboard in the contract file, demonstrating there are no active exclusions for a prospective contractor. When a screenshot is impractical because a prospective contractor is not required to register in SAM per [FAR Subpart 4.11](#), a memorandum to file is acceptable documentation.
  - (ii) Documentation for actions above the SAT. For all contracts and orders in excess of the SAT, COs shall document determinations regarding contractor responsibility using the attached BBG Determination of Contractor's Responsibility form, or equivalent document.
- (4) Documenting Non-Responsibility Determinations in FAPIIS. In addition to documenting the contract file, the CO shall document a non-responsibility determination in FAPIIS. (See [FAR 9.105-2](#) for greater detail.)
- (5) CO responsibilities regarding small business concerns and certificates of competency. Upon determining and documenting that an apparent successful small business offeror lacks certain elements of responsibility, the CO shall withhold award and refer the matter to the Small Business Administration (SBA), which will decide whether or not to issue a certificate of competency (see [FAR Subpart 19.6](#)). If SBA issues a certificate of competency for a small business concern, the CO shall accept the SBA's decision and award the contract accordingly.



**(e) DEFINITIONS:**

(1) Contract means a mutually binding legal relationship obligating the seller to furnish the supplies or services (including construction) and the buyer to pay for them. It includes all types of commitments that obligate the Government to an expenditure of appropriated funds and that, except as otherwise authorized, are in writing. In addition to bilateral instruments, contracts include (but are not limited to) awards and notices of awards; job orders or task letters issued under basic ordering agreements; letter contracts; orders, such as purchase orders, under which the contract becomes effective by written acceptance or performance; and bilateral contract modifications. For discussion of various types of contracts, see [FAR Part 16](#). (See [FAR Subpart 2.1](#))

(2) Concern means any business entity organized for profit (even if its ownership is in the hands of a nonprofit entity) with a place of business located in the United States or its outlying areas and that makes a significant contribution to the U.S. economy through payment of taxes and/or use of American products, material and/or labor, etc. “Concern” includes but is not limited to an individual, partnership, corporation, joint venture, association, or cooperative. For the purpose of making affiliation findings (see [19.101](#)), include any business entity, whether organized for profit or not, and any foreign business entity, i.e., any entity located outside the United States and its outlying areas.

(3) Small business concern means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and qualified as a small business under the criteria and size standards in 13 CFR part 121 (see FAR Subsection [19.102](#)). Such a concern is “not dominant in its field of operation” when it does not exercise a controlling or major influence on a national basis in a kind of business activity in which a number of business concerns are primarily engaged. In determining whether dominance exists, consideration must be given to all appropriate factors, including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents, license agreements, facilities, sales territory, and nature of business activity. (See [15 U.S.C. 632](#).)

**BROADCASTING BOARD OF GOVERNORS  
DETERMINATION OF CONTRACTOR'S RESPONSIBILITY  
(Federal Acquisition Regulation (FAR) 9.1,)**

Contract Number: [insert contract number]

Contractor Name: [insert contractor name]

**FINDINGS**

In accordance with FAR 9.104-1, a prospective contractor is determined to be responsible after considering all of the following responsibility standards:

(a) Has adequate financial resources to perform the contract, or the ability to obtain them (see FAR 9.104-3(a)). *Please explain below. [Much of the financial information is furnished by the contractor at the request of the government.]*

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(b) Is able to comply with the required or proposed delivery or performance schedule, taking into consideration all existing commercial and governmental business commitments. *Please explain below. [This information may be obtained from records and experience data.]*

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(c) Has a satisfactory performance record (see FAR 9.104-3(b), FAR 9.104-6 and FAR Subpart 42.15). *Please explain below. Note: A prospective contractor must not be determined responsible or nonresponsible solely on the basis of a lack of relevant performance history, except as provided in FAR 9.104-2.*

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(d) Has a satisfactory record of integrity and business ethics (see FAR 9.104-6 and FAR subpart 42.15). *Please explain below.*

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(e) Has the necessary organization, experience, accounting and operational controls, and technical skills, or the ability to obtain them (including, as appropriate, such elements as production control procedures, property control systems, quality assurance measures, and safety programs applicable to materials to be produced or services to be performed by the prospective contractor and subcontractors) to perform this contract (see FAR 9.104-3(a)). *Please explain below.*

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(f) And, has the necessary production, construction, and technical equipment and facilities, or the ability to obtain them, to perform this contract (see FAR 9.104-3(a)). *Please explain below.*

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(g) Is otherwise qualified and eligible to receive an award under applicable laws and regulations (see FAR 9.104-6 regarding FAPIIS and FAR 9.108 regarding inverted domestic corporations). *Please explain below. [Check the System for Award Management (SAM), exclusion records, to determine if the contractor has been debarred or suspended or other otherwise excluded from receiving a contract. Identify date if no active exclusion record is found for the vendor in SAM.]*

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In accordance with FAR 9.105-1 (c), I have considered all the information in the Federal Awardee Performance and Integrity Information System (FAPIIS) (FAR 9.104-6) (available at [www.fapiis.gov](http://www.fapiis.gov)), including information that is linked to FAPIIS such as from the SAM and the Past Performance Information Retrieval System (PPIRS), and any other relevant past performance information (see FAR 9.104-3(c) and FAR Subpart 42.15, in arriving at the above findings.

#### **DETERMINATION**

Based on the above, [insert name of prospective contractor] has been determined to be a responsible contractor, in accordance with FAR Subpart 9.1, for performance under Contract No. [insert contract number]. I hereby determine that award be made to [insert name of prospective contractor] in the amount of [insert contract price] for the period [insert period of performance, including options], said contract price being fair and reasonable and in the best interest of the U.S. Government.

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[Insert name/signature of Contracting Officer]  
Contracting Officer

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Date

**IN ACCORDANCE WITH FEDERAL ACQUISITION REGULATION (FAR) 9.1, SEE THE BELOW IMPORTANT NOTES\* REGARDING DETERMINATION OF CONTRACTOR'S RESPONSIBILITY**

*\*The contracting officer's signing of a contract constitutes a determination that the prospective contractor is responsible with respect to that contract. In accordance with FAR 9.104-3(d)(1), upon making a determination of nonresponsibility with regard to a small business concern, the contracting officer shall refer the matter to the Small Business Administration (SBA), which will decide whether to issue a Certificate of Competency (see subpart 19.6). In accordance with FAR 9.105-2(a)(2), when a Certificate of Competency is issued for a small business concern (see Far subpart 19.6), the contracting officer shall accept the Small Business Administration's decision to issue a Certification of Competency and award the contract to the concern.*

*\*In accordance with FAR 9.105-2(b), any supporting documentation used to determine responsibility, including any preaward survey reports, the use of FAPIIS information and any applicable Certificate of Competency, must be included in the contract file.]*

*In accordance with FAR 9.104-6(d), the file must be documented to indicate how the information in FAPIIS was considered in any responsibility determination, as well as the action that was taken as a result of the information.*

*In accordance with FAR 9.104-6(b), sound judgment must be used in determining the weight and relevance of the information contained in FAPIIS and how it relates to the present acquisition. Since FAPIIS may contain information on any of the offeror's previous contracts and information covering a five-year period, some of that information may not be relevant to a determination of present responsibility, e.g., a prior administrative action such as debarment or suspension that has expired or otherwise been resolved, or information relating to contracts for completely different products or services.*

*\*In accordance with FAR 9.104-6(c), if the contracting officer obtains relevant information from FAPIIS regarding criminal, civil, or administrative proceedings in connection with the award or performance of a Government contract; terminations for default or cause; determinations of nonresponsibility because the contractor does not have a satisfactory performance record or a satisfactory record of integrity and business ethics; or comparable information relating to a grant, the contracting officer shall, unless the contractor has already been debarred or suspended –*

- (1) Promptly request such additional information from the offeror as the offeror deems necessary in order to demonstrate its responsibility (but see 9.405); and*
- (2) Notify, prior to proceeding with award, in accordance with agency procedures (see FAR 9.406-3(a) and 9.407-3(a)), the agency official responsible for initiating debarment or suspension action, if the information appears appropriate for the official's consideration.*

*In accordance with FAR 9.105-2(b)(2), the contracting officer shall document the determination of nonresponsibility, in FAPIIS (available at [www.cpars.gov](http://www.cpars.gov), then select FAPIIS) if the determination of nonresponsibility is based on lack of satisfactory performance record or satisfactory record of integrity and business ethics; and SBA does not issue a Certificate of Competency. The contracting officer is responsible for the timely submission of the nonresponsibility determination, within 3 working days, as well as sufficiency and accuracy of the documentation regarding the nonresponsibility determination.*

**Title:** Granting Authority to Operate Agency Information Systems

**Policy #:** TSI-12-01

**Effective Date:** 06/11/2013

**Originating Office:** Technology, Services, and Innovation, IT Directorate (202) 382-7271

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**(a) PURPOSE:** This policy designates BBG's Chief Information Officer (CIO) as the Certifying Official for all Agency Information Systems (as defined in paragraph (B)(ii) below), provides guidance on the Information System risk management process recommended by the National Institute of Standards and Technology (NIST), and establishes procedures for Certification as part of the risk management process.

**(b) AUTHORITY & SCOPE:**

(1) Authority: This policy implements requirements and guidance found in

- (i) [The Clinger-Cohen Act](#) (Pub. L. 104-106; 40 U.S.C. 11101 et seq.)
- (ii) [The Federal Information Security Management Act](#) (44 U.S.C. 3541 et seq.);
- (iii) [OMB Circular A-130](#), including [Appendix III, Security for Federal Automated Information Resources](#) (Nov. 2000);
- (iv) [NIST Special Publication 800-18, Rev. 1](#), Guide for Developing Security Plans for Federal Information Systems (Feb. 2006);
- (v) [NIST Special Publication 800-37, Rev. 1](#), Guide for Applying the Risk Management Framework to Federal Information Systems (Feb. 2010);
- (vi) [NIST Special Publication 800-53, Rev. 3](#), Recommended Security Controls for Federal Information Systems and Organizations (Aug. 2009);
- (vii) [NIST Special Publication 800-53A, Rev. 1](#), Guide for Assessing the Security Controls in Federal Information Systems and Organizations (Jun. 2010);
- (viii) [NIST Special Publication 800-60, Rev. 1](#), Guide for Mapping Types of Information and Information Systems to Security Categories (Aug. 2008);
- (ix) [NIST Special Publication 800-64, Rev. 2](#), Security Considerations in the System Development Life Cycle (Oct. 2008);
- (x) [NIST Special Publication 800-82](#), Guide to Industrial Control Systems (ICS) Security;
- (xi) [Federal Information Processing Standards Publication 199](#) (FIPS 199), Standards for Security Categorization of Federal Information and Information Systems (Feb. 2004);

(xii) [Federal Information Processing Standards Publication 200](#) (FIPS 200), Minimum Security Requirements for Federal Information and Information Systems (Mar. 2006);

(xiii) [The E-Government Act of 2002](#) (Pub. L. 107-347; 44 U.S.C. 3501 Note);

(xiv) [OMB Memo M-03-22](#), OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002 (Sep. 2003); and

(xv) [OMB Memo M-11-29](#), Chief Information Officer Authorities (Aug. 2011).

(2) Scope: This policy applies to all offices or divisions of the Federal Government which the Broadcasting Board of Governors supervises pursuant to the U.S. International Broadcasting Act (collectively, “the Agency”) and all Information Systems developed, procured, acquired, modified, or operated by any office or division within the Agency (collectively, “Agency Information Systems”).

**(c) POLICY:**

(1) All Agency Information Systems must receive a written Authority to Operate from BBG’s CIO, regardless of the cost associated with developing, procuring, acquiring, or modifying the Information System.

(2) The CIO is the Certifying Official, who, in consultation with the IBB Director, is responsible for:

(i) Issuing;

(ii) Denying;

(iii) Placing conditions upon; or

(iv) Rescinding;

Authority to Operate an Information System on behalf of the Agency.

(3) The CIO issues, denies, conditions, or rescinds Authority to Operate based on a determination, made in consultation with the IBB Director, whether an Information System will operate at an acceptable level of risk to the Agency’s organizational operations (including but not limited to the Agency’s broadcasting mission, functions, image, and reputation), organizational assets, individuals, other organizations, and the nation. (See [NIST Special Publication 800-53, Rev. 3](#)).

(4) The CIO shall determine whether to issue Authority to Operate through a formal Certification process. Certification is an ongoing process, with the following steps, as detailed in Section D of this Policy:

(i) Initiation – Either an IBB Office or Broadcasting Element, in conjunction with the Information Security Management Division, or an Information System Owner, develops

an Information System Security Plan. The plan categorizes security risks associated with an Information System and identifies Security Controls to mitigate those risks. The Security Plan is reviewed and approved by a Security Assessment Panel designated by the CIO;

(ii) Development – Either the Agency develops the approved Security Controls for an Information System developed in-house, or the Agency ensures that a procured Information System has developed all of the security controls identified by an approved security plan;

(iii) Implementation – The Security Assessment Panel tests Security Controls, or reviews assessments conducted by outside organizations, and makes recommendations to the CIO. The CIO, in consultation with the IBB Director, then makes a final decision whether to authorize the system to operate;

(iv) Operation and Maintenance – The Information Security Management Division and the Information System Sponsor continuously monitor the effectiveness of Security Controls.

(v) Ongoing Re-Certifications – Each Information System must go through a new Certification process as determined by the CIO.

(5) The process, described in Section D below, is not intended to impose an unnecessary administrative burden. Because Information Systems vary greatly, the CIO should tailor the Certification process to the characteristics, complexity, and level of risk associated with each Information System. For Example, the Certification process for an Information System which is also a Broadcast and Communication System should be tailored to the unique design and operation of that system. Furthermore, security controls that result from the Certification process should not unduly interfere with the broadcast functions of an Information System which is also a Broadcast and Communications System.

**(d) PROCEDURES & PRIMARY RESPONSIBILITIES:**

(1) The IBB Director shall consult with the CIO regarding issuing, denying, conditioning, or rescinding Authority to Operate an Information System. However, when the IBB Director is not available, the IBB Director may delegate this function to the IBB Deputy Director or the IBB Chief of Staff.

(2) The CIO shall exercise the following responsibilities, but may delegate them to an employee who reports to the CIO, when the CIO is not available:

(i) Implement the Information System Certification procedures established by this policy;

(ii) Oversee the work of Security Assessment Panels;

(iii) Report to BBG senior management on the effectiveness of the Information System Certification process; and

(iv) Consult with the IBB Director before issuing, denying, placing conditions upon, or rescinding Authority to Operate an Information System.

(3) The Heads of all IBB Offices and Broadcasting Elements shall:

(i) Ensure that all Information Systems they develop, procure, acquire, operate, or modify are covered by an approved Security Plan and receive written Authority to Operate from the CIO.

(ii) Plan and budget for the Certification process, as well as continuing Re-Certifications.

(4) Initiation

(i) As soon as an IBB Office or Broadcasting Element identifies a need to procure, develop, modify, or Re-Certify an Information System, the head of that office shall designate an Information System Sponsor. The Information System Sponsor shall serve as the primary point of contact with the CIO's Office, as well as the Information Security Management Division, regarding the Information System.

(ii) The Information System Sponsor shall consult with the Chief Information Security Officer in the Information Security Management Division to:

(A) Determine whether the proposed development, procurement, or modification requires a new Authority to Operate, or whether the proposed Information System would be covered by an existing, overarching Authority to Operate for multiple sub-systems; and

(B) Obtain guidance on the Certification process, as necessary.

(iii) Before an IBB Office or Broadcasting Element begins developing, modifying or procuring an Information System, the Information System Sponsor shall submit a proposal to the CIO for initial review, which includes:

(A) The name and contact information for the Information System Sponsor;

(B) The purpose of developing, modifying, or procuring the Information System;

(C) The Information System's technical requirements;

(D) The Information System's requirements for interconnecting, or sharing information, with existing Agency Information Systems;

(E) A list of any deviations from [IT Standards, version 13](#).

(F) A Privacy Impact Assessment, if required by [The E-Government Act of 2002](#), §208 (see [OMB Memo M-03-22](#) for guidance regarding when a Privacy Impact Assessment is necessary);

(G) The budget for the Information System, including the Certification process; and



(H) Any additional program management or technology requirements.

(iv) After thoroughly reviewing items (a)-(h) in Paragraph (D)(iv)(3) above, the CIO shall notify the Information System Sponsor whether he/she approves the proposed action (i.e. developing, modifying, or acquiring an Information System) to move forward to the Security Plan development phase. If the CIO does not approve the proposed action, he/she shall provide a detailed, written explanation for his/her decision to the Information System Sponsor.

(v) Security Plans for Information Systems Developed by the Agency:

(A) If the IBB Office or Broadcasting Element intends to develop, acquire, or modify an Information System in-house, then the Information System Sponsor shall develop a Security Plan, with support from the Information Security Management Division, and submit the Security Plan to the CIO.

(B) All Security Plans shall comply with [FIPS 199](#), [FIPS 200](#), [NIST Special Publication 800-53](#), and [NIST Special Publication 800-60](#). Security plans for Information Systems which are also Broadcast and Communication Systems shall also follow guidance in [NIST Special Publication 800-82](#). Because these plans are highly technical, the Information System Sponsor should contact TSI's Information Security Management Division as soon as possible to obtain guidance.

(C) Upon receipt of a Security Plan, the CIO shall assign a Security Assessment Panel to conduct a thorough review of the plan.

(D) The Security Assessment Panel shall ensure that the plan categorizes risks to Confidentiality, Integrity, and Availability correctly under [FIPS 199](#), and includes all required security controls under [FIPS 200](#) and [NIST Special Publication 800-53](#). The Security Assessment Panel may recommend changes to the Security Plan or require additional information, as necessary.

(E) An IBB Office or Broadcasting Element may begin developing or modifying an Information System only after the Security Assessment Panel approves the Security Plan.

(vi) Security Plans for Information Systems Procured by the Agency: If an IBB Office or Broadcasting Element intends to procure an Information System, then the Information System Sponsor is responsible for coordinating with the Information Security Management Division and the Office of Contracts to ensure that the request for proposals, statement of work, specifications, and other documents include requirements that the Information System Owner shall perform at least one of the following functions, as appropriate, based on recommendations from the Information Security Management Division:

(A) Develop a Security Plan in compliance with [FIPS 199](#), [FIPS 200](#), [NIST Special Publication 800-53](#), [NIST Special Publication 800-60](#), and [NIST Special Publication](#)

[800-82](#) in the case of Information Systems which are also Broadcast and Communication Systems;

(B) Obtain and submit the results of a private-sector Security Controls Assessment;

(C) Obtain and submit the results of a Security Controls Assessment developed by another federal agency, or another non-federal organization, which has implemented the same Information System; or

(D) Comply with an Agency-developed Security Plan and Security Controls Assessment;

(5) Development

(i) For Information Systems developed or modified in-house - The Information System Sponsor is responsible for ensuring that all Security Controls identified in the approved Security Plan are included in the development or modification of the Information System.

(ii) For procured Information Systems – The Information System Sponsor is responsible for coordinating with the Office of Contracts prior to contract award, to ensure the Agency procures an Information System that includes all Security Controls identified in an approved Security Plan. The Information System Sponsor, or a representative from the Information Security Management Division, or both, should be included in a technical evaluation panel for Information System procurements.

(6) Implementation

(i) Security Controls Assessment for Information Systems Developed or Modified by the Agency:

(A) The Information System Sponsor shall notify the Security Assessment Panel when the Security Controls identified in the Security Plan have been implemented and are ready for a Security Controls Assessment.

(B) The Security Assessment Panel shall conduct tests for each Security Control to ensure the Security Controls are implemented correctly and functioning as intended.

(C) After the Security Controls Assessment is complete, the Security Assessment Panel shall make written recommendations to the Certifying Official regarding whether Security Controls are adequate, and if additional controls or actions are necessary.

(ii) Security Controls Assessment for Information Systems Procured by the Agency:

(A) When it is impractical or impossible to conduct an in-house Security Assessment for a procured Information System, the Security Assessment Panel may review a security Certification from an outside organization, performed according to industry

standards (e.g. the International Organization for Standards 27001 standards for information security management).

(B) After reviewing an outside security Certification, the Security Assessment Panel shall make written recommendations to the Certifying Official regarding whether to accept the outside security Certification, and if additional controls or actions are necessary.

(iii) Issuing Authority to Operate

(A) After the Certifying Official:

- (1) Reviews the approved Security Plan;
- (2) Reviews the written recommendations of the Security Assessment Panel; and
- (3) Consults with the IBB Director;

the Certifying Official shall determine whether the proposed Information System will operate at an acceptable level of risk to the Agency's organizational operations (including but not limited to the Agency's broadcasting mission, other functions, image, and reputation), organizational assets, individuals, other organizations, and the nation.

(B) If the level of risk is acceptable, the Certifying Official will issue Authority to Operate to the Information System Owner.

(C) Each Authority to Operate shall be in writing and shall contain an expiration date, no later than three years after the date Authority to Operate is granted.

(D) The Certifying Official may issue a limited Authority to Operate, which shall either expire on a designated deadline, or shall mature into a full Authority to Operate, lasting up to three years, on the condition that the Information System Owner must take any or all of the following actions, as directed by the CIO:

- (1) Implementing additional Security Controls,
- (2) Conducting additional Security Controls Assessments, or
- (3) Complying with other security requirements.

(7) Operation and Maintenance

(i) Continuous Monitoring – The Chief of the Information Security Management Division, within TSI, shall appoint an Information System Security Officer (ISSO) for each Agency Information System. The ISSO and the Information System Sponsor are responsible for continuously monitoring the effectiveness of Security Controls. The ISSO and Information System Sponsor shall report system vulnerabilities or significant

changes in risks to the Certifying Official, so that he/she may make informed decisions about whether to place conditions upon, or rescind, an authority to operate, in consultation with the IBB Director.

(ii) Re-Certification - At least 30 days before an Authority to Operate expires, the Information System Sponsor is responsible for submitting to the Certifying Official a request for Re-Certification that shall include:

(A) A list of any changes in the Information System's technical requirements;

(B) A list of any changes in the Information System's requirements for interconnecting, or sharing information, with other Agency Information Systems;

(C) All information required by [FIPS 199](#), [FIPS 200](#), [NIST Special Publication 800-53](#), [NIST Special Publication 800-60](#), or [NIST Special Publication 800-82](#); and

(D) The Budget for the Re-Certification process, if any.

(iii) The CIO shall assign review of the request for Re-Certification to a Security Assessment Panel.

(iv) The Security Assessment Panel shall either:

(A) Conduct a new Security Assessment; or

(B) Review information in a new security Certification, provided from an outside source, under the same circumstances described in paragraph (D)(vi)(2) above.

(v) The Security Assessment Panel shall then provide the Certifying Official with a written recommendation regarding whether Security Controls are functioning as intended, and if additional controls or actions are necessary.

(vi) After reviewing the written recommendations of the Security Assessment Panel, and consulting with the IBB Director, the Certifying Official shall make a new determination whether the Information System continues to operate at an acceptable level of risk to the Agency.

(e) **DEFINITIONS:** As used in this policy, the terms below are defined as follows:

(1) Authority to Operate means the official, management decision by the Chief Information Officer to authorize the operation of an Information System after evaluating security risks associated with the system and security controls designed to mitigate those risks. [NIST Special Publication 800-37 Rev. 1](#).

(2) Availability means ensuring timely and reliable access to, and use of, information. [44 U.S.C. § 3542](#); [FIPS 199](#).

(3) Broadcasting Element means the Voice of America (VOA), the Office of Cuba Broadcasting (OCB), and all offices, divisions, directorates, or sub-organizations within VOA and OCB.

(4) Broadcast and Communication System means equipment, information resources, or components thereof, which perform specific functions that are integral to the broadcast production process and operate independently of any other Information System. Examples of Broadcast and Communication Systems include audio and video switchers, cameras, broadcast video playback, recording devices, master control automation and routing systems, camera robotic control networks, and radio audio console networks. A system may be both a Broadcast and Communication System and an Information System.

(5) Certification means a comprehensive analysis of an Information System's Security Controls by appropriate officials assigned by the CIO. See [NIST Special Publication 800-37 Rev. 1](#).

(6) Certifying Official means the official who may issue Authority to Operate on behalf of the Agency. For the purposes of this policy, the term Certifying Official is synonymous with Chief Information Officer (CIO). See [NIST Special Publication 800-37 Rev. 1](#).

(7) Confidentiality means preserving authorized restrictions on information access and disclosure, including means for protecting personal privacy and proprietary information. [44 U.S.C. § 3542](#); [FIPS 199](#).

(8) IBB Office means any component or subcomponent within the Agency that reports directly to the IBB Director.

(9) Industrial Control System means equipment that is typically used in the industrial sector (e.g. electric, water and wastewater, oil and natural gas, transportation, chemical, pharmaceutical, food and beverage, or manufacturing industries) and which uses deliberate guidance or manipulation to achieve a prescribed value for a variable. Examples include Supervisory Control and Data Acquisition (SCADA) systems, Distributed Control Systems, or Programmable Logic Controllers.

(10) Information System means a discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information. [44 U.S.C. § 3502](#). A system may be both an Information System and a Broadcast and Communications System, as defined above.

(11) Information System Owner means the person or organization responsible for developing or operating an Information System. This refers either to an element within the Agency or an organization from which the Agency procures an Information System. See [FIPS 200](#).

(12) Information System Security Officer means the individual responsible for maintaining the appropriate operational security for each Information System or program. See [44 U.S.C. § 3544](#).

(13) Information System Sponsor means the person, or persons, from an IBB Office or Broadcasting Element that requests Authority to Operate an Information System and coordinates with the Certifying Official (CIO) and the Security Assessment Panel.

(14) Information Technology means any equipment or interconnected system, or subsystem, of equipment that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. This includes computers, peripheral computer equipment, software, firmware, support services, and related resources. [40 U.S.C. § 11101](#).

(15) Integrity means guarding against improper information modification or destruction, and includes ensuring information non-repudiation and authenticity. [44 U.S.C. § 3542](#); [FIPS 199](#).

(16) Security Assessment Panel means a person, or persons, whom the Certifying Official tasks with evaluating the security risks of implementing an Information System and advising the Certifying Official. The Security Assessment Panel will often, but does not have to, include the Chief of the Information Security Division and the Information System Security Officer who is, or will be, responsible for the Information System under evaluation. *See*, [NIST Special Publication 800-37 Rev. 1](#).

(17) Security Control means a management, operational, or technical safeguard or countermeasure for an Information System that protects the confidentiality, integrity, and availability of the system and its information. [NIST Special Publication 800-37 Rev. 1](#).

(18) Security Control Assessment means the testing or evaluation of the management, operational, and technical safeguards in an Information System to determine the extent to which the safeguards are implemented correctly, operating as intended, and producing the desired outcome. [NIST Special Publication 800-37 Rev. 1](#).

**(f) EFFECTIVE DATE & APPROVAL:**

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**Title:** Safeguarding Personally Identifiable Information Policy

**Policy Tracking #:** TSI-13-05

**Effective Date:** April 23, 2015

**Originating Office:** T/IS x7200

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**(a) PURPOSE:** The Government is responsible for safeguarding Personally Identifiable Information (PII) (see definitions below) which the Government collects or maintains. This policy's purpose is to protect the Agency's PII assets from unauthorized disclosure and/or loss.

**(b) AUTHORITY & SCOPE:**

(1) Authority. This policy implements requirements and guidance found in the following:

- (i) [The Privacy Act of 1974, 5 U.S.C. § 552a](#);
- (ii) [The Federal Information Security Management Act of 2002, Pub. L. 107-347](#);
- (iii) [OMB Memorandum M-06-16](#) Protection of Sensitive Agency Information (June 2006);
- (iv) [OMB Memorandum M-07-16](#) Safeguarding Against and Responding to the Breach of Personally Identifiable Information (May 22, 2007);
- (v) [NIST Special Publication 800-53, Rev 4](#), Recommended Security and Privacy Controls for Federal Information Systems and Organizations (April 2013); and
- (vi) [NIST Special Publication 800-122](#), Guide to Protecting the Confidentiality of Personally Identifiable Information.

(2) Scope.

- (i) This policy applies to all Federal employees of the Broadcasting Board of Governors (BBG), and all offices of the Federal Government supervised by the BBG (collectively, "the Agency"). In addition, the Agency shall incorporate the policies and user responsibilities in this document into contracts as necessary, and apply the user responsibilities below to contractors who collect, access, maintain, or in any way use PII on behalf of the Agency.
- (ii) This policy applies to all information assets containing PII including financial, contractual, human resources, and any other PII collected, processed, or stored by the Agency.
- (iii) In general, Agency programs, broadcasts, or other content are not affected by this policy. However, some news gathering information may be covered by this policy, such

as sensitive information about contacts and sources. Please see the [VOA Best Practices Guide](#) for guidance regarding confidential sources.

(iv) This policy does not apply to classified information. Please see [BAM Title VIII](#), Sections [130](#) and [240](#) or contact the Office of Security, for further guidance regarding classified information.

(3) Related policies.

(i) [BBG Breach Notification Policy \(July 2008\)](#); and

(ii) [BBG FISMA Information Systems and Accreditation Boundaries](#).

**(c) POLICY:**

(1) PII Protection. The Agency shall maintain a system of administrative, technical, and physical safeguards to prevent unauthorized PII disclosure.

(2) Relation to Telework. All of the policies and procedures in this document apply equally to alternate worksites under telework agreements as they do to Agency facilities. For example, the requirements described below regarding protecting PII from disclosure, physically securing PII in locked drawers or rooms when not in use, locking computers before leaving them unattended, and disposing of document or devices that contain PII must be followed at alternate worksites.

(3) Removal of PII material.

(i) Records containing PII in hardcopy (i.e., physical documents) should not be sent or removed from the Agency's premises as a general rule. Removal of hardcopy records containing PII for work-related reasons, including telework, requires prior approval by an employee's direct supervisor, as well as the Information System Security Officer (ISSO) following the procedures in paragraph (d)(3) of this policy. When removal of documents containing PII is necessary, Agency Supervisors and ISSOs may only approve removing the minimum amount of information necessary to accomplish work requirements.

(ii) Portable storage devices (e.g. USB drive, portable hard drive, laptop storage, CD, etc.) that contain PII, MAY NOT be removed from the Agency's premises. Instead of using portable storage devices, the Agency will utilize secure remote access technologies.

(4) Remote Access to PII. PII may only be accessed from outside the Agency, if the following conditions are met:

(i) Remote access is allowed only via technologies that implement secure and encrypted communication channels that do not allow local downloading, capture, copying, or printing, or are approved and implemented by the Deputy CIO; and

(ii) Remote data access is logged for accountability. Remote access to the Agency network will be automatically logged by the system allowing for external access



(currently Virtual Private Network (VPN) access). Remote access to specific systems which contain PII data shall automatically log remote access as well as maintain an audit trail of the remote user's record access and actions. This data will be retained by TSI for a minimum of six months.

(5) If a mobile device containing PII is lost, or data are suspected of being compromised, the Deputy CIO has the authority to have the mobile device remotely locked, rendered inaccessible, or erased.

**(d) PROCEDURES AND PRIMARY RESPONSIBILITIES:**

**(1) Access Control.**

(i) Supervisors and managers who are responsible for granting employees access to systems that store PII must only grant employees access to these systems based on work requirements.

(ii) Supervisors and managers who are responsible for granting contractors access to information systems that store PII must NOT grant a contractor access to these systems before the user responsibilities listed below are incorporated into the contractor's contract.

**(2) User Responsibilities.** Any person who collects, accesses, maintains or in any way uses PII on behalf of the Agency (collectively "Users") is responsible for the following:

(i) Users must protect PII from disclosure to any person or entity who has not been granted access to that information;

(ii) Users must not use their access rights to exploit controls or access PII for any reason other than performance of their official duties.

(iii) Users must take and successfully complete the Agency's Security and Privacy Awareness Training annually;

(iv) Users must report confirmed, as well as suspected, privacy breaches to the Chief Information Security Officer;

(v) Users must use encryption methodology approved by the Deputy CIO to store or transmit PII by Agency e-mail;

(vi) Users must NOT transmit PII using personal e-mail accounts;

(vii) Users must physically secure PII (e.g., in a locked drawer, cabinet, desk, or safe) when not in use or not otherwise under the control of a person with a need to know. PII may be stored in a space where access control measures are employed to prevent unauthorized access by members of the public or other persons without a need to know (e.g., a locked room or floor, or other space where access is controlled by a key lock, cipher lock, or card reader). But the use of such measures is not a substitute for physically

securing Sensitive PII in a locked container when not in use. Users must NOT leave documents containing PII unattended;

(viii) Users must lock their computers (Ctrl + Alt + Del) before leaving them unattended;

(ix) Users must NOT place PII on publicly accessible systems, including but not limited to Internet webpages or e-mail servers;

(x) Users must NOT disclose or transmit any PII while using a public access connection;

(xi) Users must NOT use persistent cookies or automatic form-filling features in websites or web browsers;

(xii) Users who have permission to remove documents containing PII from Agency facilities must remove only the minimum amount of information necessary to accomplish work requirements and must return all documents containing PII to Agency facilities once those work requirements no longer exist;

(xiii) Users who have permission to take documents containing PII with them during temporary duty travel (TDY) must keep documents containing PII in their physical possession at all times while traveling, commuting, or while otherwise in transit (e.g. documents containing PII must be transported as carry-on luggage and may not be checked) and must continue to physically secure documents containing PII as described in paragraph (d)(2)(vii) throughout the TDY assignment.

(3) Procedures for Requesting Removal of or Remote Access to PII. To remove PII from the Agency premises or to access PII remotely, a request must be made to the Information System Security Officer (ISSO) and the Deputy CIO as follows:

(i) The requestor shall submit a PII removal or remote access request to the ISSO of the information. The request must be in writing and describe:

(A) Why PII removal or remote access is needed and how the request will impact the Agency's mission;

(B) The specific information to be removed or accessed, and how it will be stored;

(C) Who will be removing or accessing the data; and

(D) How long the User(s) will need to remove or remotely access the data.

(ii) The ISSO is responsible for weighing the potential risk of unauthorized disclosure against the benefit to the Agency's mission. Within 10 business days, the ISSO shall notify the requestor and his or her supervisor in writing if the request has been approved or rejected. If the ISSO approves the request, he or she shall forward it to the Deputy CIO at the same time he or she responds to the requestor and his or her supervisor.

(iii) The Deputy CIO shall consider technical solutions that allow remote access to PII, their costs, and time and staff resources needed to implement a solution. Within 10 business days after receipt of request, the Deputy CIO shall notify the requestor and the ISSO of his or her decision on a technical solution, the costs and resources required to implement a solution, and if appropriate alternatives exist.

(iv) If the request is approved and implemented, the ISSO is responsible for auditing access to his or her system's PII and monitoring for data breaches or unauthorized activity. The ISSO may revoke permission to remove or remotely access PII, at any time, by issuing a written revocation, including an explanation, to the requestor and the Deputy CIO.

(4) Disposition of PII.

(i) Relation to Records Retention Schedules. When documents or devices that contain PII are no longer necessary to conduct the Agency's business, then PII should be properly retired to the National Archives and Records Administration (NARA) or destroyed. The destruction or disposal of PII must be conducted in accordance with any litigation holds, the Federal Records Act, and records disposition schedules approved by NARA. Retired hardware should be properly sanitized before disposal (e.g. no disk images contain PII, the hard drive has been properly sanitized).

(ii) Methods of Destruction. Only records designated as temporary in a NARA-approved records disposition schedule and non-record copies may be destroyed. When destroying records designated as temporary or non-record copies, Users must sanitize or destroy documents or devices that contain PII as follows:

(A) Hard copies of documents containing PII must be shredded or pulped;

(B) Portable storage media (e.g. CD, USB Drive, Micro-SD card, etc.) must be erased using a wipe out utility or shredded;

(C) The hard drive from computer systems or mobile devices must be erased using a wipeout utility or physically destroyed.

(5) Enforcement.

(i) This policy constitutes specific instructions and directives to managers, supervisors, and employees. Failure to comply with this policy constitutes a failure to follow instructions and/or negligent performance of duties – both of which are misconduct. All employees are reminded that misconduct may result in discipline, up to and including removal. Additionally, employees are reminded that a failure to perform required duties satisfactorily may be reflected in performance evaluations, and may even result in the non-performing employee being placed on a Performance Improvement Plan (PIP), which may make the employee subject to removal based on failure to improve and sustain performance at a satisfactory level.

(ii) Contracting Officers and Contracting Officer's Representatives are responsible for monitoring contractor performance and taking appropriate action if a Contractor fails to meet contractual responsibilities regarding protection of PII.

**(e) DEFINITIONS:**

(1) Personally Identifiable Information (PII) is information which can be used to distinguish or trace an individual's identity, such as an individual's name, social security number, biometric records, address information etc. alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, mother's maiden name, medical, educational, financial and employment information etc. See [OMB Memorandum M-07-16](#) and M-06-19. PII is a form of Sensitive but Unclassified Information.

(2) Sensitive but Unclassified Information is information that is not classified for national security reasons, but that warrants/requires administrative control and protection from public or other unauthorized disclosure for other reasons.

(3) Information System means a discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information. See [44 U.S.C. § 3502](#).

(4) Information System Security Officer (ISSO) is an individual with assigned responsibility for maintaining the appropriate operational security posture for an information system or program.

**(f) EFFECTIVE DATE AND APPROVAL:**

**Title:** XI BAM 300 Information Security Awareness and Role-Based Training Policy

**Policy Tracking #:** TSI-14-01

**Effective Date:** June 10, 2015

**Originating Office:** T/IS x7200

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**(a) PURPOSE:** Federal legislation and executive branch guidance establish minimum acceptable information security practices for Federal computer systems, including information security awareness training. This policy defines information security awareness training and role-based training requirements and responsibilities.

**(b) AUTHORITY & SCOPE:**

(1) Authority. This policy implements requirements and guidance found in the following:

- (i) [The Federal Information Security Management Act of 2002, Pub. L. 107-347](#);
- (ii) [5 C.F.R. § 930.301](#), Information systems security awareness training program;
- (iii) [NIST Special Publication 800-16](#), A Role-Based Model for Federal Information Technology / Cyber Security Training;
- (iv) [NIST Special Publication 800-50](#), Building an Information Technology Security Awareness and Training Program (Oct. 2003); and
- (v) [Office of Management and Budget \(OMB\) Circular No. A-130, Appendix III](#).

(2) Scope.

- (i) This Security Awareness and Role-Based Training Policy applies to all Federal employees of the Broadcasting Board of Governors (BBG), and all offices of the Federal Government supervised by the BBG (collectively, “the Agency”).
- (ii) In addition, the Agency shall ensure that contractors (as defined in paragraph (e)(1) below) comply with security training requirements by incorporating the policies in this document into contracts as necessary.
- (i) The policy does not apply to classified information. Please see [BAM Title VIII](#), or contact the Office of Security, for further guidance regarding classified information.

(3) Related policies.

- (i) [XI BAM 200 - Safeguarding Personally Identifiable Information Policy](#) ;
- (ii) [BBG Breach Notification Policy \(July 2008\)](#).

**(c) POLICY:**

(1) The Agency will ensure that 100 percent of employees and contractors successfully complete the Agency's information security awareness training, as well as role-based training requirements for users with significant information security responsibilities, prior to being granted access to Agency computer systems or being granted privileged IT accounts for use at the Agency.

(2) The Agency will ensure that 100 percent of employees and contractors successfully complete required training, which the Chief Information Security Officer (CISO) identifies as required for those employees or contractors, during the course of the year. Specifically, employees and contractors may be required to complete one or more of the following:

- (i) Periodic Information Security Awareness Refresher Training;
- (ii) Any additional general user information security training, deemed necessary by the CISO; and
- (iii) Role-based information security awareness training.

**(d) PROCEDURES AND PRIMARY RESPONSIBILITIES:**

(1) Information Security Awareness Training Procedures, Roles, and Responsibilities.

(i) CISO.

(A) The CISO is responsible for identifying or creating, administering, and tracking compliance with the Agency's information security awareness program. The CISO shall develop training material that includes the following topics, as well as any new policies or guidance developed as the result of emerging IT security issues:

- (1) Email security threats and user best practices;
- (2) Web browsing threats and user best practices;
- (3) Information security incident identifications and information security incident reporting;
- (4) Reporting suspected abuse of Agency computer resources;
- (5) Annual information security awareness training requirements and user responsibilities; and
- (6) Other critical information security policies and practices.

(B) The CISO shall update the training materials as frequently as needed, but not less than once per year, as dictated by information security threats and incidents.

(C) The CISO shall track compliance with information security awareness training. If employees or contractors fail to complete the training within the time specified for the training groups identified in sections (d)(1)(ii) and (d)(1)(iii) of this policy, their computer accounts may be disabled. In addition, action may be taken as described in the Enforcement section of this policy.

(ii) Information Security Awareness Training for Employees.

(A) New Employees at Agency Headquarters. All new employees at Agency headquarters will receive information security awareness training during their initial orientation. The Office of Workforce Support and Development shall record who successfully completes the training and communicate this information to the CISO. If circumstances prevent completion of the training during orientation, new employees are required to complete an on-line course at the time they receive their Agency computer account from Agency Technical Support Services (TSS) staff.

(B) New Remote Employees. Employees who work at locations where TSS staff do not have a presence shall complete information security awareness training within 1 week after receiving their Agency computer account, and they shall communicate successful completion to the TSS help desk and the CISO.

(C) Current Employees. All current employees shall successfully complete refresher information security awareness training when notified by the CISO. The announcement and instructions for completing annual training will be sent via Agency email, and employees shall complete the training within 30 days of the training announcement.

(iii) Information Security Awareness Training for Contractors.

(A) New Contractors at Agency Headquarters. In all cases when a contractor will have an Agency computer account and will provide services at Agency headquarters, the Contracting Officer (CO) or Contracting Officer's Representative (COR) shall assign the contractor to successfully complete information security awareness training, identified by the CISO, at the time the contractor receives his/her Agency computer account from Agency Technical Support Services (TSS) staff.

(B) New Remote Contractors. In all cases when a contractor will have an Agency computer account and will provide services to the Agency at locations where TSS staff do not have a presence, the CO or COR shall assign the contractor to complete information security awareness training, identified by the CISO, within one week after receiving an Agency computer account, and to communicate successful completion to the TSS help desk and the CISO.

(C) Current Contractors. When notified by the CISO, the CO or COR shall assign contractors to successfully complete refresher information security awareness training, identified by the CISO, within 30 days.

(2) Role-Based Security Training Procedures, Roles, and Responsibilities.

(i) CISO.

(A) The CISO is responsible for identifying or creating, administering, and tracking compliance with the Agency's role-based information security training program. This training is oriented toward those employees and contractors who have Significant Security Responsibilities. The CISO shall identify Agency staff with Significant Security Responsibilities and identify or create appropriate training materials. The CISO shall update the training materials as frequently as needed, but not less than once per year, as dictated by information security threats and incidents.

(B) The CISO will track compliance with role-based information security training requirements. If employees or contractors fail to complete the training within the time specified, their computer accounts may be disabled. In addition, action may be taken as described in the Enforcement section of this policy.

(ii) Role-Based Security Training for Employees. All employees with significant security responsibilities shall successfully complete role-based computer security training at least annually and whenever notified by the CISO. The announcement and instructions for completing annual training will be sent via Agency email and employees shall complete the training within 30 days of the training announcement. Subject to written approval of the CISO, employees may substitute alternate training that is appropriate for their area of responsibility.

(iii) Role-Based Security Training for Contractors. In all instances when a contractor will provide services to the Agency and will have Significant Security Responsibilities, the CO or COR shall assign the contractor to successfully complete role-based training, identified by the CISO, within 30 days.

(3) Additional Security Training Procedures, Roles, and Responsibilities

(i) CISO. The CISO is responsible for identifying, creating, administering, and tracking additional training opportunities designed to address timely information security issues or to address deficiencies in employee or contractor information security knowledge.

(ii) Additional Information Security Training for Employees. Employees shall successfully complete any additional training identified by the CISO aimed at correcting deficiencies in employee information security knowledge.

(4) Reporting. The CISO shall report statistics on the overall participation rate to Agency management and the Office of Inspector General annually.

(5) Enforcement.

(i) This policy constitutes specific instructions and directives to managers, supervisors, and employees. Failure to follow instructions may result in discipline, up to and including removal from Federal service. Additionally, a failure to satisfactorily perform



required duties may be reflected in performance evaluations and may result in additional measures to address the performance deficiency.

(ii) COs and CORs are responsible for taking appropriate action if a contractor fails to complete assigned tasks, such as required security training, or fails to meet contractual responsibilities regarding information security. The CISO shall track contractor compliance with training requirements and notify the appropriate CO or COR of any instances of non-compliance.

**(e) DEFINITIONS:**

(1) Contractor, for the purposes of this policy, means an individual or organization that:

(i) Has entered into a contract with the Agency (as contract is defined in [Federal Acquisition Regulation 2.1](#) which includes formal contracts, task orders, delivery orders, and other contractual vehicles); and

(ii) Is assigned an account to access the Agency's network or other Agency information systems.

Please note that this definition does not include remote, freelance journalists (commonly referred to as stringers) who send information to Agency employees only by file transfer protocol, but do not access Agency information systems.

(2) Significant Security Responsibilities means planning, architecting, implementing, testing, maintaining, or administering Agency computer systems or networks.